

# City of Philadelphia



(Bill No. 080494)

## AN ORDINANCE

Authorizing Bikim Divine to construct and maintain two (2) balconies at 1109 S. 23rd Street, under certain terms and conditions.

**WHEREAS**, Bikim Divine, 3414 N. 19th Street, Philadelphia, PA 19140, is the owner of property located at 1109 S. 23rd Street, Philadelphia, PA; and

**WHEREAS**, Bikim Divine has requested permission to construct and maintain two (2) balconies as part of a two-family dwelling; now, therefore

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

**SECTION 1.** Bikim Divine, his successors and assigns, is hereby authorized to construct, own and maintain the following structures attached to a property located at 1109 S. 23rd St.:

Alter Street Balcony: A roofed over balcony, which is located approximately twenty-nine feet east of the east curb line of S. 23rd Street, is approximately forty-one feet (41'-0") in length, projects three feet nine inches (3'-9") from the building face at a clear height of approximately eleven feet seven inches (11'-7"); and

S. 23rd Street Balcony: A roofed over balcony, which is located approximately nine feet six inches south of the south curb line of Alter Street, is approximately thirteen feet (13'-0") in length, projects three feet five inches (3'-5") from the building face at a clear height of approximately eleven feet three inches (11'-3").

**SECTION 2.** The construction use and maintenance of the balconies listed in Section 1 shall be in accordance with the laws, rules and regulations of the City of Philadelphia, and specifically those of the Department of Licenses and Inspections and the Department of Streets.

**SECTION 3.** Before exercising any rights or privileges under this Ordinance, Bikim Divine must first obtain or have the contractor(s) obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions. No such department, board, agency or commission shall be required to issue any such permit, license or approval solely because this Ordinance has been enacted, it being the express intent of this Ordinance not to supersede any other provision of law governing the issuance of such permits, licenses or approvals. In addition, before exercising any rights and privileges under this Ordinance, Bikim Divine shall enter into an agreement

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(“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Bikim Divine shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, he shall remove the two (2) balconies without cost or expense to the City when given written notice to do so by the City of Philadelphia to accommodate a municipal or municipal sponsored construction project;
- (b) furnish the City with either a bond with corporate surety in an amount required by the Department of Streets and in a form satisfactory to the Law Department to insure the compliance with all the terms and conditions of this Ordinance and the Agreement, and to protect and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the construction, maintenance or use of the two (2) balconies or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Bikim Divine self-assumes liabilities and obligations normally covered by Surety Bond;
- (c) secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City as may be required by regulation or law. No such department, board, agency or commission shall be required to issue any such permit, license or approval solely because this Ordinance has been enacted;
- (d) assume the costs of all changes and adjustments to, and relocation or abandonment of City utilities and City structures wherever located as may be necessary by the reason of the construction of the two (2) balconies;
- (e) carry public liability and property damage insurance, co-naming the City of Philadelphia as an insured party, in such amounts as shall be satisfactory to the Law Department, or in lieu thereof, submit documentation in form and content acceptable to the City that Bikim Divine is self insured and is providing the City of Philadelphia the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania;
- (f) insure that all construction contractors for the two (2) balconies carry public liability and property damage insurance, naming the City of Philadelphia as an insured party in such amounts as shall be reasonably satisfactory to the Law Department; and

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- (g) give the City and all public utility companies the right-of-access, ingress and egress for the purpose of inspection, maintenance, alteration, relocation or reconstruction of any of their respective facilities which may lie within the public footways on South 23rd Street and Alter Street adjacent to the property.

**SECTION 4.** The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

**SECTION 5.** The permission granted to Bikim Divine to construct, own and maintain the two (2) balconies described in Section 1 shall expire without any further action by the City of Philadelphia if Bikim Divine has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 3 of this Ordinance within one (1) year after this Ordinance becomes law.

**SECTION 6.** This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 19, 2008. The Bill was Signed by the Mayor on June 27, 2008.



Patricia Rafferty  
Chief Clerk of the City Council