

City of Philadelphia



(Bill No. 040970)

AN ORDINANCE

Authorizing Phillips Lombard Street, L.P., owner and developer for the Liberty Court at Society Hill, to construct, own and maintain various encroachments to be installed in conjunction with a residential development and streetscape project, under certain terms and conditions.

WHEREAS, Phillips Lombard Street, L.P., 111 West 57th Street, New York, NY 10019, is the owner and developer for the Liberty Court at Society Hill located at 501-11 Phillips Court & 213-235 Gaskill Street, Philadelphia, PA; and

WHEREAS, Phillips Lombard Street, L.P. has requested permission to construct, own and maintain various encroachments to be installed in conjunction with a residential development and streetscape project; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Phillips Lombard Street, L.P., its successors and assigns, is hereby authorized to construct, own and maintain the following structures:

Entrance Decorative Crosswalks

At each entrance to the development, a decorative crosswalk consisting of masonry pavers is proposed within the roadway portion of Phillips Court, connecting to the south sidewalk area of Lombard Street, and the roadway portion of Gaskill Street, connecting to the east sidewalk area of S. 3rd Street. The paved crosswalk is approximately ten feet (10') wide and approximately twenty-one feet (21') in length.

Architectural Entrance Assemblies

At each entrance to the development, an architectural entrance assembly is proposed consisting of a masonry pier with street lamp, wrought iron arch, and wrought iron projecting sign. A total of four (4) assemblies will be erected: east sidewalk of Phillips Court at the south houseline of Lombard Street, west sidewalk of Phillips Court at the south houseline of Lombard Street, north sidewalk of Gaskill Street at the east houseline of S. 3rd Street, and the south sidewalk of Gaskill Street at the east houseline of S. 3rd Street. The components are described as follows:

Masonry Pier w/ Street Lamp

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The centerline of each pier is located approximately five feet (5') off the houseline of either Phillips Court or Gaskill Street creating a four foot (4') minimum opening for pedestrian passage. The piers are approximately twenty inches (20") square by approximately ten feet (10') high. Atop each pier will be an architecture street lamp.

Wrought Iron Arch

An architectural wrought iron arch (*four (4) total*), approximately four feet (4') wide, will span from the inside face of each masonry pier to the building face parallel to either Lombard or S. 3rd Streets at an approximate clear height of nine feet (9'). The residences attaching to the arch are: #501 Phillips Court, #212 Lombard Street, #234 Gaskill Street and #235 Gaskill Street.

Wrought Iron Projecting Sign

An architectural wrought iron sign (*four (4) total*), approximately four feet (4') long by two feet (2') wide at an approximate height of fourteen feet six inches (14'-6"), will project from the face of the building parallel to either Lombard or S. 3rd Streets. The residences attaching to the projecting sign are: #501 Phillips Court, #212 Lombard Street, #234 Gaskill Street and #235 Gaskill Street.

Projecting Bay Windows

The following projecting bay windows, located at the 2nd & 3rd floor levels of the following residences, exceed the projection requirements in section 11-603(4)(e) of The Philadelphia Code: #503, #504, #507, & # 509 Phillips Court; #208, #210, #214, #215, #216, #217, #220, #221, #222, #223, #226, #227, #230, #231, #232, & #233 Gaskill Street. The bays are approximately eleven feet (11') wide by two feet (2') projection.

SECTION 2. The construction, use and maintenance of Entrance Decorative Crosswalks, Architectural Entrance Assemblies, and Projecting Bay Windows 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, the Department of Streets and the Art Commission.

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SECTION 3. Before exercising any rights or privileges under this Ordinance, Phillips Lombard Street, L.P. must first obtain or have their 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, Phillips Lombard Street, L.P. shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Phillips Lombard Street, L.P. shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the Entrance Decorative Crosswalks, Architectural Entrance Assemblies, and Projecting Bay Windows without cost or expense to the City and shall restore the cartway and footways aforesaid at no cost and expense to the City of Philadelphia 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 Entrance Decorative Crosswalks, Architectural Entrance Assemblies, and Projecting Bay Windows or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Phillips Lombard Street, L.P. 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 Entrance Decorative Crosswalks, Architectural Entrance Assemblies, and Projecting Bay Windows;

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- (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 Phillips Lombard Street, L.P. 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 Entrance Decorative Crosswalks, Architectural Entrance Assemblies, and Projecting Bay Windows 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
- (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 right-of-way of any effected streets aforesaid.

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 Phillips Lombard Street, L.P. to construct, own and maintain the Entrance Decorative Crosswalks, Architectural Entrance Assemblies, and Projecting Bay Windows described in Section 1 shall expire without any further action by the City of Philadelphia if Phillips Lombard Street, L.P. 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 December 16, 2004. The Bill was Signed by the Mayor on January 25, 2005.



Patricia Rafferty
Chief Clerk of the City Council