



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 190801

Introduced October 17, 2019

Councilmember Blackwell

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Authorizing the University of the Sciences in Philadelphia ("Owner") to own and maintain existing pedestrian-scale street lights at 4514-22 Woodland Avenue, Philadelphia, PA 19143 ("Property"), all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the Owner to own and maintain existing pedestrian-scale street lights at the Property ("Encroachment"), as follows:

Encroachment Description:

A set of existing pedestrian-scale street lights, located along the south Right-of-Way line of Woodland Avenue, along the east Right-of-Way line of South 46th Street, along the north Right-of-Way line of Saybrook Street, and along the west Right-of-Way line of Melville Street, in four (4) parts.

Part 1:

From a point approximately eleven feet eleven inches (11'-11") west of the South 46th Street east Right-of-Way line to a point approximately one hundred forty-six feet seven inches (146'-7") east of the South 46th Street east Right-of-Way line and encroaching upon the south footway of Woodland Avenue along a centerline approximately ten feet four inches (10'-4") toward the north.

Part 2:

From a point approximately ten feet four inches (10'-4") north of the Woodland Avenue south Right-of-Way line to a point approximately six feet ten inches (6'-10") south of the Saybrook Street north Right-of-Way line and encroaching upon the east footway of South 46th Street along a centerline approximately eleven feet eleven inches (11'-11") toward the west.

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Part 3:

From a point approximately eleven feet eleven inches (11'-11") west of the South 46th Street east Right-of-Way line to a point approximately six feet eight inches (6'-8") east of the Melville Street west Right-of-Way line and encroaching upon the north footway of Saybrook Street along a centerline approximately six feet ten inches (6'-10") toward the south.

Part 4:

From a point approximately six feet ten inches (6'-10") south of the Saybrook Street north Right-of-Way line to a point approximately nineteen feet eleven inches (19'-11") north of the Saybrook north Right-of-Way line and encroaching upon the west footway of Melville Street along a centerline approximately six feet eight inches (6'-8") toward the east.

A minimum nine feet (9'-0") on Woodland Avenue, seven feet six inches (7'-6") on South 46th Street, and five feet (5'-0"), on both Saybrook Street and Melville Street, of clear passable sidewalk space is to remain.

SECTION 2. The construction, use and maintenance of the Encroachment described and 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, provided that the Department of Streets, in its sole, unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Owner must first obtain or have its 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, Owner shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Owner, *inter alia*:

- (a) agrees that upon one hundred and eighty (180) days notice from the City, it shall remove the Encroachment without cost or expense to the City and shall remove the Encroachment 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) shall 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

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required to issue any such permit, license or approval solely because this Ordinance has been enacted;

- (c) shall 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 Encroachment;
- (d) shall 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 City Solicitor, or in lieu thereof, submit documentation in form and content acceptable to the City that Owner 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;
- (e) shall insure that all construction contractors for the Encroachment 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 City Solicitor;
- (f) shall 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 footway adjacent to the Encroachment described in Section 1; and
- (g) indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss resulting from injury to, or death to persons or damage to property arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of the Encroachment. Owner shall also agree to release the City from any and all claims relating to the Encroachment, including if ordered removed or when street, sidewalk or utility construction occurs.

SECTION 4. The City Solicitor 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 Owner to construct the Encroachment described in Section 1 shall expire without any further action by the City of Philadelphia if Owner 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 costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes law.

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