

City of Philadelphia



(Bill No. 070991)

AN ORDINANCE

Authorizing Evangelismos of Theotokos Greek Orthodox Church to legalize the construction, operation and maintenance of an existing raised platform entrance which consists of two exterior stairs, a handicapped entrance ramp and a raised platform landing providing ingress/egress from the church located on the eastern part of 6501-05 Bustleton Avenue, under certain terms and conditions.

WHEREAS, Evangelismos of Theotokos Greek Orthodox Church has requested permission to legalize the construction, operation and maintenance of an existing raised platform entrance which consists of two (2) exterior stairs, a handicapped entrance ramp and a raised platform landing providing ingress/egress from the church located at 6501-05 Bustleton Avenue, Philadelphia, PA 19149; **NOW, THEREFORE**,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Evangelismos of Theotokos Greek Orthodox Church, its successors and assigns are hereby authorized to legalize the construction, operation and maintenance of an existing raised platform entrance which consists of two (2) exterior stairs, a handicapped entrance ramp and a raised platform landing providing ingress/egress from the church located at 6501-05 Bustleton Avenue, Philadelphia, PA 19149, as follows:

The existing raised platform entrance assembly is approximately forty-nine feet (49') in length, approximately eight feet, two inches (8', 2") in height and encroaches approximately ten feet, two inches (10', 2") onto the east public sidewalk of Bustleton Avenue leaving approximately nine feet, ten inches (9', 10") of clear unobstructed footway. The encroachment is located approximately forty-three feet, seven inches (43', 7") north of the north curblineline of Hellerman Street.

SECTION 2. The legalization of the construction, operation and maintenance of an existing raised platform entrance which consists of two (2) exterior stairs, a handicapped entrance ramp and a raised platform landing providing ingress/egress from the church located at 6501-05 Bustleton Avenue, Philadelphia, PA 19149, as listed in Section 1 above, 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.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Evangelismos of Theotokos Greek Orthodox Church must first obtain or have its contractor(s) obtain all required as-built permits, licenses and approvals from all

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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, Evangelismos of Theotokos Greek Orthodox Church shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the Law Department, provided that Evangelismos of Theotokos Greek Orthodox Church shall, *inter alia*:

(a) agree that when given thirty (30) days written notice from the City, Evangelismos of Theotokos Greek Orthodox Church shall remove the existing raised platform entrance which consists of two (2) exterior stairs, a handicapped entrance ramp and a raised platform landing providing ingress/egress from the church without cost or expense to the City and shall restore the aforesaid cartways and footways at no cost or expense to the City to accommodate a municipal or municipal-sponsored construction project;

(b) furnish the City with 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 aforementioned Agreement;

(c) assume the costs and expenses 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 legalization of the construction, operation and maintenance of an existing raised platform entrance which consists of two (2) exterior stairs, a handicapped entrance ramp and a raised platform landing providing ingress/egress from the church at 6501-6505 Bustleton Avenue;

(d) agree to defend, save harmless and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as result of the construction, operation and maintenance of the existing raised platform entrance which consists of two (2) exterior stairs, a handicapped entrance ramp and a raised platform landing providing ingress/egress from the church at 6501-6505 Bustleton Avenue, or its removal;

(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 Evangelismos of Theotokos Greek Orthodox Church is self-insured and is providing the City of Philadelphia that same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania;

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(f) insure that all construction contractors for the existing raised platform entrance which consists of two (2) exterior stairs, a handicapped entrance ramp and a raised platform landing providing ingress/egress from the church carry public liability and property damage insurance, naming the City of Philadelphia as an insured party in such amounts as shall be satisfactory to the Law Department;

(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 affected streets aforesaid;

(h) insure that the existing raised platform entrance which consists of two (2) exterior stairs, a handicapped entrance ramp and a raised platform landing providing ingress/egress from the church encroach on 6501-6505 Bustleton Avenue no more than the dimensions listed in Section 1 provided that the Streets Department, in its sole, unreviewable discretion, may allow minor variation of the dimension limits within the standard tolerance of current engineering practice; and

(i) provide notarized written permission from the owner of the property, if the owner of the property located at 6501-6505 Bustleton Avenue, Philadelphia is not Evangelismos of Theotokos Greek Orthodox Church, for the legalization of the construction, operation and maintenance of the existing raised platform entrance which consists of two (2) exterior stairs, a handicapped entrance ramp and a raised platform landing providing ingress/egress from the church located at 6501-6505 Bustleton Avenue.

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 authorization granted to Evangelismos of Theotokos Greek Orthodox Church to legalize the construction, operation and maintenance of an existing raised platform entrance which consists of two (2) exterior stairs, a handicapped entrance ramp and a raised platform landing providing ingress/ egress from the church described in Section 1 shall expire without any further action by the City if Evangelismos of Theotokos Greek Orthodox Church has not entered into the Agreement and satisfied all requirements of the Agreement 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), towards 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 13, 2007. The Bill was Signed by the Mayor on December 21, 2007.



Patricia Rafferty
Chief Clerk of the City Council