

City of Philadelphia



(Bill No. 060399)

AN ORDINANCE

Authorizing 1500 Net-Works Associates, L.P., 1500 Spring Garden Street, Philadelphia, PA, 19130, its successors and assigns, to construct, own and maintain four (4) raised planter clusters, under certain terms and conditions.

WHEREAS, 1500 Net-Works Associates, L.P., is the owner of property located at 1500 Spring Garden Street, Philadelphia, PA 19130; and

WHEREAS, 1500 Net-Works Associates, L.P. has requested permission to construct, own and maintain four (4) raised planter clusters adjacent to two (2) building entrances on the south footway of Spring Garden Street; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. 1500 Net-Works Associates, L.P., its successors and assigns, is hereby authorized to construct, own and maintain four (4) raised planter clusters adjacent to two (2) building entrances on the south footway of Spring Garden Street. Each planter cluster consists of two (2) thirty-six inch (36") diameter precast concrete planters and one (1) forty-eight inch (48") diameter precast concrete planter. The planters are approximately forty-eight inches (48") high and are described as follows:

Encroachment Description

The centerline of the four (4) planter clusters are as follows: 1) approximately seventy-four feet (74') west of the west curblineline of N. 15th Street, 2) approximately ninety-eight feet (98') west of the west curblineline of N. 15th Street, 3) approximately one hundred and twenty-four feet (124') east of the east curblineline of N. 16th Street, 4) approximately one hundred and forty-eight feet (148') east of the east curblineline of N. 16th Street. The centerline of the thirty-six inch (36") diameter planters is located approximately four feet six inches (4'-6") south of the south curblineline of Spring Garden Street. The centerline of the forty-eight inch (48") diameter planter is located approximately six feet (6') south of the south curblineline of Spring Garden Street.

SECTION 2. The construction, use and maintenance of the four (4) planter clusters 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.

SECTION 3. Before exercising any rights or privileges under this Ordinance, 1500 Net-Works Associates, L.P. must first obtain or have their contractor(s) obtain all required

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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, 1500 Net-Works Associates, 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 1500 Net-Works Associates, L.P. shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the four (4) raised planter clusters without cost or expense to the City and shall restore the cartway and footways adjacent to two (2) building entrances on the south footway of Spring Garden Street 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 four (4) raised planter clusters or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that 1500 Net-Works Associates, 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 four (4) raised planter clusters;
- (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 1500 Net-

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Works Associates, 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 four (4) raised planter clusters 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 the south footway of Spring Garden Street.

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 1500 Net-Works Associates, L.P. to construct, own and maintain four (4) raised planter clusters described in Section 1 shall expire without any further action by the City of Philadelphia if 1500 Net-Works Associates, 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 June 1, 2006. The Bill was Signed by the Mayor on June 15, 2006.



Patricia Rafferty
Chief Clerk of the City Council