



City of Philadelphia

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

BILL NO. 220904

Introduced November 3, 2022

**Councilmember Thomas
for
Council President Clarke**

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

AN ORDINANCE

Authorizing the installation, ownership, replacement, and maintenance of various encroachments in the vicinity of 1700-1720 Arch Street, Philadelphia, PA 19103, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the owners of the property identified below, Comcast Corporation and Liberty Property Trust ("Owners"), to install, own, and maintain, and replace certain encroachments at 1700-1720 Arch Street (the "Encroachments") as follows:

Property: 1700-1720 Arch Street, Philadelphia, PA 19103 (the "Property").

Encroachment Description:

Bollards, located in the footway along John F. Kennedy Boulevard, North 17th Street, and North Arch Street, as identified in Parts 1-3, below.

All bollard dimensions given to the curb line are measured from bollard center line to the face of the curb. A minimum six feet (6'-0") of clear passable sidewalk space is to remain after installation of all bollards described in Parts 1-3, below.

Part 1 (John F. Kennedy Boulevard)

A total of twenty-eight (28) bollards (a portion of which will be removable) will be placed along the north sidewalk of John F. Kennedy Boulevard. The first five (5) bollards, located approximately seven feet zero inches (7'-0") west of the west curb line of North 17th Street,

City of Philadelphia

BILL NO. 220904 continued

placed in two adjoining straight line, angled segments at equal intervals of approximately five feet zero inches (5'-0") from the center line of the previous bollard, ranging from approximately fourteen feet zero inches (14'-0") to twenty feet zero inches (20'-0") north of the north curb line of John F. Kennedy Boulevard. When a structure is already in place at the five feet zero inches (5'-0") interval, the next bollard will be placed approximately two feet zero inches (2'-0") from the already existing structure. The second line of eight (8) bollards, located approximately one hundred ninety feet zero inches (190'-0") west of the west curb line of North 17th Street, are placed in a straight line at equal intervals of approximately five feet zero inches (5'-0") from the center line of the previous bollard approximately five feet zero inches (5'-0") north of the north curb line of John F. Kennedy Boulevard. When a structure is already in place at the five feet zero inches (5'-0") interval, the next bollard will be placed approximately two feet six inches (2'-6") from the already existing structure. The remaining fifteen (15) bollards may be placed approximately two hundred sixty-five feet zero inches (265'-0") west of the west curb line of North 17th Street, are placed in a straight line at equal intervals of approximately five feet zero inches (5'-0") from the center line of the previous bollard approximately two feet zero inches (2'-0") north of the north curb line of John F. Kennedy Boulevard with the last three (3) bollards turning ninety degrees to the north at a distance of approximately three hundred fifteen feet zero inches (315'-0") west of the west curb line of North 17th Street. When a structure is already in place at the five feet (5'-0") interval, the next bollard will be placed approximately four feet six inches (4'-6") from the already existing structure.

Part 2 (North 17th Street)

A total of sixty-three (63) bollards will be placed along the west sidewalk of North 17th Street, including forty (40) replacement bollards and twenty-three (23) bollards in locations where bollards have not previously been authorized. The bollards located approximately twenty feet (20'-0") north of the north curb line of John F. Kennedy Boulevard will be placed in a straight line at equal intervals of approximately five feet zero inches (5'-0") from the center line of the previous bollard approximately one foot six inches (1'-6") west of the west curb line North 17th Street.

Part 3 (North Arch Street)

A total of fifty (50) bollards (a portion of which will be removable) will be placed along the south sidewalk of North Arch Street, including forty-one (41) replacement bollards and nine (9) bollards in locations where bollards have not previously been authorized. The bollards located approximately six feet zero inches (6'-0") west of the west curb line of North 17th Street, are placed in straight lines at equal intervals of approximately five feet zero inches (5'-0") from the center line of the previous bollard. The first nine (9) bollards will be located approximately ten feet zero inches (10'-0") south of the south curb line of North Arch Street and the remaining forty-one (41) bollards will be located approximately one foot six inches (1'-6") south of the south curb line of North Arch Street with the last three (3) bollards turning ninety degrees to the south at a distance of approximately two hundred ten feet zero inches (210'-0") west of the west curb line of North 17th Street. When a structure is already in place at the five feet zero inches

City of Philadelphia

BILL NO. 220904 continued

(5'-0") interval, the next bollard will be placed approximately four feet six inches (4'-6") from the already existing structure.

SECTION 2. The construction, use and maintenance of the Encroachments 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, Owners 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, Owners shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Owners, *inter alia*:

- (a) Maintains and keeps in good repair and working order the Encroachments to the satisfaction of the Streets Department;
- (b) agrees that upon one hundred and eighty (180) days notice from the City, it shall remove the Encroachment(s) 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;
- (c) 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 required to issue any such permit, license or approval solely because this Ordinance has been enacted;
- (d) 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;
- (e) 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 Owners are self-insured and are 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;

City of Philadelphia

BILL NO. 220904 continued

- (f) 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;
- (g) 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;
- (h) 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. Owners 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; and
- (i) 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, or in lieu thereof, submit documentation in a form and content acceptable to the City that Owners self-assume the liabilities and obligations normally covered by the Surety Bond.

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 Owners to install, own, and maintain the Encroachment described in Section 1 shall expire without any further action by the City of Philadelphia if Owners have 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.