

City of Philadelphia



(Bill No. 020822)

AN ORDINANCE

Authorizing the Business Association of West Parkside to construct, own, and maintain various encroachments on, under and over the footway portions of the public rights-of-way at the southwest corner of the intersection between Belmont avenue and Parkside avenue, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the Business Association of West Parkside, 5070 Parkside Avenue, Philadelphia, PA 19131-4748 to construct, own and maintain the following encroachments on, under and over the footway portions of the public rights-of-way at the southwest corner of the intersection between Belmont avenue and Parkside avenue:

- (a) One (1) statue approximately seven feet (7') high above a five foot (5') square pedestal that is approximately four feet (4') high. The pedestal will extend to a depth of four feet (4') below the footway grade. The centerline of the statue is located approximately eight feet, six inches (8'-6") west of the west curb line of Belmont avenue and approximately sixteen feet, six inches (16'-6") south of the south curb line of Parkside avenue.
- (b) A radial granite wall with an approximate arc length of twenty-eight feet (28'). The wall is approximately four feet (4') high, eighteen inches (18") wide and is located on a concrete footing approximately three feet (3') deep, two feet (2') wide and twenty-nine feet (29') long.
- (c) Seven (7) pedestrian light poles approximately twelve feet (12') high. Each pole is on a reinforced concrete footing, eighteen inches (18") in diameter and extending approximately thirty-inches (30") below the footway grade. The poles will be on the southerly portion of the footway and be located at the following locations:
 - i. eleven feet (11) east of the west curb line of Belmont avenue and twenty-nine feet (29') south of the south curb line of Parkside avenue
 - ii. six inches (6") east of the west curb line of Belmont avenue and twenty-eight feet (28') south of the south curb line of Parkside avenue

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- iii. eleven feet (11') west of the west curb line of Belmont avenue and twenty-six feet (26') south of the south curb line of Parkside avenue
- iv. twenty-three feet (23') west of the west curb line of Belmont avenue and twenty-two feet (22') south of the curb line of Parkside avenue
- v. thirty-three feet (33') west of the west curb line of Belmont avenue and eighteen feet (18') south of the south curb line of Parkside avenue
- vi. forty-three feet (43') west of the west curb line of Belmont avenue and twelve feet (12') south of the south curb line of Parkside avenue
- vii. fifty feet (50') west of the west curb line of Belmont avenue and seven feet (7') south of the south curb line of Parkside avenue

(d) Ground level lighting constructed within the footway area:

- i. four (4) directional floodlights approximately two feet (2') north of the north face of the base of the statue approximately two feet (2') on center (statue lights)
- ii. four (4) up lights approximately twelve inches (12") from the north face of the granite wall approximately three feet (3') on center (wall lights)
- iii. five (5) up lights at the base of the trees near the southern right-of-way line (tree lights)

The approximate locations of the ground level lighting are:

four (4) statue lights:

- i. three feet (3') west of the west curb line of Belmont avenue and fourteen feet (14') south of the south curb line of Parkside avenue
- ii. five feet (5') west of the west curb line of Belmont avenue and thirteen feet (13') south of the south curb line of Parkside avenue
- iii. seven feet (7') west of the west curb line of Belmont avenue and twelve feet (12') south of the south curb line of Parkside avenue
- iv. nine feet (9') west of the west curb line of Belmont avenue and eleven feet (11') south of the south curb line of Parkside avenue

four (4) wall lights

- i. five feet (5') west of the west curb line of Belmont avenue and twenty-one feet (21') south of the south curb line of Parkside avenue

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- ii. eight feet (8') west of the west curb line of Belmont avenue and twenty feet (20') south of the south curb line of Parkside avenue
- iii. eleven feet (11') west of the west curb line of Belmont avenue and eighteen feet (18') south of the south curb line of Parkside avenue
- iv. thirteen feet (13') west of the west curb line of Belmont avenue and sixteen feet (16') south of the south curb line of Parkside avenue

five (5) tree lights

- i. six feet (6') east of the west curb line of Belmont avenue and twenty-seven feet (27') south of the south curb line of Parkside avenue
- ii. one foot (1') west of the west curb line of Belmont avenue and twenty-five feet (25') south of the south curb line of Parkside avenue
- iii. sixteen feet (16') west of the west curb line of Belmont avenue and twenty-two feet (22') south of the south curb line of Parkside avenue
- iv. twenty feet (20') west of the west curb line of Belmont avenue and nineteen feet (19') south of the south curb line of Parkside avenue
- v. twenty-nine feet (29') west of the west curb line of Belmont avenue and nine feet (9') south of the south curb line of Parkside avenue

- (e) Nineteen (19) lighted bollards that are twelve inches (12") in diameter, extend forty-two inches (42") above the footway grade, twenty-four inches (24") below the footway grade and are offset eighteen inches (18") from a curb line.

Seven (7) illuminated bollards located along Belmont avenue at the following distances from the south curb line of Parkside avenue:

- i. six feet (6')
- ii. ten feet (10')
- iii. fourteen feet (14')
- iv. eighteen feet (18')
- v. twenty-two feet (22')
- vi. twenty-six feet (26')
- vii. thirty feet (30')

Twelve (12) illuminated bollards located along Parkside avenue at the following distances from the west curb line of Belmont avenue:

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- i. five feet (5')
- ii. nine feet (9')
- iii. thirteen feet (13')
- iv. seventeen feet (17')
- v. twenty-one feet (21')
- vi. twenty-five feet (25')
- vii. twenty-nine feet (29')
- viii. thirty-three feet (33')
- ix. thirty-seven feet (37')
- x. forty-one feet (41')
- xi. forty-six feet (46')
- xii. fifty feet (50')

- (f) Underground one inch (1") conduit and electrical service appurtenances for the pedestrian lights, inground lights and illuminated bollards. The conduit will be approximately thirty inches (30") below the footway grade and connect the various lights with an existing electrical facility.

SECTION 2. Before exercising any rights or privileges under this Ordinance, the Business Association of West Parkside must first 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 or privileges under this Ordinance, the Business Association of West Parkside shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the Law Department, to provide that the Business Association of West Parkside shall, *inter alia*:

(a) furnish the City with a bond with corporate surety in the amount required by the Department of Streets and in a form satisfactory to the Law Department to insure compliance with all the terms and conditions of this Ordinance and the Agreement, or in the alternative, documentation in a form acceptable to the Law Department and the Office of Risk Management that the Business Association of West Parkside is self-bonding to insure compliance with all terms and conditions of this Ordinance and the Agreement;

(b) protect, indemnify and save harmless the City from all suits or claims for damages which may arise directly or indirectly as a result of the construction, ownership and maintenance of the encroachments authorized in Section 1;

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(c) comply with the provisions of The Philadelphia Code, thereby securing all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions as may be required;

(d) insure that the encroachments within public rights-of-way encroach no more than the dimensions set forth in Section 1, provided that the Streets Department, in its sole unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice;

(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;

(f) provide proof that PECO Energy Company has approved the location, design and connection of the electrical conduit and electrical service line to existing PECO facilities and the various lighted encroachments; and

(g) remove any of the various encroachments authorized by Section 1 from the public rights-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

SECTION 3. 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 4. The permission granted to the Business Association of West Parkside to construct, own and maintain the various encroachments on, under and over the footway portions of the public rights-of way at the southwest corner of the intersection of Belmont avenue and Parkside avenue shall expire without any further action by the City of Philadelphia if the Business Association of West Parkside has not entered into the Agreement and satisfied all requirements of the Agreement that are listed in Section 2 within two (2) years after this Ordinance becomes law.

SECTION 5. 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 February 13, 2003. The Bill was Signed by the Mayor on February 26, 2003.



Marie B. Hauser
Chief Clerk of the City Council