

# City of Philadelphia



(Bill No. 120891)

## AN ORDINANCE

Authorizing The Zoological Society of Philadelphia to construct, own and maintain various encroachments to be installed along Girard Avenue, between 34th Street and the eastbound I-76 ramp under certain terms and conditions.

WHEREAS, The Zoological Society of Philadelphia located along 34th Street, Philadelphia, PA, 19104; and

WHEREAS, The Zoological Society of Philadelphia has requested permission to construct, own and maintain various encroachments to be installed along Girard Avenue, and 34th Street (Fairmount Park Street); now, therefore,

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. The Zoological Society of Philadelphia, its successors and assigns, is hereby authorized to keep and maintain in place the following structures (collectively, the “Encroaching Structures”):

#### Hand Rail

A hand rail approximately four (4) feet high will be installed onto the south footway of Girard Avenue beginning at approximately one hundred and seventy-six (176) feet west of the western curb line of 34th Street for a distance of one hundred and thirty (130) feet. The handrail will encroach approximately three (3) feet onto the south footway of Girard Avenue leaving approximately thirteen (13) feet of clear unobstructed footway.

#### Decorative Fence (2)

Two (2) decorative fences approximately twenty – four (24) inches high will be installed on a raised curb on the south footway of Girard Avenue with the first beginning at approximately three hundred and ten (310) feet west of the western curb line of 34th Street for a westward distance of one hundred and twenty (120) feet and the second beginning approximately four hundred and eight-five (485) feet west of the western curb line of 34th Street for a westward distance of one hundred and thirty-five (135) feet. The fences will encroach approximately six (6) feet onto the south footway of Girard Avenue leaving approximately ten (10) feet of clear unobstructed footway.

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## Pedestrian Lights

Approximately eleven (11) private pedestrian lights and associated conduit will be installed along the southern sidewalk of Girard Avenue beginning approximately three hundred and forty feet (340') east of the eastern curb line of 38th Street to the western curb line of 34th Street. Approximately thirty-five (35) private pedestrian lights and associated conduit will be installed along the western sidewalk of 34th Street (Fairmount Park Road) from Girard Avenue to Zoological Street. The light pole and fixture will match the Fairmount Park Light style and will be located approximately two feet (2') behind the curb.

## Parking Management Sign

A parking management sign will be installed on the north footway of Girard Avenue approximately three hundred and sixty (360) feet west of the western curb line of 34th Street. The sign will encroach approximately six (6) feet onto the north footway of Girard Avenue leaving approximately ten (10) feet of clear unobstructed footway.

SECTION 2. The construction, use and maintenance of the Encroaching Structures 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, The Zoological Society of Philadelphia must first obtain or have their 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, The Zoological Society of Philadelphia shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that The Zoological Society of Philadelphia shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the various encroachments without cost or expense to the City and shall remove the various encroachments 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 a bond with corporate surety in an amount required by the Department of Streets and in a form satisfactory to the Law

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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 the Encroaching Structures, or in lieu of such bond, submit documentation in a form and content reasonably acceptable to the City that The Zoological Society of Philadelphia self-assumes liability for compliance with all the terms and conditions of this Ordinance and the Agreement, and for protection and indemnification of 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 the Encroaching Structures. Upon delivery of such documentation to the City, The Zoological Society of Philadelphia will not be required to provide to the City a bond or other financial security to secure such obligations;

- (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 presence of the Encroaching Structures;
- (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) 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.

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 The Zoological Society of Philadelphia to own and maintain the Encroaching Structures described in Section 1 shall expire without any further action by the City of Philadelphia if The Zoological Society of Philadelphia 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.

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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 December 13, 2012. The Bill was Signed by the Mayor on January 14, 2013.



Michael A. Decker  
Chief Clerk of the City Council