

City of Philadelphia



(Bill No. 130765)

AN ORDINANCE

Authorizing Chestlen Development LP, owner and developer of 1441 Chestnut Street to construct, own and maintain various encroachments to be installed in conjunction with a mixed-use development, all under certain terms and conditions.

WHEREAS, Chestlen Development LP located at 401 City Avenue, Suite 812, Bala Cynwyd, PA 19004 is the owner and developer for the lot(s) commonly known as 1441 Chestnut Street, Philadelphia, PA; and

WHEREAS, Chestlen Development LP has requested permission to construct, own and maintain various encroachments to be installed in conjunction with a mixed-use development and streetscape project; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chestlen Development LP, its successors and assigns, is hereby authorized to construct, own and maintain the following structures appurtenant to 1441 Chestnut Street:

Building Encroachments on Chestnut Street

Marquee: #1

The proposed glass and metal marquee is approximately 59 feet wide, and has a minimum height of approximately fifteen feet (15'). The marquee projects approximately seven feet (7') onto the north footway of Chestnut Street leaving a minimum of approximately nine feet (9') clear from the curbline.

Marquee: #2

The proposed glass and metal marquee is approximately twenty-three (23) feet wide, and has a minimum height of approximately fifteen (15') feet. The marquee projects approximately twelve feet (12') onto the north footway of Chestnut Street leaving a minimum of approximately four feet (4') clear from the curbline.

Marquee: #3

City of Philadelphia

BILL NO. 130765 continued

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The proposed metal marquee is approximately seven (7) feet wide, and has a minimum height of approximately eleven feet (11'). The marquee projects from six inches (6") up to a maximum of 11 inches (11") onto the north footway of Chestnut Street leaving a minimum of approximately fifteen feet (15') clear from the curbline.

Light Box

The proposed light box is approximately thirty (30) feet wide, and has a minimum height of approximately twenty three (23) feet. The light box projects approximately two (2) feet onto the north footway of Chestnut Street.

Building Encroachments on South 15th Street

Light Box

The proposed light box is approximately thirty (30) feet wide, and has a minimum height of approximately twenty three (23) feet. The light box projects approximately two (2) feet onto the east footway of south 15th Street.

Foundation Encroachments

Foundation encroachments that will encroach under portions of 15th Street and Chestnut Street immediately adjacent to 1441 Chestnut Street, as approved by the Department of Streets.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Chestlen Development LP 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, Chestlen Development LP shall enter into an agreement ("Agreement") with the appropriate City department(s), satisfactory to the Law Department, to provide that Chestlen Development LP shall, *inter alia*:

- (a) furnish the City with a bond with corporate surety in the amount required by the Streets Commissioner and in a form satisfactory to the Law Department to insure compliance with all of the terms and conditions of this Ordinance and the aforementioned 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, use

City of Philadelphia

BILL NO. 130765 continued

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or maintenance of the various encroachments, over or under the footway of Chestnut Street and 15th Street;

(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) agree in writing that when, at the determination of the City of Philadelphia, the various encroachments over or under the footway of Chestnut Street and 15th Street necessitate relocation and/or removal of any underground structure, either publicly or privately owned, Chestlen Development LP will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) remove the various encroachments over or under the footway of Chestnut Street and 15th Street within one-hundred and eighty (180) days upon service of lawful written notice from the Streets Department;

(f) 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 Chestlen Development LP 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;

(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.

SECTION 3. The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary or appropriate in the interest of the City.

SECTION 4. The permission granted to Chestlen Development LP to construct, use and maintain various encroachments over and under the footway of Chestnut Street and 15th Street shall expire without any further action by the City of Philadelphia if Mariner Commercial Properties, Inc. has not entered into the Agreement and satisfied all requirements of the Agreement that are listed in Section 2 within one (1) year after this Ordinance becomes law.

City of Philadelphia

BILL NO. 130765 continued

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SECTION 5. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00) is paid into the City Treasury within one hundred and twenty (120) days after this Ordinance becomes law.

City of Philadelphia

BILL NO. 130765 continued

Certified Copy

City of Philadelphia

BILL NO. 130765 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 12, 2013. The Bill was Signed by the Mayor on December 18, 2013.



Michael A. Decker
Chief Clerk of the City Council