



City of Philadelphia

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

BILL NO. 140004 (As Amended, 2/25/14)

Introduced January 23, 2014

**Councilmember Greenlee
for
Council President Clarke**

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

AN ORDINANCE

Authorizing Liberty Property 18th & Arch, LP, owner of the property at 1800 Arch Street to be improved with an office tower and hotel, to install security bollards on and under Arch Street, N. 18th Street, N. 19th Street and Cuthbert Street, and bike racks and benches on and under Arch Street, adjacent to 1800 Arch Street, to construct, use, and maintain conduits on, under and across Cuthbert Street for the purposes of supplying electrical current to retractable bollards on Cuthbert Street and to construct and maintain certain overhead architectural encroachments above the 1800 block of Cuthbert Street and the 1800 block of Arch Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Liberty Property 18th & Arch, LP ("Liberty Property"), owner of 1800 Arch Street, is hereby authorized to install security bollards on and under Arch Street, N. 18th Street, N. 19th Street and Cuthbert Street and bike racks and benches on and under Arch Street, adjacent to 1800 Arch Street as follows:

Security Bollards

The security bollards are approximately three feet six inches (3'-6") high with diameters of eight inches (0'-8"), eleven inches (0'-11") and one foot (1'-0"). When the security bollards are spaced at intervals of approximately six feet (6'-0") from the centerline of the previous bollard and a structure is already in place at the six feet (6'-0") interval, the next bollard will be placed approximately six feet (6'-0") from the already existing structure. The amount and location are approximately as follows:

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N. 18th Street: A total of twenty-three (23) bollards will be placed on the west sidewalk of N. 18th Street, in a straight line at equal intervals of approximately six feet (6'-0") from the centerline of the previous bollard. The first bollard is located approximately twenty-seven feet eight inches (27'-8") south of the south curb line of Arch Street and the last bollard is located approximately one hundred fifty-nine feet three inches (159'-3") south of the south curb line of Arch Street. The bollards will be placed two feet six inches (2'-6") west of the west curb line of N. 18th Street.

Southwest corner of the intersection of N. 18th Street & Arch Street: A total of five (5) bollards will be placed on the southwest sidewalk of the intersection, in a curved line at irregular intervals, being no less than four feet eight inches (4'-8") and no greater than six feet (6'-0") from the centerline of the previous bollard. The curved line will have an approximate radius of twenty-seven feet four inches (27'-4") beginning at the center of the northern most bollard described under the Security Bollards section entitled "N. 18th Street" above and ending with the eastern most bollard described under the Security Bollards section entitled "Arch Street" below.

Arch Street: A total of sixty (60) bollards will be placed on the south sidewalk of Arch Street. The bollards will be placed in straight lines, on two (2) offsets from the south side of the curb. The first line of twenty-four (24) bollards, the bollards being approximately two feet (2'-0") south of the south curb line of Arch Street, is located adjacent to proposed street trees, approximately fifty feet (50'-0") to three hundred eighty-seven feet (387'-0") west of the west curb line of N.18th street, such bollards to be placed in pairs (being six feet (6'-0") from the centerline of the previous bollard) at each proposed street tree which are approximately thirty feet (30'-0") from the centerline of the previous street tree. The second line of thirty-six (36) bollards, the bollards being approximately five feet (5'-0") south of the south curb line of Arch Street, is located approximately twenty-three feet (23'-0") to four hundred two feet (402'-0") west of the west curb line of N. 18th Street, such bollards to be placed in a straight line at equal intervals of approximately six feet (6'-0") from the centerline of the previous bollard.

Southeast corner of the intersection of N. 19th Street & Arch Street: A total of four (4) bollards will be placed on the southeast sidewalk of the intersection, in a curved line at equal intervals of approximately five feet eight inches (5'-8") from the centerline of the previous bollard. The curved line will have an approximate radius of twenty feet (20'-0") beginning at the center of the western most bollard described under the Security Bollards section entitled "Arch Street" above and ending with the northern most bollard described under the Security Bollards section entitled "N. 19th Street" below.

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N. 19th Street: A total of seven (7) bollards will be placed on the east sidewalk of N. 19th Street. The bollards will be placed in straight lines, on two (2) offsets from the east side of the curb. The first line of six (6) bollards, the bollards being approximately four feet (4'-0") east of the east curb line of N. 19th Street, will be placed at irregular intervals. The first bollard is located approximately twenty-five feet six inches (25'-6") south of the south curb line of Arch Street. The second bollard is located approximately thirty-one feet six inches (31'-6") south of the south curb line of Arch Street. The third bollard is located approximately fifty-two feet six inches (52'-6") south of the south curb line of Arch Street. The fourth bollard is located approximately one hundred nine feet (109'-0") south of the south curb line of Arch Street. The fifth bollard is located approximately one hundred thirty-two feet (132'-0") south of the south curb line of Arch Street. The sixth bollard is located approximately one hundred forty-four feet (144'-0") south of the south curb line of Arch Street. The second offset of one (1) bollard is approximately nine feet nine inches (9'-9") east of the east curb line of N. 19th Street, and the bollard is located approximately thirty-one feet six inches (31'-6") south of the south curb line of Arch Street.

Cuthbert Street: A total of sixty-nine (69) bollards (a portion of which will be retractable) will be placed on the north sidewalk of Cuthbert Street in a line parallel with the proposed north curb line of Cuthbert Street at irregular intervals of between five feet eight inches (5'-8") and six feet (6'-0") from the centerline of the previous bollard. The first bollard is located approximately nineteen feet (19'-0") west of the west curb line of N. 18th Street and the last bollard is located approximately four hundred ten feet (410'-0") west of the west curb line of N. 18th Street. The eastern most five (5) bollards will be placed approximately two feet six inches (2'-6") north of the north curb line of Cuthbert Street, the seventeen (17) retractable bollards will be placed approximately one foot three inches (1'-3") north of the north curb line of Cuthbert Street and are located approximately one hundred sixteen feet (116'-0") to two hundred twelve feet (212'-0") west of the west curb line of N. 18th Street and the remaining forty-seven (47) bollards will be placed approximately six inches (0'-6") north of the north curb line of Cuthbert Street.

Northwest corner of the intersection of N. 18th Street & Cuthbert Street: A total of four (4) bollards will be placed on the northwest sidewalk of the intersection, in a curved line at equal intervals of approximately five feet ten inches (5'-10") from the centerline of the previous bollard. The curved line will have an approximate radius of seventeen feet four inches (17'-4") beginning at the center of the southern most bollard described under the Security Bollards section entitled "N. 18th Street" above and ending at a point approximately three feet six inches (3'-6") north of the north curb line of Cuthbert Street.

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Bike Racks

Arch Street: A total of four (4) sets of bike racks, each set consisting of seven (7) bike racks, are approximately two feet six inches (2'-6") long and nineteen feet (19'-0") wide. The first set of bike racks is located approximately eighty-nine feet (89'-0") to one hundred eight feet (108'-0") west of the west curb line of N. 18th Street. The second set of bike racks is located approximately one hundred nineteen feet (119'-0") to one hundred thirty-eight feet (138'-0") west of the west curb line of N. 18th Street. The third set of bike racks is located approximately one hundred seventy-nine feet (179'-0") to one hundred ninety-eight feet (198'-0") west of the west curb line of N. 18th Street. The fourth set of bike racks is located approximately two hundred ninety-nine feet (299'-0") to three hundred eighteen feet (318'-0") west of the west curb line of N. 18th Street. The bike racks will be placed in an area approximately three feet (3'-0") south of the south curb line of Arch Street to approximately seven feet (7'-0") south of the south curb line of Arch Street.

Benches

Arch Street: A total of twenty (20) benches are approximately six feet (6'-0") long and one foot six inches (1'-6") wide. The benches will be in pairs (six feet (6'-0") from the centerline of the previous bench) located at irregular intervals from twenty-three feet (23'-0") west of the west curb line of N. 18th Street to four hundred two feet (402'-0") west of the west curb line of N. 18th Street. The benches will form a component of twenty (20) security bollards along Arch Street which are described above. The benches will be placed approximately three feet (3'-0") south of the south curb line of Arch Street and extend to approximately nine feet (9'-0") south of the south curb line of Arch Street.

SECTION 2. Liberty Property is hereby authorized to construct and maintain overhead architectural encroachments consisting of horizontal bands which project up to one foot six inches (1'-6") and which architectural encroachments are situate above the 1800 block of Cuthbert Street and the 1800 block of Arch Street beginning approximately ninety-two feet (92'-0") above the surface of Arch Street and approximately eighty-nine feet (89'-0") above the surface of Cuthbert Street and continuing at intervals of approximately forty-three feet six inches (43'-6") to the height of approximately six hundred sixteen feet (616'-0") above the surface of Arch Street and approximately six hundred eleven feet (611'-0") above the surface of Cuthbert Street.

SECTION 3. Liberty Property is hereby authorized to construct, use, and maintain conduits on, under and across Cuthbert Street for the purpose of supplying electrical service to the retractable bollards located along Cuthbert Street.

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SECTION 4. The construction, use and maintenance of the security bollards, bike racks and benches listed in Section 1, the overhead architectural encroachments listed in Section 2 and the conduits listed in Section 3 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 and the Department of Streets, provided that the Streets Department, in its sole, unreviewable discretion, may allow minor variations of the dimension limits in Sections 1, 2 and 3, within standard tolerances of current engineering practice.

SECTION 5. Before exercising any rights or privileges under this Ordinance, Liberty Property 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, Liberty Property shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the Law Department, to provide that Liberty Property, *inter alia*:

- (a) agree that upon one hundred eighty (180) days notice from the City, it shall remove the security bollards, bike racks, benches and conduits without cost or expense to the City and shall restore the cartway and footways of N. 18th Street, N. 19th Street, Arch Street and Cuthbert 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 placement and installation of the security bollards, bike racks, benches and conduits or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Liberty Property self-assumes liabilities and obligations normally covered by Surety Bond;

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- (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 placement and installation of the security bollards, bike racks, benches and conduits;
- (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 Liberty Property 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 security bollards, bike racks, benches and conduits 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 any affected streets.

SECTION 6. 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 7. The permission granted to Liberty Property to place and install the security bollards, bike racks and benches described in Section 1 and the conduits described in Section 3 shall expire without any further action by the City of Philadelphia if Liberty Property has not entered into an Agreement and satisfied all requirements of the

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Agreement that are listed in Section 5 of this Ordinance within two (2) years after this Ordinance becomes law.

SECTION 8. 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.

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