

City of Philadelphia



(Bill No. 140971)

AN ORDINANCE

Authorizing the Children's Hospital of Philadelphia to construct, own and maintain various right-of-way encroachments within the public right-of-way at 2716 South Street, Philadelphia, PA, 19146, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Children's Hospital of Philadelphia ("Owner") to construct, own and maintain various right-of-way encroachments ("Encroachment") at 2716 South Street, Philadelphia, PA, 19146 as follows:

Structural Sidewalk and Vehicular Bridge – South Street

For public access to the building and a public pedestrian plaza necessary to meet the existing bridge deck and elevated roadway and projecting over the right-of-way, City owned parcel and drainage easement by variable distance in width from the drainage easement to the southern face of the South Street Bridge/retaining wall for a distance of approximately 300 feet in length. The encroachment also includes columns and foundations in the drainage easement necessary to support the structural sidewalk and vehicular bridge for garage access.

Stairways – South Street

For public access to the building and a public pedestrian plaza necessary to meet the existing bridge deck and elevated roadway and projecting onto the right-of-way by variable distance in width to the southern face of the South Street Bridge/retaining wall and approximately 30 feet in length maintaining the existing sidewalk width (variable width 14.6 feet to 18.1 feet) on the bridge and retained section for pedestrian traffic.

Planters – South Street

Four (4) separate planters shall be integrated with the plaza construction that projects into the right-of-way. Planters located along the South Street site frontage at a maximum dimension of approximately 60 feet in length and projecting over the right-of-way and drainage easement by variable distance in width, maintaining the existing sidewalk width (variable width 9.6 feet to 18.1 feet) on the bridge and retained section for pedestrian traffic.

Building – South Street

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The proposed Phase 2-Future Tower building face projecting over the proposed structural sidewalk and drainage easement a variable distance providing a minimum vertical clearance of 8.17 feet above the structural plaza, planters and driveway for a distance of 30 feet.

Retaining Wall – South Street

For screening a service driveway from the adjacent neighborhood. This wall will be approximately perpendicular to the South Street retaining wall and allow for fill placement and landscaping on the east face of the wall. The wall will project onto the right-of-way from the southern right-of-way line to the southern face of the South Street retaining wall and will be located approximately two hundred feet (100 feet) from the westerly right of way line of 27th Street. This encroachment will not impact pedestrian traffic on South Street because it is outside the existing sidewalk limits.

Stairway and Structural Sidewalk – Bainbridge Street

For public access to the upper level of the pedestrian plaza and projecting onto the Bainbridge right-of-way reserved for drainage and utility purposes for a distance of approximately 205 feet. This encroachment occupies the entire width of the right-of-way between Schuylkill Avenue and the CSX right-of-way and provides public access to the pedestrian plaza on the property as well as to a pedestrian bridge crossing CSX Right-of-Way to provide access to the Schuylkill River Trail. The proposed staircase will provide a ramp system meeting ADA accessibility requirements to the structural sidewalk (plaza).

Planters – Bainbridge Street

Fifteen (15) separate planters will be integrated with the Stairway and Pedestrian Plaza in Bainbridge right-of-way between Schuylkill Avenue and the Schuylkill River. The first will be located approximately 135 feet west of Schuylkill Avenue and the last will be located approximately 355 from Schuylkill Avenue and integrated into the stairway and structural sidewalk. The planters vary in shape and maintain a minimum 4.5 feet of clearance for pedestrian traffic.

Bollards – Bainbridge Street

Bollards are proposed to provide a barrier between the access driveway and the stairway and structural sidewalk occupying the Bainbridge right-of-way reserved for drainage and utility purposes. A total of seven (7) bollards are proposed within the right-of-way. The bollards are approximately 13 feet from the edge of driveway and maintain a minimum 10 feet of clearance for pedestrian traffic.

Driveway, Footway, Pedestrian Lights and Stairs – Bainbridge Street

For public access to the upper level of the pedestrian plaza and for between building sites on the property, a private driveway and footway and projecting onto the full width of the Bainbridge right-of-way reserved for drainage and utility purposes. This area begins at the right-of-way line for Schuylkill Avenue and extends westward to the proposed

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stairway and structural sidewalk in Bainbridge Street. Four pedestrian lights are proposed within this area.

Vehicular Bridge – Schuylkill Avenue

The vehicular bridge allows a hydraulic connection between areas of the site and connects the access driveway to Schuylkill Avenue. The bridge extends a maximum of 2'-8" into the right-of-way for a width of 28 feet.

Pedestrian Lighting – Schuylkill Avenue

Approximately 15 private pedestrian lights are proposed in the furnishing zone of Schuylkill Avenue along the property frontage to provide additional lighting on the footway. The required Complete Streets walking zone width of 6 feet will be maintained along the Schuylkill Avenue sidewalk.

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

- (a) agrees that upon one hundred and eighty (180) days notice from the City, it shall remove the Encroachment without cost or expense to the City and shall remove the Encroachment 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) 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

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or commission shall be required to issue any such permit, license or approval solely because this Ordinance has been enacted;

- (c) 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;
- (d) 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 Owner 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;
- (e) 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;
- (f) 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;
- (g) 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. Owner 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
- (h) 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 Owner self-assumes the liabilities and obligations normally covered by the Surety Bond.

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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 Owner to legalize the Encroachment described in Section 1 shall expire without any further action by the City of Philadelphia if Owner 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.

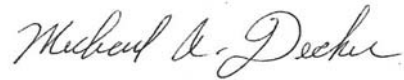
SECTION 6. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes law.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on February 19, 2015. The Bill was Signed by the Mayor on March 4, 2015.

A handwritten signature in cursive script, reading "Michael A. Decker".

Michael A. Decker
Chief Clerk of the City Council