

## Legislation Details (With Text)

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**File #:** 100545      **Version:** 0      **Name:**

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**File created:** 9/16/2010      **In control:** Committee on Streets and Services

**On agenda:**      **Final action:** 10/28/2010

**Title:** Authorizing Francisco Hernandez to construct, own and maintain an enclosed set of stairs attached to 657 E. Allegheny Avenue, Philadelphia, Pennsylvania, that will encroach upon the sidewalk of "F" Street, under certain terms and conditions.

**Sponsors:** Councilmember Sanchez

**Indexes:** ENCROACHMENT

**Code sections:**

**Attachments:** 1. CertifiedCopy10054500.pdf

Date	Ver.	Action By	Action	Result	Tally
11/10/2010	0	MAYOR	SIGNED		
10/28/2010	0	CITY COUNCIL	READ		
10/28/2010	0	CITY COUNCIL	PASSED	Pass	17:0
10/21/2010	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
10/21/2010	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
10/21/2010	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
10/20/2010	0	Committee on Streets and Services	HEARING NOTICES SENT		
10/20/2010	0	Committee on Streets and Services	HEARING HELD		
10/20/2010	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
9/16/2010	0	CITY COUNCIL	Introduced and Referred	Pass	

Authorizing Francisco Hernandez to construct, own and maintain an enclosed set of stairs attached to 657 E. Allegheny Avenue, Philadelphia, Pennsylvania, that will encroach upon the sidewalk of "F" Street, under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Francisco Hernandez, to construct, own and maintain an enclosed set of stairs attached to 657 E. Allegheny Avenue that will encroach upon the sidewalk of "F" Street (hereafter "Enclosed Staircase") as follows:

The Enclosed Staircase encroaches approximately four feet and two inches (4'-2") onto the west public sidewalk of "F" Street leaving approximately eight feet and ten inches (8'-10") of clear unobstructed footway.

SECTION 2. The construction, use and maintenance of the Enclosed Staircase 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 and the Department of Streets, 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, Francisco Hernandez must first obtain or have his 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.

SECTION 4. In addition, before exercising any rights and privileges under this Ordinance, Francisco Hernandez shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Francisco Hernandez *inter alia*:

- (a) agrees that upon one hundred and eighty (180) days notice from the City, he shall remove the Enclosed Staircase without cost or expense to the City and shall remove the Enclosed Staircase 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) furnishes 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 City Solicitor 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 Enclosed Staircase or their removal;
- (c) secures 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) assumes 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 Enclosed Staircase;
- (e) carries 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 the Francisco Hernandez 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) insures that all construction contractors for the Enclosed Staircase 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; and
- (g) gives 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 5. 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 6. The permission granted to Francisco Hernandez to construct, own and maintain the Enclosed Staircase described in Section 1 shall expire without any further action by the City of Philadelphia if Francisco Hernandez 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 7. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes law.