



Legislation Details (With Text)

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**Title:** Authorizing the University City Science Center to construct, own and maintain twenty benches, twenty-three trash receptacles, and nine bike racks on the north and south footway of Market Street, from 34th Street to 41st Street, all under certain terms and conditions.

**Sponsors:** Councilmember Blackwell

**Indexes:** ENCROACHMENT

**Code sections:**

**Attachments:** 1. CertifiedCopy09077100.pdf

Date	Ver.	Action By	Action	Result	Tally
1/13/2010	0	MAYOR	SIGNED		
12/17/2009	0	CITY COUNCIL	PASSED	Pass	17:0
12/17/2009	0	CITY COUNCIL	READ		
12/10/2009	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
12/10/2009	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
12/10/2009	0	Committee on Streets and Services	HEARING NOTICES SENT		
12/10/2009	0	Committee on Streets and Services	HEARING HELD		
12/10/2009	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
10/29/2009	0	CITY COUNCIL	Referred		
10/29/2009	0	CITY COUNCIL	Introduced	Pass	

Authorizing the University City Science Center to construct, own and maintain twenty benches, twenty-three trash receptacles, and nine bike racks on the north and south footway of Market Street, from 34th Street to 41st Street, all under certain terms and conditions.

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

**SECTION 1.** Permission is hereby granted to the University City Science Center to construct, own and maintain the following streetscape improvements on the north and south footway of Market Street, from 34th Street to 41st Street:

- (a) Twenty (20) metal benches, each ten feet (10') long.

Four (4) benches on the north footway of Market Street leaving a clear footway of eleven feet (11'). Distances of two hundred sixty-six feet (266'), two hundred ninety-seven feet (297'), four hundred thirty-seven feet (437') and four hundred eighty-two feet (482'), respectively, shall be measured west

from the west curb line of 34th Street to the center of each bench.

Three (3) benches on the south footway of Market Street leaving a clear footway of eleven feet (11'). Distances of two hundred seventy-four feet (274'), three hundred sixty feet (360'), and five hundred forty-five feet (545'), respectively, shall be measured west from the west curb line of 34th Street to the center of each bench.

One (1) bench on the north footway of Market Street leaving a clear footway of twelve feet (12'). A distance of three hundred fifty-one feet (351') shall be measured west from the west curb line of 36th Street to the center of the bench.

Twelve (12) benches on the south footway of Market Street leaving a clear footway of at least fifteen feet (15'). Distances of one hundred sixty-nine feet (169'), two hundred twenty-one feet (221'), two hundred seventy-one feet (271'), three hundred eighty-six feet (386'), four hundred forty-five feet (445'), four hundred ninety-four feet (494'), six hundred thirty-one feet (631'), six hundred sixty-one feet (661'), six hundred ninety-four feet (694'), seven hundred sixty-eight feet (768'), eight hundred nineteen feet (819'), and eight hundred seventy-four feet (874'), respectively, shall be measured west from the west curb line of 36th Street to the center of each bench.

(b) Twenty-three (23) trash receptacles will be placed within project limits.

One (1) trash receptacle on the north footway of Market Street leaving a clear footway of eight feet (8'). A distance of thirty-four feet (34') shall be measured west from the west curb line of 34th Street to the center of the receptacle.

One (1) trash receptacle on the south footway of Market Street leaving a clear footway of fifteen feet (15'). A distance of twenty-seven feet (27') shall be measured west from the west curb line of 34th Street to the center of the receptacle.

Two (2) trash receptacles on the north footway of Market Street leaving a clear footway of sixteen feet (16'). Distances of twenty-one feet (21') and five hundred thirty-three feet (533'), respectively, shall be measured west from the west curb line of 36th Street to the center of each receptacle.

One (1) trash receptacle on the north footway of Market Street leaving a clear footway of sixteen feet (16'). A distance of sixteen feet (16') shall be measured east from the east curb line of 36th Street to the center of the receptacle.

One (1) trash receptacle on the south footway of Market Street leaving a clear footway of fifteen feet (15'). A distance of twenty-four feet (24') shall be measured east from the east curb line of 36th Street to the center of the receptacle.

Two (2) trash receptacles on the south footway of Market Street leaving a clear footway of fifteen feet (15'). Distances of twenty-seven feet (27') and five hundred twenty-four feet (524'), respectively, shall be measured west from the west curb line of 36th Street to the center of each receptacle.

One (1) trash receptacle on the north footway of Market Street leaving a clear footway of fifteen feet (15'). A distance of twenty-six feet (26') shall be measured east from the east curb line of 38th Street to the center of the receptacle.

One (1) trash receptacle on the south footway of Market Street leaving a clear footway of sixteen feet (16'). A distance of twenty-eight feet (28') shall be measured east from the east curb line of 38th Street to the center of the receptacle.

Three (3) trash receptacles on the north footway of Market Street leaving a clear footway of at least eleven feet (11'). Distances of twenty-seven feet (27'), three hundred fifty-three feet (353'), and four hundred forty-three feet (443'), respectively, shall be measured west from the west curb line of 38th Street to the center of each receptacle.

Three (3) trash receptacles on the south footway of Market Street leaving a clear footway of at least eleven feet (11'). Distances of twenty-eight feet (28'), three hundred fifty-seven feet (357'), and four hundred forty-two feet (442'), respectively, shall be measured west from the west curb line of 38th Street to the center of each receptacle.

One (1) trash receptacle on the north footway of Market Street leaving a clear footway of fifteen feet (15'). A distance of sixteen feet (16') shall be measured west from the west curb line of 40th Street to the center of the receptacle.

One (1) trash receptacle on the north footway of Market Street leaving a clear footway of sixteen feet (16'). A distance of eighteen feet (18') shall be measured east from the east curb line of 40th Street to the center of the receptacle.

One (1) trash receptacle on the south footway of Market Street leaving a clear footway of nineteen feet (19'). A distance of twenty-seven feet (27') shall be measured west from the west curb line of 40th Street to the center of the receptacle.

One (1) trash receptacle on the south footway of Market Street leaving a clear footway of sixteen feet (16'). A distance of eighteen feet (18') shall be measured east from the east curb line of 40th Street to the center of the receptacle.

One (1) trash receptacle on the south footway of Market Street leaving a clear footway of sixteen feet (16'). A distance of twenty-seven feet (27') shall be measured east from the east curb line of 41st Street to the center of the receptacle.

One (1) trash receptacle on the north footway of Market Street leaving a clear footway of fifteen feet (15'). A distance of twenty-seven feet (27') shall be measured east from the east curb line of North Preston Street to the center of the receptacle.

One (1) trash receptacle on the north footway of Market Street leaving a clear footway of sixteen feet (16'). A distance of twenty-two feet (22') shall be measured west from the west curb line of North Preston Street to the center of the receptacle.

(c) Nine (9) metal bike racks, each two feet (2') long and two feet three and a half inches (2'- 3 ½ ") wide, will be placed within project limits.

Three (3) bike racks on the north footway of Market Street leaving a clear footway of fifteen feet (15'). Distances of seventy-seven feet (77'), ninety-eight feet (98'), and one hundred twenty feet (120'), respectively, shall be measured west from the west curb line of 34th Street to the center of each rack.

Three (3) bike racks on the south footway of Market Street leaving a clear footway of fourteen feet (14'). Distances of seventy-eight feet (78'), one hundred seven feet (107'), and one hundred forty-six feet (146'), respectively, shall be measured west from the west curb line of 34th Street to the center of each rack.

Three (3) bike racks on the south footway of Market Street leaving a clear footway of sixteen feet (16'). Distances of forty-eight feet (48'), seventy feet (70'), and ninety-four feet (94'), respectively, shall be measured west from the west curb line of 36th Street to the center of each rack.

The exact number, type and location of the streetscape improvements are identified on plans that have been supplied to the Department of Streets for review and have been approved. The Department of Streets will maintain the authority to review and approve the location of each proposed streetscape improvement prior to installation.

**SECTION 2.** Before exercising any rights and privileges under this Ordinance, the University City Science Center must first obtain all required permits, licenses and approvals from all appropriate City 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 or privileges under this Ordinance, the University City Science Center shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the Law Department, to provide that the University City Science Center shall, *inter alia*:

- (a) secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City, or from any other governmental entity as may be required by law;
- (b) assume the cost of all changes and adjustments to, or relocation or abandonment of, all utilities and structures within the public right-of-way which are necessary due to the construction of the streetscape improvements authorized in Section 1;
- (c) carry public liability and property damage insurance that covers the streetscape improvements authorized to be constructed within the public right-of-way in Section 1, co-naming the City of Philadelphia as an insured party, in such amounts as shall be satisfactory to the Law Department. Alternatively, if approved by the City of Philadelphia Office of Risk Management, furnish the City with documentation in a form acceptable to the Law Department acknowledging that the University City Science Center is self insured and will protect the City against liability for property damages and liability for injuries or death to persons, including injuries to employees of the University City Science Center as a result of ownership, construction, maintenance and removal of the streetscape improvements described in Section 1;
- (d) remove or relocate any or all of the streetscape improvements authorized by Section 1 of this Ordinance from the public right-of-way within sixty (60) days after lawful service of notice by the City of Philadelphia;
- (e) remove any or all of the streetscape improvements authorized by Section 1 of this Ordinance from the public right-of-way pursuant to the applicable City specifications within sixty (60) days when any of the streetscape improvements described in Section 1 are no longer used for the purpose authorized by this Ordinance;

- (f) insure that all construction contractors for the streetscape improvements described in Section 1 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 footway adjacent to the streetscape improvements described in Section 1.

**SECTION 3.** The Law Department shall include in the Agreement such other terms and provisions as shall be deemed necessary to protect the interest of the City of Philadelphia.

**SECTION 4.** The permission granted to the University City Science Center to construct, own and maintain the streetscape improvements described in Section 1 shall expire without any further action by the City of Philadelphia if the University City Science Center has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 2 of this Ordinance within one (1) year after this Ordinance becomes law.

**SECTION 5.** 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.