



Legislation Details (With Text)

File #: 110794 **Version:** 0 **Name:**
Type: Bill **Status:** POCKET VETOED
File created: 11/3/2011 **In control:** Committee on Streets and Services
On agenda: **Final action:**

Title: Granting permission to All Seasons Car Wash & Lube, LLC, owner of the real estate located at 6722 Ridge Avenue, to relocate, use and maintain a thirty-five feet high aluminum flagpole within the public right-of-way of Ridge Avenue, being approximately one hundred eighty-three and ninety-one hundredths feet (183.91') from the curbline of the northwesterly side of Cinnaminson Street and within the unimproved portion of Ridge Avenue west of the westerly curbline of said Ridge Avenue; and to construct, use and maintain a pole-mounted, interior-lighted accessory sign, with an electrical service line conduit in and under the public right-of-way of Ridge Avenue, being the same distance from the curbline of the northwesterly side of Cinnaminson Street and within the same unimproved portion of Ridge Avenue west of the westerly curbline of said Ridge Avenue, for the purpose of supplying electrical service to the accessory sign, all under certain terms and conditions.

Sponsors: Councilmember Jones

Indexes: ENCROACHMENT

Code sections:

Attachments: 1. Bill No. 11079400.pdf

Date	Ver.	Action By	Action	Result	Tally
1/3/2012	0	MAYOR	NO ACTION TAKEN - POCKET VETO		
12/8/2011	0	CITY COUNCIL	READ AND PASSED	Pass	17:0
12/1/2011	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
12/1/2011	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
12/1/2011	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
11/29/2011	0	Committee on Streets and Services	HEARING NOTICES SENT		
11/29/2011	0	Committee on Streets and Services	HEARING HELD		
11/29/2011	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
11/3/2011	0	CITY COUNCIL	Introduced and Referred	Pass	

Granting permission to All Seasons Car Wash & Lube, LLC, owner of the real estate located at 6722 Ridge Avenue, to relocate, use and maintain a thirty-five feet high aluminum flagpole within the public right-of-way of Ridge Avenue, being approximately one hundred eighty-three and ninety-one hundredths feet (183.91') from the curbline of the northwesterly side of Cinnaminson Street and within the unimproved portion of Ridge Avenue west of the westerly curbline of said Ridge Avenue; and to construct, use and maintain a pole-mounted, interior-lighted accessory sign, with an electrical service line conduit in and under the public right-of-way of Ridge Avenue, being the same distance from the curbline of the northwesterly side of Cinnaminson Street and within the same unimproved portion of Ridge Avenue west of the westerly curbline of said Ridge Avenue, for the purpose of supplying electrical service to the accessory sign, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to All Seasons Car Wash & Lube, LLC, a Pennsylvania limited liability company, owner of the real estate located at 6722 Ridge Avenue to construct, use and maintain:

(a) a concrete footing four feet deep and three feet wide for a thirty-five feet high aluminum flagpole, located approximately one hundred eighty-three and ninety-one hundredths feet (183.91') from the curblineline of the northwesterly side of Cinnaminson Street and eleven and seventy-five hundredths feet (11.75') west of the westerly curblineline of Ridge Avenue; and

(b) a concrete footing seven feet and three inches deep and three feet wide for a twenty feet high pole-mounted, two-faced, accessory sign, located approximately one hundred eighty-three and ninety-one hundredths feet (183.91') from the curblineline of the northwesterly side of Cinnaminson Street and four and seventy-five hundredths feet (4.75') west of the westerly curblineline of Ridge Avenue; and

(c) a two inch (2") diameter PVC electric conduit for electric service to the pole-mounted sign; starting at a point located approximately one hundred eighty-two and forty-one hundredths feet (182.41') from the curblineline of the northwesterly side of Cinnaminson Street and four and seventy-five hundredths feet (4.75') west of the westerly curblineline of Ridge Avenue, the conduit proceeds westerly for approximately nine and twenty-five hundredths feet (9.25') beneath the right-of-way of Ridge Avenue to a point located approximately fourteen feet (14.000') west of the westerly curblineline of Ridge Avenue; and

(d) the relocation, use and maintenance of the flagpole and the construction and maintenance of the accessory sign, concrete footings, electric conduit, electric service line described in Sections 1(a), 1(b) and 1(c) shall be in accordance with the laws, rules and regulations of the City of Philadelphia, including those of the Department of Licenses and Inspections, Department of Streets, and Department of Public Property; and

(e) no City department, agency, board or commission shall be required solely by virtue of this Ordinance to issue any permit, license, or approval that All Seasons Car Wash & Lube, LLC must by law obtain prior to construction in and under the public right-of-way, 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 2. Before exercising any rights and privileges under the Ordinance, All Seasons Car Wash & Lube, LLC shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that All Seasons Car Wash & Lube, LLC shall, *inter alia*:

(a) furnish the City with a bond with a corporate surety in the amount and in form satisfactory to the Law Department to insure compliance with all the terms and conditions of this Ordinance and of the Agreement, and to protect, indemnify and save harmless the City from all damage or claims for damages which may arise directly or indirectly as a result of the relocation, use and maintenance of the flagpole and of construction, use and maintenance of the accessory sign, concrete footings, electrical conduit and electrical service line authorized in Section 1;

(b) secure all necessary permits, licenses, and approvals from all appropriate departments, agencies, boards, or commissions of the City or of any other governmental entity as may be required by law;

(c) assume the cost of all changes or adjustments to, or relocation or abandonment of any utilities and structures, wherever they may be located, which are necessitated by the installation of the concrete footings, electrical conduit and electrical service line authorized by Section 1 of this Ordinance;

(d) assume the costs and duties of completely restoring the public right-of-way of Ridge Avenue that is affected by the work authorized by Section 1 of this Ordinance pursuant to City of Philadelphia approved specifications; and

(e) carry public liability and property damage insurance, naming the City of Philadelphia as an insured party, in such amounts as shall be satisfactory to the Law Department.

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 relocate, use and maintain the existing flagpole and to construct, use and maintain the accessory sign, concrete footings, an electrical conduit and service line shall expire without any further action by the City of Philadelphia if All Seasons Car Wash & Lube, LLC has not entered into the Agreement and satisfied all requirements of the Agreement and the requirements 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.