

## Legislation Details (With Text)

---

**File #:** 080804      **Version:** 1      **Name:**

**Type:** Bill      **Status:** ENACTED

**File created:** 10/23/2008      **In control:** Committee on Streets and Services

**On agenda:**      **Final action:** 12/11/2008

**Title:** Authorizing Edward and Veronica Leonard, their successors and assigns, to own, operate, and maintain a one story garage extension and entranceway steps on the east sidewalk of N. Pennock Street adjacent to their property located at 2718 Brown Street, under certain terms and conditions.

**Sponsors:** Councilmember Clarke

**Indexes:** ENCROACHMENT

**Code sections:**

**Attachments:** 1. CertifiedCopy08080401.pdf

Date	Ver.	Action By	Action	Result	Tally
12/22/2008	1	MAYOR	SIGNED		
12/11/2008	1	CITY COUNCIL	READ		
12/11/2008	1	CITY COUNCIL	PASSED	Pass	16:0
12/4/2008	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
12/4/2008	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
12/4/2008	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
12/3/2008	0	Committee on Streets and Services	HEARING NOTICES SENT		
12/3/2008	0	Committee on Streets and Services	AMENDED		
12/3/2008	0	Committee on Streets and Services	HEARING HELD		
12/3/2008	1	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
10/23/2008	0	CITY COUNCIL	Introduced	Pass	
10/23/2008	0	CITY COUNCIL	Referred		

Authorizing Edward and Veronica Leonard, their successors and assigns, to own, operate, and maintain a one story garage extension and entranceway steps on the east sidewalk of N. Pennock Street adjacent to their property located at 2718 Brown Street, under certain terms and conditions.

WHEREAS, Edward and Veronica Leonard own a property located at 2718 Brown Street, Philadelphia, PA 19130;

WHEREAS, Edward and Veronica Leonard have requested permission to own, operate, and maintain a one story garage extension and entranceway steps on the east sidewalk of N. Pennock Street adjacent to the property; now, therefore

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

SECTION 1. Edward and Veronica Leonard, their successors and assigns, are hereby authorized to own, operate, and maintain a one (1) story garage extension and entranceway steps on the east sidewalk of N. Pennock Street adjacent to the property.

Garage Extension

The one (1) story extension, located approximately six feet six inches (6'-6") east of the east curb line of N. Pennock Street, is approximately fifteen feet (15') wide and encroaches approximately three feet six inches (3'-6") onto the east sidewalk of N. Pennock Street leaving approximately six feet six inches (6'-6") of clear footway.

Entranceway Steps

The entranceway steps, located approximately six feet six inches (6'-6") east of the east curb line of N. Pennock Street, are approximately thirteen feet six inches (13'-6") wide and encroach approximately three feet six inches (3'-6") onto the east sidewalk of N. Pennock Street leaving approximately six feet six inches (6'-6") of clear footway.

SECTION 2. The existing one (1) story garage extension and entranceway steps on the east sidewalk of N. Pennock Street adjacent to the property 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.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Edward and Veronica Leonard 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, Edward and Veronica Leonard shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the City Solicitor, to provide that Edward and Veronica shall, *inter alia*:

(a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the one (1) story garage extension and entranceway steps on the east sidewalk of N. Pennock Street adjacent to the property without cost or expense to the City, and shall restore the cartway and footways adjacent to the property at N. Pennock Street at no cost and expense to the City when given written notice to do so by the City 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 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 one (1) story garage extension and entranceway steps, or in lieu thereof, submit documentation in a form and content acceptable to the City that Edward and Veronica Leonard self-assume the liabilities and obligations normally covered by Surety Bond;

(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 of the one (1) story garage extension and entranceway steps;

(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 City Solicitor, or in lieu thereof, submit documentation in form and content acceptable to the City that Edward and Veronica Leonard are self-insured and are 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 one (1) story garage extension and entranceway steps 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) 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 on N. Pennock St.

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 Edward and Veronica Leonard for the existing one (1) story garage extension and entranceway steps described in Section 1 shall expire without any further action by the City of Philadelphia if Edward and Veronica Leonard have not entered into an Agreement with the City Solicitor 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 the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.