

## Legislation Details (With Text)

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**File #:** 100551      **Version:** 0      **Name:**

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

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

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

**Title:** Authorizing the Veteran Boxers Association to construct, own and maintain a pedestal with a sculpture of Joey Giardello on the traffic median created by the intersection of Passyunk Avenue, Mifflin Street and Thirteenth Street, under certain terms and conditions.

**Sponsors:** Councilmember DiCicco

**Indexes:** ENCROACHMENT

**Code sections:**

**Attachments:** 1. CertifiedCopy10055100.pdf

Date	Ver.	Action By	Action	Result	Tally
11/5/2010	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 the Veteran Boxers Association to construct, own and maintain a pedestal with a sculpture of Joey Giardello on the traffic median created by the intersection of Passyunk Avenue, Mifflin Street and Thirteenth Street, under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to the Veteran Boxers Association, 2733 Clearfield Street, Philadelphia, Pennsylvania, 19134, to construct, own and maintain a pedestal with a sculpture of Joey Giardello on the traffic median created by the intersection of Passyunk Avenue, Mifflin Street and Thirteenth Street, as follows:

The pedestal with sculpture shall be located approximately three feet and eight inches (3'-8") off of the Passyunk Avenue side of the median. The area of the base of the pedestal is three feet and eight inches (3'-8") by three feet and four inches (3'-4").

The pedestal with the sculpture is approximately seven feet (7') high.

SECTION 2. Before exercising any rights or privileges under this Ordinance, the Veteran Boxers Association 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, the Veteran Boxers Association shall enter into an agreement (“Agreement”) with the appropriate City department(s) in a form satisfactory to the Law Department which shall:

(a) furnish the City with a bond with corporate surety in an amount required by the Streets Commissioner and in a form satisfactory to the Law Department to insure the compliance with all the terms and conditions of this Ordinance and the aforementioned agreement;

(b) protect, indemnify and save harmless the City from all suits or claims for damages which may arise directly or indirectly as a result of the pedestal with a sculpture of Joey Giardello on the traffic median created by the intersection of Passyunk Avenue, Mifflin Street and Thirteenth Street;

(c) comply with the provisions of The Philadelphia Code thereby securing all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions, as may be required;

(d) agree in writing that when, at the determination of the City of Philadelphia, relocation and/or removal of any underground structure in the traffic median created by the intersection of Passyunk Avenue, Mifflin Street and Thirteenth Street, either publicly or privately owned, is necessary, the Veteran Boxers Association will absorb all costs and expenses related to the removal of the pedestal with a sculpture of Joey Giardello;

(e) insure that the pedestal with a sculpture of Joey Giardello on the traffic median created by the intersection of Passyunk Avenue, Mifflin Street and Thirteenth Street is no more than the dimensions listed in Section 1, provided that the Streets Department, in its sole unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice;

(f) 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 Law Department; and

(g) remove the pedestal with a sculpture of Joey Giardello on the traffic median created by the intersection of Passyunk Avenue, Mifflin Street and Thirteenth Street within one hundred and eighty (180) days upon service of lawful written notice from the Streets Department.

SECTION 3. The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

SECTION 4. The permission granted to the Veteran Boxers Association to construct, own and maintain the pedestal with a sculpture of Joey Giardello described in Section 1 shall expire without any further action by the City of Philadelphia if the Veteran Boxers Association has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 2 and 3 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), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes law.