



Legislation Details (With Text)

**File #:** 020815      **Version:** 0      **Name:**

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

**File created:** 12/12/2002      **In control:** Committee on Streets and Services

**On agenda:**      **Final action:** 2/13/2003

**Title:** Authorizing Tenet HealthSystem Hahnemann, LLC, owner of the property known as Hahnemann University Hospital, Broad and Vine Streets, Philadelphia, PA 19102, to construct, own, and maintain 11 precast concrete planters with trees on the west footway of Broad street and 13 precast concrete planters with trees on the south footway of Vine street adjacent to the hospital property, all under certain terms and conditions.

**Sponsors:** Councilmember Clarke, Councilmember Clarke

**Indexes:** ENCROACHMENT

**Code sections:**

**Attachments:** 1. CertifiedCopy02081500.pdf

Date	Ver.	Action By	Action	Result	Tally
2/26/2003	0	MAYOR	SIGNED		
2/13/2003	0	CITY COUNCIL	READ		
2/13/2003	0	CITY COUNCIL	PASSED	Pass	14:0
2/6/2003	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
2/6/2003	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
2/6/2003	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
2/5/2003	0	Committee on Streets and Services	HEARING NOTICES SENT		
2/5/2003	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
2/5/2003	0	Committee on Streets and Services	HEARING HELD		
12/12/2002	0	CITY COUNCIL	Referred		
12/12/2002	0	CITY COUNCIL	Introduced	Pass	

Authorizing Tenet HealthSystem Hahnemann, LLC, owner of the property known as Hahnemann University Hospital, Broad and Vine Streets, Philadelphia, PA 19102, to construct, own, and maintain 11 precast concrete planters with trees on the west footway of Broad street and 13 precast concrete planters with trees on the south footway of Vine street adjacent to the hospital property, all under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Tenet HealthSystem Hahnemann, LLC, owner of Hahnemann University Hospital, Broad Street and Vine Street, Philadelphia, PA 19102, to construct, own and maintain:

(a) Eleven (11) precast concrete planters with trees on the west footway of Broad street adjacent to the Hahnemann University Hospital. Each planter is approximately five feet six inches (5'-6") square and

twenty-six inches (26") high. The front face of each planter will be set back from the west curb face of Broad street eighteen inches (18"), leaving a minimum clear footway between the building facade and each planter of fifteen feet (15'). The centerline of each planter will be located at the following offsets from the north curb line of Race street:

- (i) twenty-six feet (26')
- (ii) sixty-four feet (64')
- (iii) one hundred and four feet (104')
- (iv) one hundred and thirty-five feet (135')
- (v) one hundred and seventy-five feet (175')
- (vi) two hundred and fourteen feet (214')
- (vii) two hundred and thirty-five feet (235')
- (viii) two hundred and fifty-six feet (256')
- (ix) two hundred and seventy-seven feet (277')
- (x) two hundred and ninety-eight feet (298')
- (xi) three hundred fifty-three feet (353')

(b) Thirteen (13) precast concrete planters with trees on the south footway of Vine street adjacent to the Hahnemann University Hospital. Each planter is four feet, six inches (4'-6") square and twenty-six inches (26") high. The front face of each planter will be set back eighteen inches from the south curb face of Vine street, leaving a minimum clear footway between the building facade and each planters of eight feet (8'). The centerline of each planter will be located at the following offsets from the east curb line of Fifteenth street:

- (i) thirty-two feet (32')
- (ii) fifty-two feet (52')
- (iii) seventy-three feet (73')
- (iv) one hundred and seven feet (107')
- (v) one hundred and twenty-four feet (124')
- (vi) one hundred and forty-one feet (141')
- (vii) one hundred and seventy-eight feet (178')
- (viii) two hundred and thirty-four feet (234')
- (ix) two hundred and sixty-two feet (262')
- (x) three hundred and seven feet (307')
- (xi) three hundred and twenty-four feet (324')
- (xii) three hundred and forty-eight feet (348')
- (xiii) three hundred and seventy-two feet (372')

SECTION 2. Before exercising any rights or privileges under this Ordinance, Tenet HealthSystem Hahnemann, LLC, must first 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 or privileges under this Ordinance, Tenet HealthSystem Hahnemann, LLC shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the Law Department, to provide that Tenet HealthSystem Hahnemann, LLC shall, *inter alia*:

(a) furnish the City with a bond with corporate surety in the amount required by the Department of Streets and in a form satisfactory to the Law Department to insure compliance with all the terms and conditions

of this Ordinance and the Agreement. 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 that Tenet HealthSystem Hahnemann, LLC is self bonding to insure compliance with all terms and conditions of this Ordinance and the Agreement and to protect and to indemnify the City from and against all damages or claims for damages which may arise directly as a result of ownership, construction, maintenance and removal of the precast concrete planters with trees authorized in Section 1;

(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 construction, ownership and maintenance of the precast concrete planters with trees on the public rights-of-way;

(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) insure that the precast concrete planters on public rights-of-way encroach no more than the dimensions set forth 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;

(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 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 Tenet HealthSystem Hahnemann, LLC 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 Tenet HealthSystem Hahnemann, LLC as a result of ownership, construction, maintenance and removal of the precast concrete planters and trees described in Section 1;

(f) remove the precast planters with trees from the public rights-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia; and

(g) remove the precast planters with trees from the public rights-of-way within sixty (60) days when the precast planters are no longer used for the purpose authorized by this Ordinance.

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 Tenet HealthSystem Hahnemann, LLC to construct, own and maintain precast concrete planters with trees on the west footway of Broad street and south footway of Vine street adjacent to the Hahnemann University Hospital, Broad street and Vine street shall expire without any further action by the City of Philadelphia if Tenet HealthSystem Hahnemann, LLC has not entered into the Agreement and satisfied all requirements of the Agreement that are listed in Section 2 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.