

## Legislation Text

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Authorizing The Children's Hospital of Philadelphia, located at 34th and Civic Center Boulevard, Philadelphia Pennsylvania, to construct, own and maintain various encroachments within the City right-of-way on East Service Drive between Civic Center Boulevard and Health Sciences Drive, on Civic Center Boulevard between East Service Drive and West Service Drive, and on West Service Drive between Civic Center Boulevard and Health Sciences Drive, under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to The Children's Hospital of Philadelphia to construct, own and maintain various right-of-way encroachments as follows:

Building Encroachment over East Service Drive

The building encroachment over the Right-of-Way of East Service Drive consists of a canopy projecting from the Ambulatory Care Center building above the sidewalk and proposed lay-by. Beginning approximately 38' south of the Civic Center Boulevard Right-of-Way on the westerly East Service Drive Right-of-Way, it is approximately 43' long, encroaches approximately 13' into the Right-of-Way of East Service Drive, and with a minimum clearance of approximately 15' above East Service Drive.

Building Encroachment under East Service Drive

The building encroachment under the Right-of-Way of East Service Drive consists of tie-backs for a permanent retaining wall. Beginning approximately at the south Civic Center Boulevard Right-of-Way line, extending on the westerly East Service Drive Right-of-Way, for approximately 370', tie-backs encroach the width of East Service Drive (50' Right-of-Way), and vary between 12' and 75' below grade.

Raised Planters

A total of 20 raised precast concrete planters shall be placed on the north sidewalk along Civic Center Boulevard, 9 between East Service Drive and Osler Circle, and 11 between Osler Circle and West Service Drive. The planters are 6' square in width, and 36" in height. They will encroach 6' into the footway, which varies in width between 19'-6" and 22' wide. The face of each planter will be placed approximately 2' behind the face of the curb of Civic Center Boulevard, leaving a clear area of footway remaining of between 11'-6" and 14' wide.

The approximate centerline location of each planter along Civic Center Boulevard is as follows:

Planter Location

1 36' wwcl of Osler Circle

- 2 52' wwcl of Osler Circle
- 3 67' wwcl of Osler Circle
- 4 87' wwcl of Osler Circle
- 5 106' wwcl of Osler Circle
- 6 137' wwcl of Osler Circle
- 7 155' wwcl of Osler Circle
- 8 172' wwcl of Osler Circle
- 9 201' wwcl of Osler Circle
- 10 220' wwcl of Osler Circle
- 11 249' wwcl of Osler Circle
- 12 82' eecl of Osler Circle
- 13 98' eecl of Osler Circle
- 14 114' eecl of Osler Circle
- 15 144' eecl of Osler Circle
- 16 166' eecl of Osler Circle
- 17 194' eecl of Osler Circle
- 18 211' eecl of Osler Circle
- 19 228' eecl of Osler Circle
- 20 266' eecl of Osler Circle

\* wwcl = west of west curb line

\* eecl = east of east curb line

A total of 7 raised precast concrete planters shall be placed on the east sidewalk along West Service Drive between Civic Center Boulevard and Health Sciences Drive. The planters are 4' square in width, and 36" in height. The face of each planter will be placed approximately 2' behind the face of the curb of West Service Drive, leaving approximately 12' between the planter and the building.

The centerline location of each planter along West Service Drive is as follows:

Planter Location

- 1 56' ssrwl of Civic Center Boulevard
- 2 89' ssrwl of Civic Center Boulevard
- 3 122' ssrwl of Civic Center Boulevard
- 4 155' ssrwl of Civic Center Boulevard
- 5 188' ssrwl of Civic Center Boulevard
- 6 221' ssrwl of Civic Center Boulevard
- 7 254' ssrwl of Civic Center Boulevard

\* ssrwl = south of south right-of-way line

Bicycle Rack

Beginning at approximately 160' south of the south right-of-way line of Civic Center Boulevard for a distance of 90', approximately 20 loop bicycle racks shall be placed on the east sidewalk along West Service Drive, between Civic Center Boulevard and Health Sciences Drive. The racks are the standard

design for the University City area and consist of a single U loop 2.5” diameter pipe with the bottom of the loop approximately 2.5’ apart. The face of each rack will be placed 1’-10” behind the back of the curb of West Service Drive, leaving approximately 13’ between the bike rack and the building. The bike racks will be angled approximately 55 degrees from the curb line.

### West Service Drive Bollards

Beginning at approximately 92’ north of the north curb line of Health Sciences Drive, on the easterly side of West Service Drive, approximately 7 security bollards, at approximately 6” in diameter and 3’-8” in height projecting approximately a maximum distance of 4’ onto the right-of-way, leaving approximately 7.5’ of clearance between the bollard and building for pedestrian traffic. Each security bollard will be typically spaced at 5.75’ on center with approximately a 3’ square, 1’ deep foundation.

SECTION 2. Before exercising any rights or privileges under this Ordinance, The Children’s Hospital of Philadelphia must first obtain or have its 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 or privileges under this Ordinance, The Children’s Hospital of Philadelphia shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that The Children’s Hospital of Philadelphia, shall, *inter alia*:

- (a) upon one hundred and eighty (180) days notice from the City, remove the encroachments described in Section 1 without cost or expense to the City and shall remove the encroachments described in Section 1 at no cost or expense to the City of Philadelphia when given written notice to do so by the City of Philadelphia to accommodate a municipal or municipal sponsored construction project;
- (b) furnish the City with 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 encroachments described in Section 1 or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that The Children’s Hospital of Philadelphia self-assumes liabilities and obligations normally covered by a 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 construction or removal of the encroachments described in Section 1;
- (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 The Children’s Hospital of Philadelphia is self-insured and is 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 encroachments 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 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 of any affected streets.

SECTION 3. The construction, use and maintenance of the various encroachments described 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 and the Department of Streets, provided that the Department of Streets, in its sole, unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice.

SECTION 4. The City Solicitor shall include in the Agreement such other terms and conditions deemed necessary to protect the interests of the City.

SECTION 5. The permission granted to The Children's Hospital of Philadelphia to construct, own and maintain the encroachments described in Section 1 shall expire without any further action by the City of Philadelphia if The Children's Hospital of Philadelphia has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 4 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 costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes law.