

Legislation Text

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Authorizing the installation, ownership, and maintenance of various encroachments along the 700 Block of Sansom Street, Philadelphia, PA 19106, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Center City District (“CCD”) to install, own, and maintain encroachments in the vicinity of the 700 Block of Sansom Street (the “Encroachment”) as follows:

Property: 737 Sansom Street, Philadelphia, PA, 19106; 735 Sansom Street, Philadelphia, PA, 19106; 734-32 Sansom Street, Philadelphia, PA, 19106; 733 Sansom Street, Philadelphia, PA, 19106; 730-32 Sansom Street, Philadelphia, PA, 19106; 729 Sansom Street, Philadelphia, PA, 19106; 728 Sansom Street, Philadelphia, PA, 19106; 727 Sansom Street, Philadelphia, PA, 19106; 726 Sansom Street, Philadelphia, PA, 19106; 725 Sansom Street, Philadelphia, PA, 19106; 724 Sansom Street, Philadelphia, PA, 19106; 723 Sansom Street, Philadelphia, PA, 19106; 722 Sansom Street, Philadelphia, PA, 19106; 721 Sansom Street, Philadelphia, PA, 19106; 720 Sansom Street, Philadelphia, PA, 19106; 719 Sansom Street, Philadelphia, PA, 19106; 718 Sansom Street, Philadelphia, PA, 19106; 717 Sansom Street, Philadelphia, PA, 19106; 716 Sansom Street, Philadelphia, PA, 19106; 715 Sansom Street, Philadelphia, PA, 19106; 713 Sansom Street, Philadelphia, PA, 19106; 712-14 Sansom Street, Philadelphia, PA, 19106; 711 Sansom Street, Philadelphia, PA, 19106; 709 Sansom Street, Philadelphia, PA, 19106; 708 Sansom Street, Philadelphia, PA, 19106; 701-07 Sansom Street, Philadelphia, PA, 19106; 700 Sansom Street, Philadelphia, PA, 19106; 115 South 8th Street, Philadelphia, PA, 19106; 131 South 8th Street, Philadelphia, PA, 19106; 128 South 7th St, Philadelphia, PA 19106; 118 South 7th St, Philadelphia, PA 19106 (the “Properties”)

Encroachment Description:

Various proposed encroachments are located along the west curblines of South 7th Street, along the north and south curblines of Sansom Street, and along the east curblines of South 8th Street, written in (6) six parts.

Part 1 (Sign 1)

A proposed decorative and illuminated Gateway Street sign will be located at a point offset of two feet (2'-0") along the north and south curblines of the 700 block of Sansom Street and will encroach a distance of approximately thirty-three feet (33'-0") towards the north, spanning fifteen feet (15'-0") in clearance height over Sansom Street starting from a point approximately two hundred twenty-five feet six inches (225'-6") west of the South 7th Street curblines to a point approximately two feet (2'-0") farther west leaving a minimum of seven feet six inches (7'-6") of clear unobstructed footway.

Part 2 (Sign 2)

A proposed decorative Gateway Street sign will be located at a point offset of two feet (2'-0") along the east curblines of South 8th Street and will encroach a distance of approximately two feet (2'-0") towards the west along the west footway of South 8th Street starting from a point approximately forty-five feet five inches (45'-5") south of the Chestnut Street south curblines to a point approximately two feet (2'-0") farther south leaving a

minimum of six feet (6'-0") of clear unobstructed footway. The clearance height is eight feet (8'-0").

Part 3 (Sign 2)

A proposed decorative Gateway Street sign will be located at a point offset of two feet (2'-0") along the west curbline of South 7th Street and will encroach a distance of approximately four feet one inch (4'-1") towards the west along the west footway of South 7th Street starting from a point approximately fifty-one feet three inches (51'-3") north of the Walnut Street north curbline to a point approximately two feet (2'-0") farther north leaving a minimum of six feet (6'-0") of clear unobstructed footway. The clearance height is eight feet (8'-0").

Part 4 (Planters)

Thirty-one (31) proposed planters will be located along the north parking lane cartway of the 700 block of Sansom Street curbline encroaching a distance of approximately six feet (6'-0") towards the south along the north parking lane cartway of the 700 block of Sansom Street starting from a point approximately thirty four feet (34'-0") west of the west curbline of South 7th Street to a point approximately fifty-two feet seven inches (52'-7") east of the east curbline of South 8th Street. Each planter is six feet (6'-0") in length, six feet (6'-0") in width and four feet (4'-0") in height. A travel lane is to remain after installation.

Part 5 (Pedestal)

A proposed pedestal will be located at a point offset of two feet (2'-0") along the north curbline of the 700 block of Sansom Street and will encroach a distance of approximately two feet (2'-0") towards the north starting from a point two hundred ten feet nine inches (210'-9") west of the South 7th Street curbline to a point approximately four feet (4'-0") farther west leaving a minimum of seven feet six inches (7'-6") of clear unobstructed footway.

Part 6 (Overhead Lighting)

A proposed decorative overhead lighting system mounted to CCD owned and managed banner poles will be located above the 700 block of Sansom Street.

SECTION 2. The construction, use and maintenance of the Encroachment described and 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, 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 3. Before exercising any rights or privileges under this Ordinance, CCD 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 and privileges under this Ordinance, CCD shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that CCD, *inter alia*:

- (a) Maintains and keeps in good repair and working order the Encroachments to the satisfaction of the Streets Department;
- (b) agrees that upon one hundred and eighty (180) days notice from the City, it shall remove the Encroachment(s) at no cost and 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;

- (c) shall 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) shall 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 of the Encroachment;
- (e) shall 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 CCD 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) shall insure that all construction contractors for the Encroachment 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;
- (g) shall 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 footway adjacent to the Encroachment described in Section 1;
- (h) indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss resulting from injury to, or death to persons or damage to properties arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of the Encroachment. CCD shall also agree to release the City from any and all claims relating to the Encroachment, including if ordered removed or when street, sidewalk or utility construction occurs; and
- (i) 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 Law Department to insure the compliance with all the terms and conditions of this Ordinance and the Agreement, or in lieu thereof, submit documentation in a form and content acceptable to the City that CCD self-assumes the liabilities and obligations normally covered by the Surety Bond.

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 CCD to install, own, and maintain the Encroachment described in Section 1 shall expire without any further action by the City of Philadelphia if CCD has not entered into an Agreement 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 costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes

law.