

Legislation Text

File #: 010693, **Version:** 0

Authorizing Charles McNeil, owner of the property located at 432 South Forty-eighth Street, Philadelphia, PA, 19143, to construct, use and maintain a wooden deck extension with support columns, on and over the south footway of Osage avenue adjacent to the property 432 South Forty-eighth street; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Charles McNeil, 432 South Forty-eighth Street, Philadelphia, PA 19143, owner of the property located at 432 South Forty-eighth Street, Philadelphia, PA, 19143, to construct, use and maintain a wooden deck extension with support columns on and over the south footway of Osage avenue, adjacent to the property 432 South Forty-eighth street.

The wooden deck extension with support columns will project a maximum of approximately three feet, nine inches (3'-9") onto and over the south footway of Osage avenue leaving a clear footway of approximately nine feet, three inches (9'-3"). The wooden deck extension with support columns will be located between a point located approximately one hundred and two feet (102') west of the west curb line of Forty-eighth street and a point approximately one hundred and eighteen feet (118') west of the west curb line of Forty-eighth street, for an overall length along Osage avenue of approximately sixteen feet (16'). The wooden deck is approximately ten feet (10') above the footway of Osage avenue.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Charles McNeil 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, Charles McNeil shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Charles McNeil 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 City Solicitor to insure the compliance with all the terms and conditions of this Ordinance and the 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 erection and use of the wooden deck extension with support columns that is described in Section 1 of this Ordinance;
- (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 wooden deck extension with support columns authorized by Section 1 does not exceed the dimensions set forth 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; and

(f) Remove the wooden deck extension with support columns authorized by Section 1 from the public right-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

SECTION 3. 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 4. The permission granted to Charles McNeil to construct a wooden deck extension with support columns on and over the south footway of Osage avenue adjacent to the property 432 South Forty-eighth street shall expire without any further action by the City of Philadelphia if Charles McNeil 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.