

Legislation Text

File #: 240119, **Version:** 0

Authorizing encroachments in the nature of two new light poles and three existing light poles in the vicinity of the Southeast and Northwest corners of John F. Kennedy Boulevard and North Broad Streets and the Northeast corner of John F. Kennedy Boulevard and N. Juniper Street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the owner of the light poles, identified as: Trustees of Title to the Masonic Temple and Other Real Estate of the Grand Lodge (the "Owner") to install, own, and maintain encroachments at the Property as follows:

Property Address:

Southeast and Northwest corners of John F. Kennedy Boulevard and North Broad Streets, and in the vicinity of the Northeast corner of John F. Kennedy Boulevard and N. Juniper Street, Philadelphia, PA 19107 (the "Property").

Encroachment Description:

Two new light poles ("New Light Pole 1" and "New Light Pole 2") will be installed to illuminate the façade of the Masonic Library and Museum Temple" located at 33 N. Broad Street (a/k/a 1 N. Broad Street). The new light poles will be located at the Northwest and Southeast corners of John F. Kennedy Boulevard and North Broad Street. Two existing poles ("Existing Light Pole 1" and "Existing Light Pole 2") will be re-fit with new lighting fixtures to illuminate the façade of the Temple. One other existing pole will remain and will have no lighting fixtures installed ("Existing Light Pole 3").

New Light Pole 1 will be located at the Southeast corner of John F. Kennedy Boulevard and North Broad Street (an area adjacent to the parcel of land where City Hall is currently located) and will be approximately 20 feet tall and 12 inches in diameter at the base. New Light Pole 1 will be located approximately 10 feet from the outside edge of the curb, in line with existing poles in the area and will be centered on the south-facing façade of the South Tower of the Temple (the "Tower"). New Light Pole 1 will be located approximately 4 feet from an existing pole to be removed. The passable sidewalk area will remain as existing.

New Light Pole 2 will be located at the Northwest corner of John F. Kennedy Boulevard and North Broad Street (which is an area adjacent to the parcel of land where the Municipal Services Building is currently located). New Light Pole 2 will be approximately 20 feet tall and 12 inches in diameter at the base. New Light Pole 2 will be located approximately 5 feet from the outside edge of the curb in an area of the sidewalk between an existing traffic signal and refuse bin. New Light Pole 2 will be centered on the west-facing façade of the Tower. The impact to the passable sidewalk will be de minimis.

Existing Light Pole 1 is currently located at the Southeast corner of John F. Kennedy Boulevard and

North Broad Street (an area adjacent to the parcel of land where City Hall is currently located). Existing Light Pole 1 is located approximately 10 feet from the outside edge of the curb, in line with existing poles in the area and is illuminating the south-facing façade of the Temple. Existing Light Pole 1 is located approximately 80 feet to the east of where New Light Pole 1 will be installed.

Existing Light Pole 2 is located at the Northwest corner of John F. Kennedy Boulevard and North Broad Street (an area adjacent to the parcel of land where the Municipal Services Building is currently located). Existing Light Pole 2 is located approximately 5 feet from the outside edge of the curb and is illuminating the west-facing façade of the Temple. Existing Light Pole 2 is located approximately 75 feet to the north of where New Light Pole 2 will be installed.

Existing Light Pole 3 is located at the Northwest corner of John F. Kennedy Boulevard and North Broad Street (which is an area adjacent to the parcel of land where the Municipal Services Building is currently located). Existing Light Pole 3 is located approximately 5 feet from the outside edge of the curb. This pole is located approximately 125 feet to the north of where New Light Pole 2 will be installed. Existing light fixtures on Existing Light Pole 3 will be removed and no new light fixtures will be installed.

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, Owner 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, Owner shall enter into an Encroachment Agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Owner, inter alia:

- (a) agrees that upon one hundred eighty (180) days’ notice from the City, it shall remove the Encroachment without cost or expense to the City when given written notice to do so by the City of Philadelphia to reasonably accommodate a municipal or municipal sponsored project;
- (b) all 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;
- (c) 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 reason of the construction of the Encroachment;
- (d) 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 Owner 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;

(e) shall insure that all construction contractors for the Encroachment carry public liability and property damage insurance, naming the City of Philadelphia as an additional insured party in such amounts as shall be reasonably satisfactory to the City Solicitor;

(f) 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;

(g) 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 property arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of the Encroachment. Owner shall also agree to release the City from any and all claims reasonably relating to the Encroachment, including if ordered removed or when street, sidewalk or utility construction occurs in the vicinity of the Encroachment; and

(h) furnish the City with either a bond with corporate surety in an amount reasonably 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 Owner 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 Owner to install, own, and maintain the Encroachment described in Section 1 shall expire without any further action by the City of Philadelphia if Owner 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.