

Legislation Text

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Authorizing the McDonald's Corporation, 150 South Warner road, King of Prussia, PA 19406, tenant of the property 942 Market street, Philadelphia, PA 19107, to construct and maintain an electrified marquee and three-dimensional icon attached to the building and projecting over the south footway of Market street and the east footway of Tenth street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the McDonald's Corporation, tenant of the property 942 Market street (owned by The Kieserman Partnership, c/o Lanared & Axilbund, 399 Market street, Philadelphia, PA 19106), to construct and maintain an electrified marquee and three-dimensional icon attached to the southeast corner of the building and projecting a maximum of approximately two feet, six inches (2'-6") over the south footway of Market street, and a maximum of approximately two feet, six inches (2'-6") over the east footway of Tenth street. The electrified marquee and the three-dimensional icon will have a minimum vertical clearance above the footways of approximately twelve feet (12') and a maximum vertical clearance above the footways of approximately twenty-two feet (22').

SECTION 2. Before exercising any rights or privileges under this Ordinance, the McDonald's Corporation 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, the McDonald's Corporation shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that McDonald's Corporation 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 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 maintenance of the electrified marquee and three-dimensional icon;
- (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 electrified marquee and three-dimensional icon encroaches over the public rights-of-way no more than 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;

(f) remove the electrified marquee and three-dimensional icon encroaching over the public rights-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia; and

(g) obtain confirmation in a form acceptable to the City Solicitor from the owner(s) of the property 942 Market street that the owner(s) have no objection to the erection of the electrified marquee and three-dimensional icon authorized by this Ordinance.

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 the McDonald's Corporation to construct and maintain an electrified marquee and three-dimensional icon over the south footway of Market street and the east footway of Tenth street and attached to the property 942 Market street shall expire without any further action by the City of Philadelphia if the McDonald's Corporation 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 with sixty (60) days after this Ordinance becomes law.