

## Legislation Text

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**File #:** 180422, **Version:** 0

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Authorizing The Phillies (“Owner”) to construct, install, own and maintain encroachments consisting of security bollards, permanent operable barricades, and removable barricades with permanent foundations along and adjacent to Citizens Bank Park located at 1 Citizens Bank Way, Philadelphia, PA 19148 (the “Property”), under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Owner to construct, install, own and maintain security bollards, permanent operable barricades, and removable barricades with permanent foundations (including related landscaping) along and adjacent to the Property (collectively, the “Encroachments”) as follows:

Encroachment Description:

Security bollards on a reinforced foundation (including related landscaping) located around the perimeter of Citizens Bank Park in the north footway of Pattison Avenue, the west footway of Darien Street, the south footway of Phillies Drive (formerly known as Hartranft Street) and the east footway of Citizens Bank Way.

Permanent operable barricades partially located in the south footway of Phillies Drive (formerly known as Hartranft Street).

Permanent operable barricades partially located in the east footway of Citizens Bank Way.

Security bollards on a reinforced foundation (including related landscaping) and removable barricades with permanent foundations located in the north footway of Pattison Avenue at Citizens Bank Way.

Security bollards on a reinforced foundation (including related landscaping) located in the west footway of Citizens Bank Way.

Security bollards on a reinforced foundation (including related landscaping) located in the east and west footways of 10th Street at Phillies Drive (formerly known as Hartranft Street).

Security bollards on a reinforced foundation (including related landscaping) located in the north footway of Phillies Drive (formerly known as Hartranft Street) at Darien Street.

Removable barricades with permanent foundations in the cartway of Phillies Drive (formerly known as Hartranft Street) at Darien Street.

Removable barricades with permanent foundations in the cartway of 10th Street at Phillies Drive (formerly known as Hartranft Street).

Security bollards on a reinforced foundation (including related landscaping) located in a certain 50' wide right-of-way reserved for drainage purposes and public utility purposes, said 50' right-of-way extending from the westerly end of Phillies Drive (formerly known as Hartranft Street) to the southwest corner of the intersection of 10th Street and the former Geary Street (reserved as a right-of-way for drainage purposes).

All security bollards shall be set a minimum one foot six inches (1'-6") from the face of curb.

SECTION 2. The construction, use and maintenance of the Encroachments 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 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' prior written notice from the City, it shall remove the Encroachments without cost or expense to the City and shall remove the Encroachments 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;
- (b) 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;
- (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 the reason of the construction of the Encroachments;
- (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 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 Encroachments described in Section 1; and
- (g) 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 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 construct, install, own and maintain the Encroachments 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 two (2) years 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.