

## Legislation Text

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Authorizing Temple University Hospital, 3401 North Broad Street, Philadelphia, PA 19122, its successors and assigns, to construct, own and maintain an overhead weather protection structure (roof) encroachment crossing a portion of W. Tioga Street, terminating within the property of two hospital building facilities (3401 and 3501-17 N. Broad Street) on the north and south sides of W. Tioga Street, under certain terms and conditions.

**WHEREAS**, Temple University Hospital is the owner of properties located at 3401 and 3501-17 N. Broad Street, Philadelphia, PA 19122; and

**WHEREAS**, Temple University Hospital has requested permission to construct, own and maintain an overhead weather protection structure (roof) encroachment and the structure is being built in conjunction with an approved City Plan change, approved by the Board of Surveyors on February 18, 2005, creating a lay-by lane and traffic island to be located beneath the roof structure; now, therefore

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

**SECTION 1.** Temple University Hospital, its successors and assigns, is hereby authorized to construct, own and maintain an overhead weather protection structure (roof) encroachment crossing a portion of W. Tioga Street, terminating within the property of two (2) hospital building facilities (3401 and 3501-17 N. Broad Street) on the north and south sides of W. Tioga Street as follows:

The structure is approximately seventy-four feet (74') in length (measured north to south), approximately fifty-four feet (54') in width (measured east to west) with a minimum clearance of twenty feet (20') above W. Tioga Street. The centerline of the structure is located approximately one hundred and sixty-six feet (166') east of the east curbline of N. Broad Street. The structure will include an identification sign approximately twenty-eight feet (28') in length by two feet (2') high mounted atop the west side of the structure.

**SECTION 2.** The construction, use and maintenance of the overhead weather protection structure (roof) encroachment 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.

**SECTION 3.** Before exercising any rights or privileges under this Ordinance, Temple University Hospital must first obtain or have their 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, Temple University Hospital shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Temple University Hospital shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the overhead weather protection structure (roof) encroachment without cost or expense to the City and shall restore the cartway and footways of W. Tioga Street 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) 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, and to protect and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the construction, maintenance or use of the overhead weather protection structure (roof) encroachment or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Temple University Hospital self-assumes liabilities and obligations normally covered by Surety Bond;
- (c) 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) 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 overhead weather protection structure (roof) encroachment;
- (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 Law Department, or in lieu thereof, submit documentation in form and content acceptable to the City that Temple University Hospital 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) insure that all construction contractors for the overhead weather protection structure (roof) 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 Law Department;
- (g) 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 right-of-way of W. Tioga Street.

**SECTION 4.** The Law Department 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 Temple University Hospital to construct, own and maintain the overhead weather protection structure (roof) encroachment described in Section 1 shall expire without any further action by the City of Philadelphia if Temple University Hospital 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 the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.