

Legislation Text

File #: 060376, **Version:** 0

Authorizing Nick's Roast Beef, 2212-16 Cottman Avenue, Philadelphia, PA 19149, to construct, own and maintain a vestibule addition on the south public sidewalk of Cottman Avenue adjacent to the property, under certain terms and conditions.

WHEREAS, Thomas M. Gannon is the owner of Nick's Roast Beef located at 2212-16 Cottman Avenue, Philadelphia, PA 19149; and

WHEREAS, Nick's Roast Beef has requested permission to construct, own and maintain a vestibule addition located on the south public sidewalk of Cottman Avenue adjacent to the property; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Nick's Roast Beef, its successors and assigns, is hereby authorized to construct, own and maintain the vestibule addition as follows:

The vestibule addition is approximately twelve feet six inches (12'-6") in length, approximately eleven feet (11'-0") in height (measured at the roof peak) and projects approximately five feet six inches (5'-6") onto the south sidewalk of Cottman Avenue leaving a clear unobstructed footway of fourteen feet six inches (14'-6"). The centerline of the proposed vestibule is located approximately one hundred and fifty-two feet (152'-0") east of the east curb line of Horrocks Street.

SECTION 2. The construction, use and maintenance of the vestibule 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 and the Department of Streets.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Nick's Roast Beef 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, Nick's Roast Beef shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Nick's Roast Beef shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the vestibule without cost or expense to the City and shall restore the cartway and footways aforesaid 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 vestibule or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Nick's Roast Beef 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 vestibule;
- (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 Nick's Roast Beef 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 vestibule, 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) insure that the building additions set forth in Section 1 above encroach on the public footways of Cottman Avenue no more than the dimensions listed in Section 1 above, provided that the Streets Department, in its sole, unreviewable discretion, may allow minor variation of the dimension limits of Section 1 within the standard tolerance of current engineering practice; and
- (h) 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 Cottman Avenue.

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 Nick's Roast Beef to construct, own and maintain the vestibule described in Section 1 shall expire without any further action by the City of Philadelphia if Nick's Roast Beef 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.