

Legislation Text

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Authorizing Anthony Lucidoni, owner of the property 39 Oregon avenue, Philadelphia, PA 19149, to construct and maintain a sidewalk café, awning, electric sign and seasonal enclosure onto and over the north footway of Oregon avenue adjacent to the property 39 Oregon avenue; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Anthony Lucidoni, who resides at the southeast corner of Fourth and Morris streets, Philadelphia, PA 19148, owner of the property 39 Oregon avenue, Philadelphia, PA 19148 and doing business as Tony Luke's Restaurant, to construct and maintain the following encroachments over the north footway of Oregon avenue adjacent to the property 39 Oregon avenue:

(i) an aluminum awning projecting a maximum of approximately seventeen feet (17') over the north footway of Oregon avenue from a point approximately two hundred and eighty feet (280') east of the curb line of Front street to a point approximately three hundred, forty-two feet, six inches (342'-6") east of the east curb line of Front street with a minimum vertical clearance above the footway of nine feet (9').

(ii) eight (8) poles to support the aluminum awning that are embedded into the north footway of Oregon avenue, spaced approximately nine feet (9') apart, extending approximately a maximum of sixteen feet, six inches (16'-6") from the property line and leaving approximately one foot, three inches (1'-3") clear footway.

(iii) seasonal enclosure panels, supported from tracks built into the aluminum awning structure above and projecting onto the north footway of Oregon avenue from the property line a maximum distance of approximately twelve feet (12'), leaving approximately a maximum of four feet, six inches (4'-6") of clear footway between the panels and the awning supports. The panels extend the entire length of the awning and are intended for use in the months November through March each year.

(iv) an electric sign, mounted on top of the aluminum awning and encroaching approximately a maximum of nine feet (9') over the north footway of Oregon avenue and beginning at a point approximately three hundred and eleven feet (311') east of the east curb line of Front street and having a width of approximately twelve inches (12").

(v) a sidewalk café that includes four (4) tables on the north footway of Oregon avenue extending a maximum of approximately twelve feet (12') from the property line.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Anthony Lucidoni 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, Anthony Lucidoni shall enter into an agreement ("Agreement") with the appropriate city department(s), in form satisfactory to the City Solicitor to

provide that Anthony Lucidoni 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 the 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 of any of the encroachments listed in Section 1 of this Ordinance.

(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 none of the encroachments authorized by Section 1 exceed 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; and

(f) remove each of the encroachments authorized by Section 1 from the public right-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

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 Anthony Lucidoni to construct the encroachments listed in Section 1 of this Ordinance shall expire without any further action by the City of Philadelphia if Anthony Lucidoni 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 within sixty (60) days after this Ordinance becomes law.