

Legislation Text

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Authorizing Raul Cabrera, owner of the property located at 162 West Wishart street, Philadelphia, PA, 19133, to construct, use and maintain a one (1) story garage extension on and over the east footway of Mascher street adjacent to the property 162 West Wishart street; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Raul Cabrera, 162 West Wishart street, Philadelphia, PA 19133, owner of the property located at 162 West Wishart street, Philadelphia, PA, 19133, to construct, use and maintain a one (1) story garage addition with a roller door projection on and over the east footway of Mascher street adjacent to the property 162 West Wishart street.

(a) The one (1) story addition with a roller door appurtenance of one foot, four inches (1'-4") will project approximately five feet, five inches (5'-5") onto and over the east footway of Mascher street. The addition will leave a clear footway of approximately six feet, six inches (6'6").

(b) The one story garage addition will be approximately eleven feet, five inches (11'-5") wide and will be located between a point approximately sixty-three feet, five inches (63'-5") north of the north curb line of Lippincott street and a point approximately seventy-four feet, ten inches (74'-10") north of the north curb line of Lippincott street. The minimum vertical clearance from the east footway of Mascher street to the underside of the roller door projection is approximately nine feet, one and one half inches (9'-1 ½").

SECTION 2. Before exercising any rights or privileges under this Ordinance, Raul Cabrera 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, Raul Cabrera shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Raul Cabrera 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 the one (1) story garage addition and roller door projection described 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 one (1) story garage addition and roller door projection authorized by Section 1

does not 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 the one (1) story garage addition and roller door projection 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 Raul Cabrera to construct a one (1) story garage addition and roller door projection on and over the east footway of Mascher street adjacent to the property 162 West Wishart street shall expire without any further action by the City of Philadelphia if Raul Cabrera 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.