

## Legislation Text

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**File #:** 000769, **Version:** 0

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Authorizing the Marriott Courtyard Hotel, tenant of the property 21 North Juniper Street, Philadelphia, PA 19107, to construct and maintain three aluminum flagpoles and three inground floodlight fixtures in and on the public right-of-way of North Juniper street adjacent to 21 North Juniper street, all under certain terms and conditions.

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

**SECTION 1.** Permission is hereby granted to the Marriott Courtyard Corporation, tenant of the property 21 North Juniper Street, Philadelphia, PA 19107 (owned by CNL Hospitality Corporation, 450 South Orange Avenue, Orlando, Florida 32801-3336) to construct and maintain:

(a) three (3) aluminum flagpoles with a maximum height of approximately forty-five feet (45') and located within the island area within the east footway of Juniper street at the following locations:

- (i) approximately fifteen feet, eleven inches (15'-11") south of the south curb line of Filbert street and approximately seven feet, three inches (7'-3") east of the east curb line of Juniper street.
- (ii) approximately twenty feet, nine inches (20'-9") south of the south curb line of Filbert street and approximately six feet, eleven inches (6'-11") east of the east curb line of Juniper street.
- (iii) approximately twenty-five feet, seven inches (25'-7") south of the south curb line of Filbert street and approximately ten feet (10') east of the east curb line of Juniper street.

(b) three inground floodlight fixtures and underground appurtenances within the island area within the east footway of Juniper street, each located approximately two feet (2') west of each flagpole listed in Section 1(a).

**SECTION 2.** Before exercising any rights or privileges under this Ordinance, the Marriott Courtyard Corporation 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, the Marriott Courtyard Corporation shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that the Marriott Courtyard Corporation 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 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 and maintenance of any of the various 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 none of the various 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;

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

(g) obtain confirmation in a form acceptable to the City Solicitor from the owner(s) of the property 21 North Juniper Street, Philadelphia, PA 19107 that the owner(s) have no objection to the erection of the various encroachments authorized by this Ordinance.

**SECTION 3.** The City Solicitor may include in the Agreement such other terms and conditions as the Solicitor deems necessary to protect the interests of the City.

**SECTION 4.** The permission granted to the Marriott Courtyard Corporation to construct and maintain various encroachments within the island area within the east footway of Juniper street shall expire without any further action by the City of Philadelphia if the Marriott Courtyard Corporation 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 with sixty (60) days after this Ordinance becomes law.