

Legislation Text

File #: 130529, **Version:** 1

Authorizing Brandywine Cira Post Office L.P. to construct, own and maintain various right-of-way encroachments at 2970 Market Street, all under certain terms and conditions.

WHEREAS, Brandywine Cira Post Office L.P. located at 2929 Arch Street, Philadelphia, PA 19104 is the owner and developer of the former United States Post Office building located at 2970 Market Street, Philadelphia, PA; and

WHEREAS, Brandywine Cira Post Office L.P. is currently undergoing construction for the new offices of the Internal Revenue Service; and

WHEREAS, Brandywine Cira Post Office L.P. has requested permission to construct, own and maintain various encroachments pursuant to its obligations by the United States Department of Homeland Security to provide security enhancements around the building; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Brandywine Cira Post Office L.P., its successors and assigns, and therefore is hereby authorized to construct, own and maintain various right-of-way encroachments (“Encroachments”) appurtenant to 2970 Market Street as follows:

Security Planters:

Approximately ten (10) security planters at various sizes, ranging from approximately three feet by nine feet (3ft x 9ft) to twenty feet by fifteen feet (20ft x 15ft), and four feet (4’) in height leaving over fifteen feet (15’) of clearance for pedestrian traffic.

SECTION 2. The construction, use and maintenance of the Encroachments described and 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, provided that the Department of Streets, in its sole, unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Brandywine Cira Post Office L.P. must first obtain or have its 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, Brandywine Cira Post Office L.P. shall enter into an agreement

("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Brandywine Cira Post Office L.P. *inter alia*:

(a) agrees that upon one hundred and eighty (180) days notice from the City, it shall remove the various Encroachments without cost or expense to the City and shall remove the various Encroachments 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) shall 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;

(c) shall 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 Encroachments;

(d) shall 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, or in lieu thereof, submit documentation in form and content acceptable to the City that Brandywine Cira Post Office L.P. 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.

(e) shall insure that all construction contractors for the various Encroachments 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 City Solicitor;

(f) shall 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 footway adjacent to the Encroachments described in Section 1; and

(g) 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 City Solicitor 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 Encroachments described in Section 1 or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Brandywine Cira Post Office L.P. self-assumes liabilities and obligations normally covered by Surety Bond.

SECTION 4. 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 5. The permission granted to Brandywine Cira Post Office L.P. to construct, own and maintain the Encroachments described in Section 1 shall expire without any further action by the City of Philadelphia if Brandywine Cira Post Office L.P. 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 costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes law.