



Legislation Text

File #: 100370, **Version:** 0

Authorizing Ilker Ugur, owner of Café Fulya, to construct, own and maintain two tables, four chairs, and two benches on the sidewalks located at 727 South Second Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Ilker Ugur to construct, own and maintain various sidewalk encroachments at 727 South Second Street as follows:

- Two tables and four chairs will be placed on the east sidewalk of South Second Street. The first table is located approximately twelve feet (12') north of the north curb line of Monroe Street and the second table is located approximately fifteen feet (15') north of the north curb line of Monroe Street. The first table is adjacent to the building and it encroaches approximately two feet (2') onto the east sidewalk. The second table is along the curb line and it encroaches approximately three feet six inches (3'-6") onto the east sidewalk. An existing tree planter along the curb line of South Second Street encroaches approximately four feet (4') onto the east sidewalk, leaving approximately six feet (6') of clear unobstructed footway. No rails will be used.
- Two benches will be placed adjacent to the building on the north sidewalk of Monroe Street. The first bench is located approximately fifteen feet (15') east of the east curb line of South Second Street and the second bench is located approximately twenty-one feet (21') east of the east curb line of South Second Street. Each bench encroaches approximately eighteen inches (18") onto the north sidewalk of Monroe Street, leaving approximately four feet three inches (4'-3") of clear unobstructed footway. No rails will be used.

The exact number, type and location of the encroachments are identified on plans that have been supplied to the Department of Streets for review and have been approved. The Department of Streets will maintain the authority to review and approve the location of each proposed encroachment prior to installation.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Ilker Ugur must first obtain all required permits, licenses and approvals from all appropriate City 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, Ilker Ugur shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the Law Department, to provide that Ilker Ugur shall, *inter alia*:

- (a) secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City, or from any other governmental entity as may be required by law;
- (b) assume the cost of all changes and adjustments to, or relocation or abandonment of, all utilities and structures within the public right-of-way which are necessary due to the construction of the

encroachments described in Section 1;

- (c) carry public liability and property damage insurance that covers the encroachments described in Section 1, co-naming the City of Philadelphia as an insured party, in such amounts as shall be satisfactory to the Law Department. Alternatively, if approved by the City of Philadelphia Office of Risk Management, furnish the City with documentation in a form acceptable to the Law Department acknowledging that Ilker Ugur is self insured and will protect the City against liability for property damages and liability for injuries or death to persons, including employees of Café Fulya, as a result of the ownership, construction, maintenance or removal of the encroachments described in Section 1;
- (d) remove or relocate any or all of the encroachments described in Section 1 of this Ordinance from the public right-of-way within sixty (60) days after lawful service of notice by the City of Philadelphia;
- (e) remove any of the encroachments described in Section 1 of this Ordinance from the public right-of-way pursuant to the applicable City specifications within sixty (60) days when the encroachment is no longer used for the purpose authorized by this Ordinance;
- (f) insure that each construction contractor for the encroachments described in Section 1 carries 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) 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
- (h) 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 encroachments described in Section 1 or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Ilker Ugur self-assumes the liabilities and obligations normally covered by the Surety Bond.

SECTION 3. The Law Department shall include in the Agreement such other terms and provisions deemed necessary to protect the interest of the City of Philadelphia.

SECTION 4. The permission granted to Ilker Ugur to construct, own and maintain the encroachments described in Section 1 shall expire without any further action by the City of Philadelphia if Ilker Ugur has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 2 of this Ordinance 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.