

Legislation Details (With Text)

File #: 020360 **Version:** 0 **Name:**

Type: Bill **Status:** ENACTED

File created: 5/16/2002 **In control:** Committee on Streets and Services

On agenda: **Final action:**

Title: Granting permission to Redhouse Bagels and Deli, LLC, tenant of the property 2501 Olive Street, Philadelphia, PA 19130, to operate and maintain an open air sidewalk cafe on the west footway of North Twenty-fifth street and the south footway of Olive street adjacent to the property 2501 Olive street, under certain terms and conditions.

Sponsors: Councilmember Clarke

Indexes: ENCROACHMENT

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result	Tally
9/6/2002	0	MAYOR	SIGNED		
6/13/2002	0	CITY COUNCIL	READ		
6/13/2002	0	CITY COUNCIL	PASSED	Pass	16:0
6/6/2002	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
6/6/2002	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
6/6/2002	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
5/30/2002	0	Committee on Streets and Services	HEARING NOTICES SENT		
5/30/2002	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
5/30/2002	0	Committee on Streets and Services	HEARING HELD		
5/16/2002	0	CITY COUNCIL	Referred		
5/16/2002	0	CITY COUNCIL	Introduced	Pass	

Granting permission to Redhouse Bagels and Deli, LLC, tenant of the property 2501 Olive Street, Philadelphia, PA 19130, to operate and maintain an open air sidewalk cafe on the west footway of North Twenty-fifth street and the south footway of Olive street adjacent to the property 2501 Olive street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Redhouse Bagels and Deli, LLC, tenant of the property 2501 Olive Street, Philadelphia, PA 19130 (owned by Elite Properties, P.O. Box 549, Blue Bell, PA 19422), to operate and maintain an open air sidewalk café adjacent to the property 2501 Olive street with:

(a) seven (7) tables encroaching a maximum of approximately three feet (3') on the west footway of North Twenty-fifth street leaving a minimum of approximately nine feet (9') unobstructed footway. The tables are located on the footway from a point approximately twenty feet (20') north of the north curb line of Olive street to a point approximately fifty-nine feet north of the north curb line of Olive street.

(b) one (1) table encroaching a maximum of approximately thirty inches (30") on the south footway of Olive street, leaving a minimum of approximately seven feet, six inches (7'-6") of unobstructed footway. The table is located on the footway from a point approximately twenty-one feet (21') west of the west curb line of North Twenty-fifth street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Redhouse Bagels and Deli, LLC 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, Redhouse Bagels and Deli, LLC shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the City Solicitor, which shall:

(a) furnish the City with a bond with corporate surety in the amount required by the Streets Commissioner and in a form satisfactory to the City Solicitor to insure compliance with all of the terms and conditions of this Ordinance and the aforementioned 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 open air sidewalk cafe;

(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) agree in writing that when, at the determination of the City of Philadelphia, the open sidewalk cafe necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Redhouse Bagels and Deli, LLC will absorb all costs and expenses for the performance of such work at no cost to the City;

(e) insure that the seven (7) tables on the west footway of North Twenty-fifth street and the one (1) table on the south footway of Olive street for the open air sidewalk cafe encroach no more than the dimensions listed in Section 1;

(f) 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;

(g) remove the open air sidewalk cafe within thirty (30) days upon service of lawful written notice from the Streets Department; and

(h) submit documentation in a form acceptable to the City Solicitor that the owner of the property, 2501 Olive Street, Philadelphia, PA 19130 has no objection to the Redhouse Bagels and Deli, LLC operating and maintaining an open air sidewalk café on the footways adjacent to the property 2501 Olive Street, Philadelphia, PA 19130.

SECTION 3. The City Solicitor shall include in the Agreement such other terms and conditions, as he

shall deem necessary or appropriate in the interest of the City.

SECTION 4. The permission granted to Redhouse Bagels and Deli, LLC, as tenants of the property 2501 Olive street, to maintain and operate an open air sidewalk café on the west footway of Twenty-fifth street and the south footway of Olive street adjacent to the property 2501 Olive street shall expire without any further action by the City of Philadelphia if Redhouse Bagels and Deli, LLC 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), is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.