

## Legislation Details (With Text)

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<b>File created:</b>	11/19/2020	<b>In control:</b>		Committee on Streets and Services	
<b>On agenda:</b>		<b>Final action:</b>		12/10/2020	
<b>Title:</b>	Authorizing encroachments in the nature of structural artwork consisting of metal manhole covers and traffic signs located in the vicinity of 6200 Osage Avenue, Philadelphia, PA 19143, and authorizing the City of Philadelphia to accept ownership of such encroachments, all under certain terms and conditions.				
<b>Sponsors:</b>	Councilmember Gauthier				
<b>Indexes:</b>	ENCROACHMENT				
<b>Code sections:</b>					
<b>Attachments:</b>	1. CertifiedCopy20066100.pdf				

Date	Ver.	Action By	Action	Result	Tally
12/15/2020	0	MAYOR	SIGNED		
12/10/2020	0	CITY COUNCIL			
12/3/2020	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL		
12/3/2020	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
12/3/2020	0	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
11/30/2020	0	Committee on Streets and Services	HEARING NOTICES SENT		
11/30/2020	0	Committee on Streets and Services	HEARING HELD		
11/30/2020	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
11/19/2020	0	CITY COUNCIL	Introduced and Referred		

Authorizing encroachments in the nature of structural artwork consisting of metal manhole covers and traffic signs located in the vicinity of 6200 Osage Avenue, Philadelphia, PA 19143, and authorizing the City of Philadelphia to accept ownership of such encroachments, all under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Bedo Productions Incorporated or a subsequent owner of encroachments, ("Owner") to install, own and maintain encroachments in the public right-of-way of the 6200 block of Osage Avenue, the 6200 block of Pine Street, the 400 block of S. 62nd Street and the 400 block of Cobbs Creek Parkway as follows:

Encroachment Description

The project consists of 18 permanent outdoor works that mimic manhole covers (nonfunctioning) and traffic signs that are distributed on the four city blocks identified in this Section 1. All elements will comply with the minimum 6-foot "walking zone" on 62<sup>nd</sup> Street, Pine Street, Cobbs Creek Parkway and the 5-foot minimum "walking zone" on Osage Avenue. Six manhole covers (nonfunctioning)

will be located on the sidewalk adjacent to the following addresses:

6254 Pine Street  
6212 Pine Street  
6245 Osage Avenue  
6213 Osage Avenue  
6256 Osage Avenue  
6214 Osage Avenue

Twelve traffic signs will be located on the sidewalk adjacent to the following addresses:

6253 Pine Street  
6207 Pine Street  
Between 6234/6236 Pine Street  
Between 6218/6220 Pine Street  
407 Cobbs Creek Parkway  
Between 413/415 Cobbs Creek Parkway  
408 62nd Street  
417 Cobbs Creek Parkway side (art will be located on Osage Avenue sidewalk)  
Between 6221/6223 Osage Avenue  
Between 6248/6250 Osage Avenue  
Between 6236/6238 Osage Avenue  
Between 6216/6218 Osage Avenue

SECTION 2. The ownership, installation, use and maintenance of the Encroachment 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, Owner 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, Owner shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Owner, *inter alia*:

- (a) agrees that upon one hundred and eighty (180) days notice from the City, it shall remove the Encroachment without cost or expense to the City and shall remove the Encroachment 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, or immediately if posing a safety hazard;
- (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 construction or installation of the Encroachment;
- (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 Owner 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 Encroachment 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 Encroachment described in Section 1;
- (g) indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss resulting from injury to, or death to persons or damage to property arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of the Encroachment. Owner shall also agree to release the City from any and all claims relating to the Encroachment, including if ordered removed or when street, sidewalk or utility construction occurs; 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, or in lieu thereof, submit documentation in a form and content acceptable to the City that Owner self-assumes the liabilities and obligations normally covered by the 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 Owner to install own and maintain the Encroachment described in Section 1 shall expire without any further action by the City of Philadelphia if Owner 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. The City is authorized, in its sole discretion, to accept ownership of the Encroachment described and listed under Section 1, under such terms as may be determined by the applicable City departments and City Solicitor, subject to the laws, rules and regulations of the City of Philadelphia, and specifically those of the Art Commission.

SECTION 7. 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.