Legislation Details (With Text)

File #:	220811	**Version:** 0	**Name:**		
Type:	Bill		**Status:**	ENACTED	
File created:	10/6/2022		**In control:**	Committee on Streets and Services	
On agenda:			**Final action:**	11/17/2022	
Title:	Authorizing the owner of 3542 Calumet Street, Philadelphia, PA 19129, to install, own, and maintain various encroachments at such property, under certain terms and conditions.				
Sponsors:	Councilmember Jones				
Indexes:	ENCROACHMENT				
Code sections:					
Attachments:	1. Bill No. 22081100.pdf				

Date	Ver.	Action By	Action	Result	Tally
11/30/2022	0	MAYOR	SIGNED		
11/17/2022	0	CITY COUNCIL	READ AND PASSED	Pass	10:0
11/3/2022	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL		
11/3/2022	0	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
11/3/2022	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
10/28/2022	0	Committee on Streets and Services	HEARING NOTICES SENT		
10/28/2022	0	Committee on Streets and Services	HEARING HELD		
10/28/2022	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
10/6/2022	0	CITY COUNCIL	Introduced and Referred		

Authorizing the owner of 3542 Calumet Street, Philadelphia, PA 19129, to install, own, and maintain various encroachments at such property, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the owner of the property identified below, currently Peter DeStefano and Katerina Minakakas, or a subsequent owner (the "Owner(s)"), to install, own, and maintain encroachments at 3542 Calumet Street (the "Encroachment") as follows:

Property: 3542 Calumet Street, Philadelphia, PA 19129 (the "Property")

Encroachment Description:

Two (2) proposed planters, located along the east Right-of-Way line of Calumet Street, from a point approximately three hundred thirty-nine feet and six inches (339'-6") south of the Warden Drive south Right-of-

Way line to a point approximately three feet and six inches (3'-6") nearer north and encroaching upon the east footway of Calumet Street approximately one foot and nine inches (1'-9") toward the west.

A minimum six feet (6'-0") of clear passable sidewalk space is to remain after installation.

SECTION 2. The construction, 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) Maintains and keeps in good repair and working order the Encroachments to the satisfaction of the Streets Department;

(b) agrees that upon thirty (30) days notice from the City, it shall remove the Encroachment(s) 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;

(c) 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;

(d) 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 of the Encroachment;

(e) 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;

(f) 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;

(g) 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;

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(h) 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

(i) 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) years 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.

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