



Legislation Details (With Text)

**File #:** 230841      **Version:** 0      **Name:**

**Type:** Bill      **Status:** ENACTED

**File created:** 11/16/2023      **In control:** Committee on Streets and Services

**On agenda:**      **Final action:** 12/14/2023

**Title:** Authorizing encroachments in the nature of projecting canopies in the vicinity of 200 S. Broad Street, Philadelphia, PA 19102, under certain terms and conditions.

**Sponsors:** Councilmember Johnson

**Indexes:** ENCROACHMENT

**Code sections:**

**Attachments:** 1. CertifiedCopy23084100

Date	Ver.	Action By	Action	Result	Tally
12/20/2023	0	MAYOR	SIGNED		
12/14/2023	0	CITY COUNCIL	READ AND PASSED	Pass	15:0
12/7/2023	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL		
12/7/2023	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
12/5/2023	0	Committee on Streets and Services	HEARING NOTICES SENT		
12/5/2023	0	Committee on Streets and Services	HEARING HELD		
12/5/2023	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
11/16/2023	0	CITY COUNCIL	Introduced and Referred		

Authorizing encroachments in the nature of projecting canopies in the vicinity of 200 S. Broad Street, Philadelphia, PA 19102, 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, 200 S BROAD PROPERTY OWNER LLC or the owner's designee (the "Owner"), to install, own, and maintain an encroachment at the Property, as follows:

Encroachment Description:

Property: 200 S. Broad Street, Philadelphia, PA 19102 D/B/A The Bellevue

Projecting canopies located as follows, with a eleven feet eight inches (11'-8") of clear passable sidewalk space to remain after installation of each part identified below:

A total of two (2) columns, one (1) building access ramp, and two (2) planters and for projecting canopies will be located along the west sidewalk of South Broad Street along the property line of 200 South Broad Street written in three parts:

Part 1: Two (2) Proposed Columns written in two parts:

One (1) proposed column will be located adjacent to the building of 200 South Broad Street and will encroach a distance of approximately three feet ten inches (3'-10") towards the east along the west footway of South Broad Street starting from a point approximately ninety-six feet five inches (96'-5") south of the Walnut Street south curbline to a point approximately three feet nine inches (3'-9") farther south.

One (1) proposed column will be located adjacent to the building of 200 South Broad Street and will encroach a distance of approximately three feet ten inches (3'-10") towards the east along the west footway of South Broad Street starting from a point approximately one hundred and eighteen feet eleven inches (118'-11") south of the Walnut Street south curbline to a point approximately three feet nine inches (3'-9") farther south.

Each column is three feet nine inches (3'-9") in length three feet ten inches (3'-10") in width and twenty feet three inches (21'-3") in height.

A minimum of twelve feet (12'-0") of clear passable sidewalk space is to remain after installation.

Part 2: One (1) Proposed Building Access Ramp

One (1) proposed building access ramp will be located adjacent to the building of 200 South Broad Street and will encroach a distance of approximately nine feet six inches (9'-6") towards the east along the west footway of South Broad Street starting from a point approximately one hundred and thirty-eight feet (138'-0") south of the Walnut Street south curbline to a point approximately fifty-one feet five inches (51'-5") farther south.

A minimum of eleven feet eight inches (11'-8") of clear passable sidewalk space is to remain after installation.

Part 3: Two (2) Proposed Planters written in two parts:

One (1) proposed planter will be located along the west curbline of South Broad Street from a point approximately ninety-six feet nine inches (96'-9") south of the Walnut Street south curbline to a point approximately three feet (3'-0") farther south and encroaching upon the west footway of south Broad Street starting at a point offset one foot two inches (1'-2") to a point three feet (3'-0") farther west.

One (1) proposed planter will be located along the west curbline of South Broad Street from a point approximately one hundred and nineteen feet three inches (119'-3") south of the Walnut Street south curbline to a point approximately three feet (3'-0") farther south and encroaching upon the west footway of south Broad Street starting at a point offset one foot two inches (1'-2") to a point three feet (3'-0") farther west.

Each planter is six feet (3'-0") in diameter and three feet (3'-0") in height.

A minimum of twelve feet (12'-0") of clear passable sidewalk space is to remain after installation.

SECTION 2. Before exercising any rights or privileges under this Ordinance, 200 SOUTH BROAD PROPERTY OWNER 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, before exercising any rights or privileges under this Ordinance, 200

SOUTH BROAD PROPERTY OWNER LLC shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide 200 SOUTH BROAD PROPERTY OWNER LLC shall, inter alia:

- (a) furnish the City with a bond with corporate surety in the amount required by the Department of Streets and in a form satisfactory to the City Solicitor to insure compliance with all the terms and conditions of this Ordinance and the 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 erection and maintenance of any of the columns, access ramp and planters listed in Section 1 of this Ordinance;
- (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) insure that none of the columns, access ramp or planters authorized by Section 1 exceed the dimensions set forth in Section 1;
- (e) 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; and
- (f) remove each of the columns, access ramp and planters authorized by Section 1 from the public rights-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

SECTION 3. The City Solicitor may include in the Agreement such other terms and conditions as the Solicitor deems necessary to protect the interests of the City.

SECTION 4. The permission granted to 200 SOUTH BROAD PROPERTY OWNER LLC to construct and maintain two columns, one access ramp and two planters with foundations on, over and under certain public rights-of-way set forth in Section 1 shall expire without any further action by the City of Philadelphia if 200 SOUTH BROAD PROPERTY OWNER 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), toward the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.