

Legislation Text

File #: 140008, **Version:** 1

Authorizing Liberty Property 18th & Arch, LP to construct, use and maintain, an underground pedestrian tunnel crossing the Unit block of 18th Street extending the existing underground transit concourse westward beneath 18th Street and an underground utility vault, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Liberty Property 18th & Arch, LP (the “Owner”), to construct, use and maintain (i) an underground pedestrian tunnel crossing the Unit block of 18th Street extending the existing underground transit concourse westward beneath 18th Street and (ii) an underground utility vault. The underground pedestrian tunnel spans the entire right-of-way of 18th Street, with a minimum vertical clearance of one foot (1’) below the final grade of the roadway. The underground pedestrian tunnel is approximately eighteen feet (18’) wide and approximately eleven feet (11’) high. The underground pedestrian tunnel and underground utility vault will be located within the area described on Exhibit A attached hereto and made a part hereof which area is illustrated on the plan shown on Exhibit B attached hereto and made a part hereof.

SECTION 2. The construction, use, and maintenance of the underground pedestrian tunnel and underground utility vault 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 and the Department of Streets, provided that the Department of Streets, in its sole, unreviewable discretion, may allow minor variations of the dimension limits in 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 their 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 Law Department, to provide that Owner *inter alia*:

- (a) 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 underground pedestrian tunnel and the underground utility vault, or in lieu thereof, submit documentation in a form and content acceptable to the City that Owner self-assumes liabilities and obligations normally covered by surety bond;
- (b) 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) 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 underground pedestrian tunnel and the underground utility vault;
- (d) 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 Law Department, 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; and
- (e) 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 right-of-way of any affected streets aforesaid.

SECTION 4. The Law Department 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 construct, own and maintain the underground pedestrian tunnel and underground utility vault 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 two (2) 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.

EXHIBIT A
Legal Description

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, SITUATE in the 8th Ward of the City of Philadelphia and described as follows:

BEGINNING at a point on the Westerly side of 18th Street (50 feet wide), said point being a distance 117.32 feet south of the intersection of the Southerly side of Arch Street (72 feet wide) and the Westerly side of 18th Street (50 feet wide); thence extending from said point of beginning:

1. Along a line at right angles to the said Westerly line of 18th Street, through the bed of 18th Street, South 78 degrees 39 minutes 00 seconds East, the distance of 50.00 feet to a point on the Easterly line of 18th Street, thence;
2. Along the said Easterly line of 18th Street, South 11 degrees 21 minutes 00 seconds West, crossing the bed of the former Cuthbert Street, the distance of 86.09 feet to a point, thence;
3. Along a line through the bed of 18th Street, North 42 degrees 38 minutes 35 seconds West, the distance of 61.81 feet to the point of intersection of the said Westerly line of 18th Street and the Northerly line of Cuthbert Street (30 feet wide), thence;
4. Along the said Westerly line of 18th Street, North 11 degrees 21 minutes 00 seconds East, the distance of 49.75 feet to the point and place of beginning.

EXHIBIT B

Plan Showing Area for Underground Tunnel and Underground Utility Vault

