

## Legislation Text

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**File #: 220517-AA, Version: 2**

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Authorizing the installation, ownership, and maintenance of various encroachments in the vicinity of 1 Convention Avenue, Philadelphia, PA 19104, under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to the Trustees of the University of Pennsylvania ("Owner") to install, own, and maintain encroachments in the vicinity of 1 Convention Avenue (the "Encroachment") as follows:

Property: 1 Convention Avenue, Philadelphia, PA 19104; 4 Convention Avenue, Philadelphia, PA, 19104; 3400 Spruce Street, Philadelphia, PA, 19104; 3400 Civic Center Boulevard, Philadelphia, PA 19104; 3200 South Street, Philadelphia, PA, 19104; and 3220-60 South Street, Philadelphia PA, 19104 (the "Properties")

#### Encroachment Description:

Part A - Proposed Pedestrian Bridges: Proposed pedestrian bridges located along the west Right-of-Way line of South 34<sup>th</sup> Street and the east Right of Way line of Health Sciences Drive, in two (2) parts.

##### Part 1

A proposed pedestrian bridge located from a point approximately one hundred and ninety-nine feet (199'-0") north of the Convention Avenue north curb line to a point approximately thirty-seven feet five inches (37'-5") farther north and encroaching upon the west footway of South 34th Street approximately three feet six inches (3'-6") toward the east, as depicted as "Encroachment 3 Proposed Columns (For Bridge 1)" on the proposed plan attached hereto as Fig. 3.

##### Part 2

A proposed pedestrian bridge located from a point on the east footway of Health Sciences Drive, approximately two hundred and sixty-five feet (265'-0") north of the Convention Avenue north curb line at its intersection with Health Sciences Drive, to a point approximately fifty-nine feet five inches (59'-5") farther north, and from the building line to approximately five feet seven inches (5'-7") toward the west, as depicted as "Encroachment 7 Proposed Elevated Pedestrian Walkway (Bridge 2)" on the proposed plan attached hereto as Fig. 3.

Clear passable sidewalk, with a minimum width of fifteen feet (15'-0") on South 34th Street and a minimum width of nine feet (9'-0") on Health Sciences Drive, is to remain after installation.

Part B - Various Other Encroachments: Various proposed encroachments, located along the east Right-of-Way line of South 33<sup>rd</sup> Street, along the north Right-of-Way line of Convention Avenue, and along the west Right-of-Way line of Health Sciences Drive, in twenty-two (22) parts.

##### Part 1 (Building Overhang 1)

A proposed building overhang, located along the east Right-of-Way line of South 33rd Street, from a point approximately one hundred and twelve feet (112'-0") north of the Convention Avenue north curb line to a point approximately eleven feet (11'-0") farther north and encroaching upon the east footway of South 33rd Street approximately four inches (0'-4") toward the west, with a lower edge not less than fifty-seven feet (57'-0") above finished grade, as depicted as "Building Encroachment 1" on the proposed plan attached hereto as Fig. 6.

#### Part 2 (Building Overhang 2)

A proposed building overhang, located along the west Right-of-Way line of Health Sciences Drive, from a point approximately two hundred and thirty-two feet (232'-0") north of the Convention Avenue north curb line to a point approximately fifteen feet (15'-0") farther north and encroaching upon the west footway of Health Sciences Drive approximately seven inches (0'-7") toward the east, with a lower edge not less than sixty-six feet (66'-0") above finished grade, as depicted as "Building Encroachment 2" on the proposed plan attached hereto as Fig. 6.

#### Part 3 (Retaining Wall 1)

A proposed set of retaining walls, located along the east Right-of-Way line of South 33rd Street, from a point approximately two hundred and twenty-nine feet (229'-0") north of the Convention Avenue north curb line to a point approximately sixty-four feet (64'-0") farther north and encroaching upon the east footway of South 33rd Street approximately four feet seven inches (4'-7") toward the west, as depicted as "Proposed Encroachments 3 Wall" on the proposed plan attached hereto as Fig. 1.

#### Part 4 (Retaining Wall 2)

A proposed set of retaining walls, located along the north Right-of-Way line of Convention Avenue, from a point approximately twenty-two feet (22'-0") east of the Civic Center Boulevard east curb line to a point approximately ninety-four feet (94'-0") farther east and encroaching upon the north footway of Convention Avenue approximately fourteen feet five inches (14'-5") toward the south, as depicted as "Proposed Encroachments 11 Walls" on the proposed plan attached hereto as Fig. 1.

#### Part 5 (Retaining Wall 3)

A proposed retaining wall, located along the north Right-of-Way line of Convention Avenue, from a point approximately one hundred and thirty-one feet (131'-0") east of the Civic Center Boulevard east curb line to a point approximately two hundred and thirty-five feet (235'-0") farther east and encroaching upon the north footway of Convention Avenue approximately twenty-four feet four inches (24'-4") toward the south, as depicted as "Proposed Encroachments 10 Plantings and 11 Walls" on the proposed plan attached hereto as Fig. 1.

#### Part 6 (Retaining Wall 4)

A proposed set of retaining walls, located along the north Right-of-Way line of Convention Avenue, from a point approximately three hundred and sixty-six feet (366'-0") east of the Civic Center Boulevard east curb line to a point approximately two hundred and sixteen feet (216'-0") farther east and encroaching upon the north footway of Convention Avenue approximately five feet eleven inches (5'-11") toward the south, as depicted as "Proposed Encroachments 18 Wall" on the proposed plan attached hereto as Fig. 1.

#### Part 7 (Utility Drain 1)

A proposed trench drain and inlet, located along the east Right-of-Way line of South 33rd Street, from a point approximately one hundred and ninety-five feet (195'-0") north of the Convention Avenue north curb line to a point approximately ninety-five feet (95'-0") farther north and encroaching upon the east footway of South 33rd Street approximately three feet two inches (3'-2") toward the west, as depicted as "Encroachment 1 Inlet"

and “Encroachment 2 Trench Drain & Lateral” on the proposed plan attached hereto as Fig. 2.

Part 8 (Utility Drain 2)

A proposed set of Philadelphia Fire Department service connections, located along the north Right-of-Way line of Convention Avenue, from a point approximately forty-six feet (46'-0") east of the Civic Center Boulevard east curb line to a point approximately six feet (6'-0") farther east and encroaching upon the north footway of Convention Avenue approximately seven feet eleven inches (7'-11") toward the south, as depicted as “Encroachment 3 (3) 4-Way Fire Department Connections” on the proposed plan attached hereto as Fig. 2.

Part 9 (Utility Drain 3)

A proposed set of trench drains, located along the north Right-of-Way line of Convention Avenue, from a point approximately one hundred thirty feet (130'-0") east of the Civic Center Boulevard east curb line to a point approximately four hundred and thirty-nine feet (439'-0") farther east and encroaching upon the north footway of Convention Avenue approximately twenty-one feet six inches (21'-6") toward the south, as depicted as “Encroachment 4 Trench Drain & Lateral,” “Encroachment 5 Cistern Pressure Relief Overflow Vents,” “Encroachment 6 Wall Drainage Lateral,” “Encroachment 7 Trench Drain & Lateral,” “Encroachment 8 Trench Drain & Lateral,” “Encroachment 9 Pipe Run,” and “Encroachment 10 Trench Drain & Lateral” on the proposed plan attached hereto as Fig. 2.

Part 10 (Utility Drain 4)

A proposed set of Philadelphia Fire Department service connections, located along the west Right-of-Way line of Health Sciences Drive, from a point approximately two hundred and thirty-eight feet (238'-0") north of the Convention Avenue north curb line to a point approximately fifteen feet (15'-0") farther north and encroaching upon the west footway of Health Sciences Drive approximately two feet one inch (2'-1") toward the east, as depicted as “Encroachments 11 (3) 4-way Fire Department Connections” and “Encroachment 12 6-way Fire Pump Test Header” on the proposed plan attached hereto as Fig. 2.

Clear passable sidewalk, with a minimum width of eighteen feet six inches (18'-6") on South 33rd Street and a minimum width of six feet eight inches (6'-8") on Convention Avenue, is to remain after installation.

Part 11 (Wayfinding Sign 1)

A proposed post mounted wayfinding sign, located along the east Right-of-Way line of South 33<sup>rd</sup> Street, from a point approximately twenty-three feet six inches (23'-6") south of the South Street south Right-of-Way line to a point approximately three inches (0'-3") farther south and encroaching into the east footway of South 33<sup>rd</sup> Street, starting from a line offset approximately nine feet two inches (9'-2") west of the east Right-of-Way line extending approximately four feet three inches (4'-3") farther west, with a lower edge not less than eight feet (8'-0") above finished grade, as depicted as “Proposed Encroachments 29 Private Vehicle Direction Sign (VDI)” on the proposed plan attached hereto as Fig. 1A.

Part 12 (Wayfinding Sign 2)

A proposed post mounted wayfinding sign, located along the south Right-of-Way line of South Street, from a point approximately fifty-nine feet (59'-0") west of the Health Sciences Drive west Right-of-Way line to a point approximately three inches (0'-3") farther west and encroaching into the south footway of South Street, starting from a line offset approximately four feet four inches (4'-4") north of the south Right-of-Way line extending approximately four feet three inches (4'-3") farther north, with a lower edge not less than eight feet (8'-0") above finished grade, as depicted as “Proposed Encroachments 28 Private Vehicle Direction Sign (VDI)” on the proposed plan attached hereto as Fig. 1A.

Part 13 (Wayfinding Sign 3)

A proposed post mounted wayfinding sign, located along the west Right-of-Way line of Health Sciences Drive, from a point approximately two hundred and fifty-two feet (252'-0") south of the South Street south Right-of-Way line to a point approximately three inches (0'-3") farther south and encroaching into the west footway of Health Sciences Drive, starting from a line offset approximately nine feet eight inches (9'-8") east of the west Right-of-Way line extending approximately four feet three inches (4'-3") farther east, with a lower edge not less than eight feet (8'-0") above finished grade, as depicted as "Proposed Encroachments 27 Private Vehicle Direction Sign (VDI)" on the proposed plan attached hereto as Fig. 1A.

Part 14 (Wayfinding Sign 4)

A proposed post mounted wayfinding sign, located along the west Right-of-Way line of Health Sciences Drive, from a point approximately three hundred and eleven feet five inches (311'-5") south of the South Street south Right-of-Way line to a point approximately three inches (0'-3") farther south and encroaching into the west footway of Health Sciences Drive, starting from a line offset approximately nine feet eight inches (9'-8") east of the west Right-of-Way line extending approximately four feet three inches (4'-3") farther east, with a lower edge not less than eight feet (8'-0") above finished grade, as depicted as "Proposed Encroachments 27 Private Vehicle Direction Sign (VDI)" on the proposed plan attached hereto as Fig. 1A.

Part 15 (Wayfinding Sign 5)

A proposed post mounted wayfinding sign, located along the west Right-of-Way line of Health Sciences Drive, from a point approximately twenty-nine feet one inches (29'-1") north of the Convention Avenue north Right-of-Way line to a point approximately three inches (0'-3") farther north and encroaching into the west footway of Health Sciences Drive, starting from a line offset approximately eleven feet 2 inches (11'-2") east of the west Right-of-Way line extending approximately four feet three inches (4'-3") farther east, with a lower edge not less than eight feet (8'-0") above finished grade, as depicted as "Proposed Encroachments 26 Private Vehicle Direction Sign (VDI)" on the proposed plan attached hereto as Fig. 1.

Part 16 (Wayfinding Sign 6)

A proposed post mounted wayfinding sign, located along the west Right-of-Way line of Health Sciences Drive, from a point approximately thirty-two feet (32'-0") south of the Convention Avenue south Right-of-Way line to a point approximately three inches (0'-3") farther south and encroaching into the west footway of Health Sciences Drive, starting from a line offset approximately two inches (0'-2") east of the west Right-of-Way line extending approximately four feet three inches (4'-3") farther east, with a lower edge not less than eight feet (8'-0") above finished grade, as depicted as "Proposed Encroachments 24 Private Vehicle Direction Sign (VDI)" on the proposed plan attached hereto as Fig. 1.

Part 17 (Wayfinding Sign 7)

A proposed post mounted wayfinding sign, located along the east Right-of-Way line of Health Sciences Drive, from a point approximately two hundred and twelve feet 1 inch (212'-1") north of the Convention Avenue north Right-of-Way line to a point approximately three inches (0'-3") farther north and encroaching into the east footway of Health Sciences Drive, starting from a line offset approximately ten feet two inches (10'-2") west of the east Right-of-Way line extending approximately four feet three inches (4'-3") farther west, with a lower edge not less than eight feet (8'-0") above finished grade, as depicted as "Proposed Encroachments 22 Private Vehicle Direction Sign (VD2)" on the proposed plan attached hereto as Fig. 1.

Part 18 (Wayfinding Sign 8)

A proposed post mounted wayfinding sign, located along the north Right-of-Way line of Convention Avenue, from a point approximately thirty-three feet two inches (33'-2") west of the Health Sciences Drive west Right-

of-Way line to a point approximately three inches (0'-3") farther west and encroaching into the north footway of Convention Avenue, starting from a line offset approximately fifteen feet seven inches (15'-7") south of the north Right-of-Way line extending approximately four feet three inches (4'-3") farther south, with a lower edge not less than eight feet (8'-0") above finished grade, as depicted as "Proposed Encroachments 21 Private Vehicle Direction Sign (VDI)" on the proposed plan attached hereto as Fig. 1.

#### Part 19 (Wayfinding Sign 9)

A proposed post mounted wayfinding sign, located along the north Right-of-Way line of Convention Avenue, from a point approximately ninety-two feet three inches (92'-3") west of the Health Sciences Drive west Right-of-Way line to a point approximately three inches (0'-3") farther west and encroaching into the north footway of Convention Avenue, starting from a line offset approximately fifteen feet seven inches (15'-7") south of the north Right-of-Way line extending approximately four feet three inches (4'-3") farther south, with a lower edge not less than eight feet (8'-0") above finished grade, as depicted as "Proposed Encroachments 22 Private Vehicle Direction Sign (VD2)" on the proposed plan attached hereto as Fig. 1.

#### Part 20 (Wayfinding Sign 10)

A proposed post mounted wayfinding sign, located along the north Right-of-Way line of Convention Avenue, from a point approximately one hundred and ninety-two feet ten inches (192'-10") west of the Health Sciences Drive west Right-of-Way line to a point approximately three inches (0'-3") farther west and encroaching into the north footway of Convention Avenue, starting from a line offset approximately fifteen feet seven inches (15'-7") south of the north Right-of-Way line extending approximately four feet three inches (4'-3") farther south, with a lower edge not less than eight feet (8'-0") above finished grade, as depicted as "Proposed Encroachments 9 Private Vehicle Direction Sign (VD2)" on the proposed plan attached hereto as Fig. 1.

#### Part 21 (Wayfinding Sign 11)

A proposed post mounted wayfinding sign, located along the north Right-of-Way line of Convention Avenue, from a point approximately sixty-two feet five inches (62'-5") east of the South 33<sup>rd</sup> Street east Right-of-Way line to a point approximately three inches (0'-3") farther east and encroaching into the north footway of Convention Avenue, starting from a line offset approximately twenty-five feet five inches (25'-5") south of the north Right-of-Way line extending approximately four feet three inches (4'-3") farther south, with a lower edge not less than eight feet (8'-0") above finished grade, as depicted as "Proposed Encroachments 25 Private Vehicle Direction Sign (VD2)" on the proposed plan attached hereto as Fig. 1.

#### Part 22 (Non-Standard Bollards)

A proposed set of seven (7) bollards located along the east Right-of-Way line of South 33<sup>rd</sup> Street, from a point approximately two hundred thirteen feet five inches (213'-5") north of the Convention Avenue north Right-of-Way line to a point approximately fifty-eight feet two inches (58'-2") farther north and encroaching into the west footway of South 33<sup>rd</sup> Street, starting from a line offset approximately fifteen feet eleven inches (15'-11") west of the east Right-of-Way line extending approximately three feet (3'-0") farther west, as depicted as "Proposed Encroachment 4 Concrete Seat-Bollards" on the proposed plan attached hereto as Fig. 1.

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 one hundred and eighty (180) 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;
- (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 properties 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) year after this Ordinance becomes law.

SECTION 6. Fig. 1, Fig. 1A, Fig. 2, Fig. 3, and Fig. 6 to this Ordinance shall be kept on file by the Chief Clerk and shall be available for public inspection.

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.