File #: 240532, **Version:** 0

Authorizing the Pennsylvania Department of Transportation to approve the construction, ownership, and maintenance of a proposed set of non-standard bollards at 615 N. Broad Street, Philadelphia, PA 19123, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the owners of the property identified below, Congregation Rodeph Shalom ("Owners"), to install, own, and maintain, and replace certain encroachments in the sidewalk in front of 615 N. Broad Street (the "Encroachments") as follows:

Property: 615 N. Broad Street, Philadelphia, PA 19123 (the "Property").

Encroachment Description: Security bollards, located in the sidewalk in front of the formal entrance doors at 615 N. Broad Street, as identified below.

A total of eleven (11) fixed bollards set in a reinforced foundation, placed in a three-sided trapezoidal array in front of the Rodeph Shalom building doors on Broad Street.

One side of the array, parallel to Broad Street, made up of seven (7) bollards, with a centerline of at least six feet (6') back from the curb face. The other two sides of the bollard array are along lines at an angle, from each of the north and south corners of the building steps and aligning with, respectively, the northern-most and southern-most bollards of the row parallel to Broad Street. Each of the angled sides of the array has two bollards.

Clear space between the bollards to be at least 60 inches (5 feet), exceeding the requirements of the Americans with Disabilities Act (ADA) and those of the City of Philadelphia.

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SECTION 2. The construction, use and maintenance of the Encroachments 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.

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SECTION 3. Before exercising any rights or privileges under this Ordinance, Owners 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, Owners shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Owners, 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, and no reasonable alternate location or solution is available;

(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, located in the area of the Encroachment, 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 Owners are self-insured and are 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 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. Owners 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.

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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.

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SECTION 5. The permission granted to Owners to install, own, and maintain the Encroachment described in Section 1 shall expire without any further action by the City of Philadelphia if Owners have 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.

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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.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate matter added.

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