File #: 250368, **Version:** 0

Authorizing an encroachment in the nature of planters and benches in the vicinity of 2300 Market St, Philadelphia, PA 19103, 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, 2300 MARKET STREET OWNER LLC or the owner's designee (the "Owner"), to install, own, and maintain an encroachment at the Property, as follows:

Encroachment Description:

Property: 2300 Market St, Philadelphia, PA 19103

A total of eight (8) proposed planters and two (2) planters with benches will be adjacent to the curbline of 2300 Market Street along Market Street and S 23rd Street and written in three parts:

Part 1:

Two (2) proposed planters will encroach a distance of approximately five feet six inches (5'-6") towards the west along the west curbline of S 23rd Street starting from a point approximately forty-feet five inches (40'-5") south of the Market Street south curbline to a point approximately sixty feet nine inches (60'-9") farther south leaving a minimum of six feet five inches (6'-5") of clear unobstructed footway.

Each planter along S 23rd Street is constructed at grade with the following dimensions: beginning at the southernmost point the first planter measures twenty feet four inches (20'-4") in length and five feet six inches (5'-6") in width; the second planter measures twenty-three feet eight inches (23'-8") in length and five feet six inches (5'-6") in width.

Part 2:

Six (6) proposed planters will encroach a distance of approximately eight feet one inch (8'-1") towards the south along the south curbline of Market Street starting from a point approximately thirty-five feet four inches (35'-4") west of the S 23rd Street west curbline to a point approximately two hundred seventeen feet five inches (217'-5") farther west leaving a minimum of ten feet (10'-0") of clear unobstructed footway.

Each planter along Market Street is constructed at grade with the following dimensions: beginning at the easternmost point the first planter measures nineteen feet six inches (19'-6") in length and eight feet one inch (8'-1") in width; the second planter measures twenty-three feet (23'-0") in length and eight feet one inch (8'-1") in width; the third planter measures five feet (5'-0") in length and five feet (5'-0") in width; the fourth planter measures eighteen feet eight inches (18'-8") in length and eight feet one inch (8'-1") in width; the fifth planter measures thirteen feet six inches (13'-6") in length and eight feet one inch (8'-1") in width; the sixth planter

measures fourteen feet (14'-0") in length and eight feet one inch (8’-1”) in width.

Part 3:

Two (2) proposed planters with benches will encroach a distance of approximately eight feet one inch (8’-1”) towards the south along the south curbline of Market Street starting from a point approximately one hundred forty-one feet six inches (141’-6”) west of the S 23rd Street west curbline to a point approximately sixty-one feet ten inches (61’-10”) farther west leaving a minimum of ten feet (10’-0”) of clear unobstructed footway.

Each planter with bench along Market Street is sixteen feet (16'-0") in length five feet six inches (5'-6") in width and three feet (3’-0”) in height.

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) agrees that upon thirty (30) days’ notice from the City, Owner shall remove the Encroachment without cost or expense to the City and shall remove the Encroachment 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;

(b) 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;

(c) 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;

(d) 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;

powered by Legistar™

(e) 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; and

(f) 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; and

(g) indemnifies and holds 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

(h) furnishes 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. 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.

powered by Legistar™