



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

## **BILL NO. 090840 (As Amended, 6/2/10)**

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**Introduced November 19, 2009**

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**Councilmember Miller**

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**Referred to the  
Committee on Streets and Services**

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### **AN ORDINANCE**

Granting permission to ABEER, LP, owner of the property Oak Lane Diner, 6528 N. Broad Street, to legalize a one-story concrete masonry construction, under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to ABEER, LP, 2457 N. 54th Street, Philadelphia, PA 19131, owner of the property Oak Lane Diner, 6528 N. Broad Street, Philadelphia, PA 19126, to construct, use, own and maintain:

(a) An existing one-story concrete masonry construction located on the westerly right of way line of North Broad Street, encroaching upon a seven and one-half feet (7 1/2') wide portion of the westerly footway of Broad Street from a point approximately seventy-four feet (74') south of Sixty-Sixth Avenue to a point approximately forty-seven feet (47') further southwardly therefrom.

SECTION 2. Before exercising any rights and privileges under this ordinance, Abeer, L.P. must obtain all required permits, licenses and approvals from all appropriate City 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, Abeer, L.P. shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Abeer, L.P. shall, *inter alia*:

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(a) Furnish the City with a bond with a corporate surety in the amount and in form satisfactory to the City Solicitor to insure compliance with all the terms and conditions of this ordinance and the Agreement and to protect and to indemnify the City from all damages or claims for damages which may arise directly or indirectly as a result of the installation, use and maintenance of the facilities authorized by Section 1 of this ordinance;

(b) Release the City from all damages or claims for damages which may arise by reason of the City Plan changes authorized herein;

(c) Secure all necessary permits, licenses, and approvals from all appropriate departments, agencies, boards, or commissions of the City, or from any other governmental entity as may be required by law;

(d) Assume the cost of all changes or adjustments to, or relocation or abandonment of, all facilities within the public right of way which are authorized by Section 1 of this ordinance;

(e) 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;

(f) Remove any or all of the structures and facilities authorized by Section 1 of this ordinance from the public right-of-way pursuant to the applicable City specifications within sixty (60) days notice when any of the structures or facilities are no longer used for the purpose authorized by this ordinance;

(g) Acknowledge that the structures and facilities authorized and constructed by Section 1 of this ordinance are owned by, and are the sole maintenance responsibility of Abeer, L.P.;

(h) Identify design, construction and legal professionals who must represent the owner in all relevant aspects of the project going forward;

(i) Submit “as built” drawings to the Department of Licenses and Inspections; said “as built” drawings shall consist of a complete set of code compliant drawings including architectural, structural, mechanical, electrical, plumbing and sprinkler systems;

(j) Agree to complete all work to effectuate the City Plan changes, pursuant to Bill NO. 090839, within 6 months of adoption of this ordinance;

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(k) Remove existing electrified bollards and/or sidewalk posts, and all electrical conduits from the Broad Street right-of-way within thirty (30) days of adoption of this ordinance;

(l) Make payment into the City Treasury, as reimbursement to the City, of the appraised value of the portion of Broad Street proposed to be occupied by masonry construction under authority of Section 1(a) of this Ordinance;

(m) Agree that if a certificate of occupancy has not been issued within one (1) year of adoption of the ordinance, Abeer, L.P. must remove all structures and facilities contemplated by this Ordinance; and agree that if such structures and facilities are not removed by Abeer, L.P., the City may remove them and file a Municipal Lien against the Subject Premises located at 6528 N. Broad Street, Philadelphia, PA 19126 for all costs and expenses arising from the removal of such structures and facilities by the City;

(n) Acknowledge that all terms and conditions of the Agreement shall be binding upon all successors in interest to the property and any business located at 6528 N. Broad Street, Philadelphia, PA 19126.

**SECTION 3.** This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00) is paid into the City Treasury within thirty (30) days after this Ordinance becomes law.

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