



City of Philadelphia

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

BILL NO. 100680

Introduced October 21, 2010

Councilmember DiCicco

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

AN ORDINANCE

Authorizing Brandywine Realty Trust, 555 East Lancaster Avenue, Suite 100, Radnor, Pennsylvania, 19087, to legalize various existing sidewalk encroachments located on the east footway of Juniper Street between Sansom Street and Drury Street, the south footway of Drury Street at the intersection of Juniper Street, and the north footway of Sansom Street at the intersection of Juniper Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Brandywine Realty Trust to own and maintain various right-of-way encroachments as follows:

Eleven (11) electrified bollards on the east footway of Juniper Street between Sansom Street and Drury Street. Each bollard is centered twelve inches (12") east of the east curb face of Juniper Street and the following offsets from the north curblines of Sansom Street:

- a.) Fifteen feet (15')
- b.) Twenty-four feet (24')
- c.) Thirty-four feet (34')
- d.) Forty-four feet (44')
- e.) Fifty-four feet (54')
- f.) Sixty-four feet (64')
- g.) Seventy-one feet (71')
- h.) Eighty feet (80')
- i.) Eighty-nine feet (89')
- j.) Ninety-nine feet (99')
- k.) One hundred and nine feet (109')

City of Philadelphia

BILL NO. 100680 continued

Two (2) bollards on the south footway of Drury Street at the intersection of Juniper Street. The first bollard is approximately eight feet (8') east of the east curbline of Juniper Street and is centered approximately eighteen inches (18") south of the south curb face of Drury Street. The second bollard is approximately ten feet (10') east of the east curbline of Juniper Street and offset six feet (6') east of the east curbline of Drury Street.

One (1) bollard on the north footway of Sansom Street at the intersection of Juniper Street is approximately nine feet (9') east of the east curbline of Juniper Street and is centered approximately twelve inches (12") north of the north curbline of Sansom Street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Brandywine Realty Trust must first 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 or privileges under this Ordinance, Brandywine Realty Trust shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Brandywine Realty Trust, shall, *inter alia*:

- (a) upon one hundred and eighty (180) days notice from the City, remove the encroachments described in Section 1 without cost or expense to the City and shall remove the encroachments described in Section 1 at no cost or 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) 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 City Solicitor 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 encroachments described in Section 1 or their removal;
- (c) 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;

City of Philadelphia

BILL NO. 100680 continued

- d) 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 or removal of the encroachments described in Section 1;
- e) 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; and
- f) 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.

SECTION 3. The construction, use and maintenance of the various encroachments described 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 of Section 1, within standard tolerances of current engineering practice.

SECTION 4. The City Solicitor shall include in the Agreement such other terms and conditions deemed necessary to protect the interests of the City.

SECTION 5. The permission granted to Brandywine Realty Trust to construct, own and maintain the encroachments described in Section 1 shall expire without any further action by the City of Philadelphia if Brandywine Realty Trust has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 4 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.

City of Philadelphia

BILL NO. 100680 continued