



City of Philadelphia

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

BILL NO. 110310

Introduced April 28, 2011

Councilmember Clarke

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

AN ORDINANCE

Authorizing the Granary Partners, L.P., located at 1425 Walnut Street, Philadelphia, Pennsylvania, to construct, own and maintain various encroachments within the City right-of-way on Shamokin Street between 19th Street and 20th Street, the north side of Callowhill Street between 19th Street and 20th Street, and the west side of 19th Street between Shamokin Street and Callowhill Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Granary Partners, L.P. to construct, own and maintain various right-of-way encroachments as follows:

Pedestrian Bridge

A pedestrian bridge shall encroach within the public right-of-way at a height of at least fourteen (14) feet six (6) inches above the cartway of the 1900 block of Shamokin Street; the pedestrian bridge shall be located approximately one hundred sixty-four (164) feet east of the intersection of 20th and Shamokin Streets, and extending eastward for a width of approximately ten (10) feet;

Columns

A total of eleven (11) columns shall encroach within the public right-of-way onto the north sidewalk of the 1900 block of Callowhill Street. Each column shall be approximately two (2) feet wide and shall encroach no more than six (6) feet four (4) inches onto the north sidewalk of the 1900 block of Callowhill Street leaving approximately nine (9) feet eight (8) inches of clear unobstructed footway;

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A total of four (4) columns shall encroach within the public right-of-way onto the west sidewalk of the 400 block of N. 19th Street. Each column shall be approximately two (2) feet wide and shall encroach no more than six (6) inches onto the west sidewalk of the 400 block of N. 19th Street leaving approximately six (6) feet three (3) inches of clear unobstructed footway;

Awnings

A cluster of fourteen (14) awnings shall encroach within the public right-of-way over the north sidewalk of the 1900 block of Callowhill Street. Thirteen of the referenced awnings shall be approximately seventeen (17) feet six (6) inches wide, as measured along the length of the sidewalk, shall extend into the public right-of-way by approximately two (2) feet six (6) inches and shall have a minimum clearance of approximately twelve (12) feet above the sidewalk. One (1) of the referenced awnings shall encroach within the public right-of-way over the north sidewalk of the 1900 block of Callowhill Street. This awning shall be approximately eighteen (18) feet wide, as measured along the length of the sidewalk, shall extend into the public right-of-way by approximately six (6) feet four (4) inches and shall have a minimum clearance of approximately twelve (12) feet above the sidewalk;

A cluster of five (5) awnings shall encroach within the public right-of-way over the west sidewalk of the 400 block of N. 19th Street. Each awning shall be approximately seventeen (17) feet six (6) inches wide, as measured along the length of the sidewalk, shall extend into the public right-of-way by approximately two (2) feet six (6) inches and shall have a minimum clearance of approximately twelve (12) feet above the sidewalk;

Cornice

One (1) continuous cornice shall encroach within the public right-of-way over the north sidewalk of the 1900 block of Callowhill Street and over the west sidewalk of the 400 block of N. 19th Street. The cornice shall be continuous along the building, as measured along the length of the sidewalk, shall extend into the public right-of-way by approximately four (4) feet six (6) inches and shall have a minimum clearance of twelve (12) feet above the sidewalk;

Architectural Embellishment

One (1) continuous architectural embellishment shall encroach within the public right-of-way over the north sidewalk of the 1900 block of Callowhill Street and over the west sidewalk of the 400 block of N. 19th Street. The architectural

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embellishment shall be continuous, as measured along the length of the sidewalk, shall extend into the public right-of-way by approximately six (6) inches and shall have a minimum clearance of twelve (12) feet above the sidewalk;

Balcony/Bay Windows

A cluster of six (6) balcony/bay windows shall encroach within the public right-of-way over the north sidewalk of the 1900 block of Callowhill Street. Four (4) of the balcony/bay windows shall be approximately twenty-three (23) feet nine (9) inches wide, one (1) of the balcony/bay windows shall be approximately forty-four (44) feet wide and one (1) of the balcony/bay windows shall be approximately sixty-five (65) feet wide, as measured along the length of the sidewalk, and all shall extend into the public right-of-way by approximately five (5) feet and have a minimum clearance of ten (10) feet above the sidewalk. Each balcony/bay window shall have a minimum separation of approximately eighteen (18) feet three (3) inches, with the easterly most balcony/bay window being located on the north sidewalk at the corner of 19th and Callowhill Streets;

A cluster of two (2) balcony/bay windows shall encroach within the public right-of-way over the west sidewalk of the 400 block of N. 19th Street. One (1) balcony/bay window shall be approximately twenty-three (23) feet six (6) inches wide and one (1) balcony/bay window shall be approximately forty-four (44) feet wide, as measured along the length of the sidewalk and shall extend into the public right-of-way by approximately five (5) feet, with a minimum clearance of ten (10) feet above the sidewalk. Each balcony/bay window shall be separated by approximately forty-six (46) feet, with the southerly most balcony/bay window being located on the west sidewalk at the corner of 19th and Callowhill Streets;

A balcony shall encroach within the public right-of-way over the south sidewalk of the 1900 block of Shamokin Street. The balcony shall be approximately thirteen (13) feet six (6) inches wide, as measured along the length of the sidewalk and shall extend into the public right-of-way by approximately four (4) feet with a minimum clearance of ten (10) feet above the sidewalk. The westerly most edge of the balcony shall be located at a point approximately ninety-six (96) feet east of the intersection of 20th and Shamokin Streets.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Granary Partners, L.P. 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

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of law governing the issuance of such permits, licenses or approvals. In addition, before exercising any rights or privileges under this Ordinance, Granary Partners, L.P. shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Granary Partners, L.P., 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;
- (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, or in lieu thereof, submit documentation in form and content acceptable to the City that Granary Partners, L.P. 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) insure that all construction contractors for the encroachments described in Section 1 carry public liability and property damage insurance, naming the

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City of Philadelphia as an insured party in such amounts as shall be reasonably satisfactory to the City Solicitor; and

- (g) 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 Granary Partners, L.P. to construct, own and maintain the encroachments described in Section 1 shall expire without any further action by the City of Philadelphia if Granary Partners, L.P. 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.

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