



City of Philadelphia

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

BILL NO. 110720

Introduced October 13, 2011

Councilmember DiCicco

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

AN ORDINANCE

Authorizing Thomas Jefferson University ("Owner") to construct, own and maintain various encroachments of light bollards at 901 Walnut Street ("Property"), under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Owner, to construct, own and maintain various light bollard encroachments at the Property, as follows:

Three (3) light bollards, each seven inches in diameter (7") and approximately forty inches (40") high. Two (2) light bollards will be placed approximately four feet (4') from the face of the curb on the north sidewalk of Walnut Street leaving a minimum twelve feet (12') of unobstructed sidewalk. One (1) light bollard will be placed approximately two feet (2') from the face of the curb on the west sidewalk of S. 9th Street leaving a minimum ten feet (10') of unobstructed sidewalk.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Owner 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, Owner shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the Law Department, where Owner shall agree to:

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(a) furnish the City with a bond with corporate surety in an amount required by the Streets Commissioner and in a form satisfactory to the Law Department to insure the compliance with all the terms and conditions of this Ordinance and the aforementioned Agreement;

(b) protect, indemnify and save harmless the City from all suits or claims for damages which may arise directly or indirectly as a result of the various existing sidewalk encroachments described in Section 1;

(c) comply with the provisions of The Philadelphia Code thereby securing all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions, as may be required;

(d) absorb all costs and expenses when, at the determination of the City of Philadelphia, the various existing sidewalk encroachments described in Section 1 necessitate relocation and/or removal of any underground structure, either publicly or privately owned, and that such work will be at no cost to the City;

(e) insure that the various existing sidewalk encroachments described in Section 1 are no more than the dimensions listed in Section 1, provided that the Streets Department, in its sole unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice;

(f) 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 Law Department; and

(g) remove the various existing sidewalk encroachments described in Section 1 within thirty (30) days upon service of lawful written notice from the Streets Department.

SECTION 3. The Law Department shall include in the Agreement such other terms and conditions deemed necessary or appropriate in the interest of the City.

SECTION 4. The permission granted by this Ordinance shall automatically terminate without any further legislative action by the City of Philadelphia when the light bollards authorized by Section 1 of this Ordinance are no longer being used by Owner for the purpose authorized by this Ordinance.

SECTION 5. The permission granted to Owner to construct, own and maintain the light bollards described in Section 1 shall expire without any further action by the City of

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Philadelphia if Owner has not entered into the Agreement that is required by Section 2 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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