



City of Philadelphia

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

BILL NO. 120519

Introduced May 31, 2012

Councilmember Johnson

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

AN ORDINANCE

Authorizing 2303 Bainbridge Street, LLC, to construct, own and maintain various encroachments within the City right-of-way on the north side of Bainbridge Street between South 24th Street and Grays Ferry Avenue and the west side of Grays Ferry Avenue, north of Bainbridge Street, adjacent to the premises known as 621 South 24th Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to 2303 Bainbridge Street, LLC to construct, own and maintain various right-of-way encroachments as follows:

Bays/Balconies

A series of continuous bays and/or balconies at the second, third and fourth floor levels of a structure proposed to be erected at 621 South 24th Street will encroach within the public right-of-way over the north sidewalk of Bainbridge Street, between South 24th Street and Grays Ferry Avenue, with a maximum projection of three (3) feet as follows:

Second Floor Level – One (1) bay/balcony will be approximately forty (40) feet three and one half (3½) inches wide as measured along the length of the sidewalk with a minimum clearance of fourteen (14) feet eight and one half (8½) inches above the sidewalk. The westerly most edge of the bay/balcony will be located at a point approximately four (4) feet three (3) inches east of the intersection of Bainbridge and South 24th Streets.

Third Floor Level – One (1) bay/balcony will be approximately forty (40) feet three and one half (3½) inches wide as measured along the length of the sidewalk. The westerly

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most edge of the bay/balcony will be located at a point approximately four (4) feet three (3) inches east of the intersection of Bainbridge and South 24th Streets.

Fourth Floor Level – One (1) bay/balcony will be approximately twenty-two (22) feet one half (½) inch wide as measured along the length of the sidewalk. The westerly most edge of the bay/balcony will be located at a point approximately four (4) feet three (3) inches east of the intersection of Bainbridge and South 24th Streets. A second bay/balcony will be approximately nine (9) feet six (6) inches wide as measured along the length of the sidewalk. The easterly most edge of the bay/balcony will be located at a point approximately nine (9) feet one (1) inch west of the intersection of Bainbridge Street and Grays Ferry Avenue. The two (2) bays/balconies will be separated approximately four (4) feet nine (9) inches.

A series of continuous bays and/or balconies at the second, third and fourth floor levels of a structure proposed to be erected at 621 South 24th Street will encroach within the public right-of-way over the west sidewalk of Grays Ferry Avenue, north of Bainbridge Street, with a maximum projection of three (3) feet as follows:

Second Floor Level – One (1) bay/balcony will be approximately eighty-seven (87) feet four and one half (4½) inches wide as measured along the length of the sidewalk with a minimum clearance of fourteen (14) feet above the sidewalk. The southerly most edge of the bay/balcony will be located at a point approximately five (5) feet eleven (11) inches north of the intersection of Bainbridge Street and Grays Ferry Avenue.

Third Floor Level – One (1) bay/balcony will be approximately sixty (60) feet seven (7) inches wide as measured along the length of the sidewalk. The southerly most edge of the bay/balcony will be located at a point approximately five (5) feet eleven (11) inches north of the intersection of Bainbridge Street and Grays Ferry Avenue. A second bay/balcony will be approximately twenty-four (24) feet ten (10) inches wide as measured along the length of the sidewalk. The two (2) bays/balconies will be separated approximately two (2) feet.

Fourth Floor Level – One (1) bay/balcony will be approximately fifteen (15) feet five (5) inches wide as measured along the length of the sidewalk. The southerly most edge of the bay/balcony will be located at a point approximately five (5) feet ten and one half (10½) inches north of the intersection of Bainbridge Street and Grays Ferry Avenue. A second bay/balcony will be approximately twenty-four (24) feet four (4) inches wide as measured along the length of the sidewalk. The two (2) bays/balconies will be separated by approximately two (2) feet. A third bay/balcony will be approximately fourteen (14) feet wide as measured along the length of the sidewalk. The second and third bay/balcony will be separated by approximately four (4) feet ten (10) inches. A fourth bay/balcony will be approximately twenty-four (24) feet ten (10) inches wide as measured along the

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length of the sidewalk. The third and fourth bay/balcony will be separated by approximately two (2) feet.

SECTION 2. Before exercising any rights or privileges under this Ordinance, 2303 Bainbridge Street, LLC 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 or privileges under this Ordinance, 2303 Bainbridge Street, LLC shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that 2303 Bainbridge Street, LLC, 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 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, or in lieu thereof, submit documentation in a form and content acceptable to the City that self-assumes liabilities and obligations normally covered by a surety bond;
- (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

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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 2303 Bainbridge Street, LLC 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 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 2303 Bainbridge Street, LLC to construct, own and maintain the encroachments described in Section 1 shall expire without any further action by the City of Philadelphia if 2303 Bainbridge Street, LLC 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.