



City of Philadelphia

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

BILL NO. 060046

Introduced February 2, 2006

Councilmember Blackwell

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

AN ORDINANCE

Authorizing George Wake, d/b/a “Big George’s Diner”, to construct, operate and maintain an existing one-story building addition on the north public sidewalk of Spruce Street and the east public sidewalk of S. 52nd Street and a one-story building addition on the east public sidewalk of S. 52nd Street located at 283-285 S. 52nd Street, under certain terms and conditions.

WHEREAS, George Wake, d/b/a “Big George’s Diner” has requested permission to construct, operate and maintain an existing one story building addition on the north public sidewalk of Spruce Street and the east public sidewalk of S. 52nd Street and one story building addition on the east public sidewalk of S. 52nd Street located at 283-285 S. 52nd Street; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. George Wake, d/b/a “Big George’s Diner,” his successors and assigns, are hereby authorized to construct, operate and maintain an existing addition located at 285 S. 52nd Street and a building addition to be located at 283 S. 52nd Street, as follows:

Existing Addition

The existing one story “sunroom” addition, located on the north sidewalk of Spruce Street and the east sidewalk of S. 52nd Street, begins approximately sixty-one feet three inches (61’, 3”) east of the east curbline of S. 52nd Street and ends approximately thirty-four feet five inches (34’, 5”) north of the north curbline of Spruce Street. The existing addition projects five feet six inches (5’, 6”) onto the public sidewalks leaving a minimum clear footway of approximately twelve feet six inches (12’, 6”) on Spruce Street and approximately nine feet six inches (9’, 6”) on S. 52nd Street. The entire length of the existing structure is approximately sixty-eight feet ten inches (68’, 10”).

City of Philadelphia

BILL NO. 060046 continued

New Building Addition

The proposed one story “sunroom” addition, located on the east sidewalk of S. 52nd Street, meets the existing addition, extends for a distance of approximately eighteen feet ten inches (18’, 10”), and ends approximately fifty-three feet three inches (53’, 3”) north of the north curblineline of Spruce Street. The proposed addition projects five feet six inches (5’, 6”) onto the east sidewalk of S. 52nd Street leaving a minimum clear footway of approximately nine feet six inches (9’, 6”).

SECTION 2. The construction, operation and maintenance of existing building addition and the proposed building encroachments as listed in Section 1 above shall be in accordance with the laws, rules and regulations of the City of Philadelphia, and specifically those of the Department of Licenses and Inspection, the Department of Streets and the Art Commission.

SECTION 3. Before exercising any rights or privileges under this Ordinance, George Wake, d/b/a “Big George’s Diner,” must first obtain or have his 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 and privileges under this Ordinance, George Wake, d/b/a “Big George’s Diner,” shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the Law Department, provided that George Wake, d/b/a “Big George’s Diner,” shall, *inter alia*:

(a) agree that when given thirty (30) days written notice from the City, George Wake, d/b/a “Big George’s Diner,” shall remove building addition encroachments as set forth in Section I above without cost or expense to the City and shall restore the aforesaid cartways and footways at no cost or expense to the City 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 Law Department to insure the compliance with all the terms and conditions of this Ordinance and the aforementioned Agreement;

(c) assume the costs and expenses of all changes and adjustments to, and relocation or abandonment of City utilities and City structures wherever located as may

City of Philadelphia

BILL NO. 060046 continued

be necessary by the reason of the construction, operation and maintenance of the building addition encroachments as set forth in Section I above;

(d) agree to defend, save harmless and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as result of the construction, operation and maintenance of the building addition encroachments as set forth in Section 1 above or its removal;

(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 Law Department, or in lieu thereof, submit documentation in form and content acceptable to the City for the building addition encroachments as set forth in Section 1 above is self-insured and is providing the City of Philadelphia that 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 building addition encroachments as set forth in Section 1 above carry public liability and property damage insurance, naming the City of Philadelphia as an insured party in such amounts as shall be satisfactory to the Law Department;

(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 aforesaid;

(h) insure that building addition encroachments set forth in Section 1 above encroach on Spruce Street and S. 52nd Street no more than the dimensions listed in Section 1 above provided that the Streets Department, in its sole, unreviewable discretion, may allow minor variation of the dimension limits within the standard tolerance of current engineering practice; and,

(i) provide, if George Wake, d/b/a "Big George's Diner," is not the owner of 283-285 S. 52nd Street, a notarized written permission from the owner of said property for the construction, operation and maintenance of the building addition encroachments as set forth in Section 1 above .

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

SECTION 5. The authorization granted to George Wake, d/b/a "Big George's Diner," to construct, operate and maintain the building addition encroachments as described in

City of Philadelphia

BILL NO. 060046 continued

Section 1 above shall expire without any further action by the City if George Wake, d/b/a “Big George’s Diner,” has not entered into the Agreement and satisfied all requirements of the Agreement within one (1) year after this Ordinance becomes law.

SECTION 6. This Ordinance shall not become effective unless the sum of **FIVE THOUSAND DOLLARS (\$ 5,000.00)**, towards the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.