

City of Philadelphia



(Bill No. 040967)

AN ORDINANCE

Authorizing John & Danielle Alexander, 2237 Kimball Street, Philadelphia, PA 19146, their successors and assigns, to construct and maintain a building addition on South 22nd Street, under certain terms and conditions.

WHEREAS, the erection of a three-story addition to the property 2148 Carpenter Street, which is currently vacant, will be renovated as the primary residence for the above listed owners as a single-family use. The proposed addition will consist of a garage on the 1st floor, with living areas on the 2nd & 3rd floor; and

WHEREAS, portions of the building addition will partially encroach on the east footway of South 22nd Street; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to John & Danielle Alexander, owners of the property 2148 Carpenter Street, Philadelphia, PA 19146, their successors and assigns, to construct, own and maintain:

A building addition located approximately fifty-nine feet (59') south of the south curbline of Carpenter Street. The addition is approximately eleven feet four inches (11'-4") wide, thirty-two feet (32') high, and projects four feet (4') onto the east public footway of S. 22nd Street. The remaining clear footway is ten feet (10').

SECTION 2. The construction, use, and maintenance of the building addition listed 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, the Department of Streets and the Art Commission.

SECTION 3. Before exercising any rights or privileges under this Ordinance, John & Danielle Alexander must first obtain or have their 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, John & Danielle Alexander shall enter into an agreement ("Agreement") with the appropriate City department or

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departments, in a form satisfactory to the Law Department, to provide that John & Danielle Alexander shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, he shall remove the building addition without cost or expense to the City 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 Law Department 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 building addition or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that John & Danielle Alexander self-assume liabilities and obligations normally covered by 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 be necessary by the reason of the construction of the building addition;
- (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 that John & Danielle Alexander are self-insured and are 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 building addition 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 Law Department; and
- (g) give the City and all public utility companies the right of access, ingress and egress for the purpose of inspection, maintenance, alteration,

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relocation or reconstruction of any of their respective facilities which may lie within the public footways on Carpenter Street and South 22nd Street adjacent to the property.

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 permission granted to John & Danielle Alexander to construct, own and maintain the building addition described in Section 1 shall expire without any further action by the City of Philadelphia if John & Danielle Alexander have not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 3 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 the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 16, 2004. The Bill was Signed by the Mayor on January 25, 2005.



Patricia Rafferty
Chief Clerk of the City Council