

# City of Philadelphia



(Bill No. 040503)

## AN ORDINANCE

Authorizing Mayfair Community Development Corporation, 6810 Frankford Avenue, Philadelphia, PA 19135, its successors and assigns, to construct, own and maintain raised planters and benches on the public footways of Frankford Avenue, from Harbison Avenue to Rhawn Street, and Cottman Avenue from Frankford Avenue to Leon Street, under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

**SECTION 1.** Mayfair Community Development Corporation, its successors and assigns, are hereby authorized to construct, own and maintain the following structures:

### **Benches**

The metal benches, colored black with anti-graffiti coating, will not display any advertisement. The benches, located approximately three feet (3') off the curblin, are two sizes: four foot (4') length near corners, six foot length (6') mid block. The benches, placed parallel to the curblin facing the building façade, will be anchored to the existing concrete sidewalk. It is anticipated that four benches, (2) four foot and (2) six foot, will be installed per side of street per block face.

### **Raised Planters**

The metal planters, colored black with an anti-graffiti coating, are two feet six inches (2'-6") diameter and two feet six inches (2'-6") high and will be located approximately three feet (3') off the curblin. It is anticipated that four (4) planters will be installed per side of street per block face. Each planter will contain a tree.

The exact number and location of the proposed raised planters and benches are not known at this time. The Department of Streets will maintain the authority to review and approve the location of each planter and bench prior to installation. The installations will occur as funding becomes available.

**SECTION 2.** The construction, use and maintenance of the raised planters and benches 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, Mayfair Community Development Corporation must first obtain or have their contractor(s) obtain all required permits, licenses and approvals from all appropriate departments, boards,

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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, Mayfair Community Development Corporation shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Mayfair Community Development Corporation shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the raised planters and benches 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 raised planters and benches or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Mayfair Community Development Corporation self-assumes 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 due to the construction of the raised planters and benches;
- (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 Mayfair Community Development Corporation 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;

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- (f) insure that all construction contractors for the raised planters and benches 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;
- (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 footway on Chestnut 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 Mayfair Community Development Corporation to construct, own and maintain the raised planters and benches described in Section 1 shall expire without any further action by the City of Philadelphia if Mayfair Community Development Corporation has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 3 of this Ordinance within three (3) years 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 June 3, 2004. The Bill was Signed by the Mayor on June 21, 2004.

A handwritten signature in black ink that reads "Patricia Rafferty". The signature is written in a cursive style with a large, prominent initial "P".

Patricia Rafferty  
Chief Clerk of the City Council