

# City of Philadelphia



(Bill No. 050070)

## AN ORDINANCE

Authorizing Temple University, 1101 West Montgomery Avenue, Philadelphia, PA, 19122, its successors and assigns, to construct, own and maintain a building encroachment on the east footway of North 13th Street adjacent to the Temple University Student Center, under certain terms and conditions.

**WHEREAS**, Temple University is the owner of property located at 1735-1755 North 13th Street, Philadelphia, PA, 19122; and

**WHEREAS**, Temple University has requested permission to construct, own and maintain a building encroachment on the east footway of North 13th Street adjacent to the Temple University Student Center; now, therefore,

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

**SECTION 1.** Temple University, its successors and assigns, is hereby authorized to construct, own and maintain a building encroachment on the east footway of North 13th Street adjacent to the Temple University Student Center as follows:

Starting at a point located approximately seventy feet (70') south of the south curbline of Montgomery Avenue, the building face is located approximately twenty-two feet (22') east of the east curbline of North 13th Street, encroaching zero feet (0'). Proceeding southwest at a point located approximately eighty feet (80') south of the south curbline of Montgomery Avenue, the building face is located approximately seventeen feet (17') east of the east curbline of North 13th Street, encroaching approximately five feet (5') onto the east footway. Proceeding southeast at a point located approximately eighty-one feet (81') south of the south curbline of Montgomery Avenue, the building face is located approximately twenty feet (20') east of the east curbline of North 13th Street, encroaching approximately two feet (2') onto the east footway. Proceeding southwest at a point located approximately one hundred and three feet (103') south of the south curbline of Montgomery Avenue, the building face is located approximately fourteen feet (14') east of the east curbline of North 13th Street, encroaching approximately eight feet (8') onto the east footway. Proceeding south at a point located approximately one hundred and thirty feet (130') south of the south curbline of Montgomery Avenue, the building face is located approximately fourteen feet (14') east of the east curbline of North 13th Street, encroaching approximately eight feet (8') onto the east footway. The building face proceeds east approximately eight feet (8') and terminates at the existing property.

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**SECTION 2.** The construction, use and maintenance of the building encroachment 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, Temple University 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, Temple University shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Temple University shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the building encroachment without cost or expense to the City and shall restore the cartway and footways of North 13th Street at no cost and 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 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 encroachment or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Temple University 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

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be necessary by the reason of the construction of the building encroachment;

- (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 Temple University 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 building encroachment 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, relocation or reconstruction of any of their respective facilities which may lie within the public right-of-way of North 13th Street.

**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 Temple University to construct, own and maintain the building encroachment described in Section 1 shall expire without any further action by the City of Philadelphia if Temple University has 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 April 21, 2005. The Bill was Signed by the Mayor on May 4, 2005.

A handwritten signature in black ink that reads "Patricia Rafferty". The signature is written in a cursive, flowing style.

Patricia Rafferty  
Chief Clerk of the City Council