



# City of Philadelphia

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

**BILL NO. 070228**

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**Introduced March 29, 2007**

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**Councilmember DiCicco**

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

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## **AN ORDINANCE**

Authorizing Rimas Properties, 11-15 N. 2nd Street, Philadelphia, PA 19129, owner of the property at 1352 South Street, Philadelphia, PA 19147, to construct, own and maintain a raised plaza encroachment on the south public sidewalk of South Street to provide ingress and egress to retail tenant spaces and to comply with the property accessibility requirements of the Americans with Disabilities Act of 1990, under certain terms and conditions.

WHEREAS, Rimas Properties owns the property located at 1352 South Street, Philadelphia, PA 19147; and

WHEREAS, Rimas Properties has requested permission to construct, own and maintain a raised plaza encroachment abutting the property on the south public sidewalk of South Street to provide ingress and egress to retail tenant spaces and to comply with the property accessibility requirements of the Americans with Disabilities Act of 1990; now, therefore

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

**SECTION 1.** Rimas Properties, owner of the property at 1352 South Street, Philadelphia, PA 19147, is hereby authorized to construct, own and maintain a raised plaza encroachment abutting the property on the south public sidewalk of South Street as follows:

The raised entrance plaza, which varies in height from zero inches (0'-0") to twenty four inches (0'-24") above sidewalk grade, is approximately two hundred feet (200'-0") in length and encroaches approximately six feet seven inches (6'-7") onto the south sidewalk of South Street leaving five feet five inches (5'-5") of clear footway.

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The plaza will include three (3) entrance steps, approximately three feet eight inches (3'-8") in width, as well as six (6) tree planting areas approximately four feet (4'-0") in width.

**SECTION 2.** The construction, use and maintenance of the pedestrian bridge 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 and the Department of Streets, provided that the Streets Department, in its sole, unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice.

**SECTION 3.** Before exercising any rights or privileges under this Ordinance, Rimas Properties 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, Rimas Properties shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the Law Department, to provide that Rimas Properties, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the raised plaza encroachment without cost or expense to the City and shall restore the cartway and footways of South 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 raised entrance plaza or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Rimas Properties 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

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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 raised entrance plaza;
- (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 Rimas Properties 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 raised plaza 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 any affected streets.

**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 Rimas Properties to construct, own and maintain the raised entrance plaza described in Section 1 shall expire without any further action by the City of Philadelphia if Rimas Properties 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), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes law.

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