

City of Philadelphia



(Bill No. 070186)

AN ORDINANCE

Authorizing The Trustees of the University of Pennsylvania, University of Pennsylvania Health System (UPHS), 3400 Spruce Street, Philadelphia, PA, 19104, to construct and maintain a pedestrian bridge over and across Convention Avenue, connecting the UPHS Penn Tower Complex (One Convention Avenue) with the proposed Perlman Center for Advanced Medicine (3400 Civic Center Boulevard), under certain terms and conditions.

WHEREAS, The Trustees of the University of Pennsylvania, University of Pennsylvania Health System own or control land on both sides of Convention Avenue; and

WHEREAS, The Trustees of the University of Pennsylvania, University of Pennsylvania Health System have requested permission to construct and maintain a pedestrian bridge over and across Convention Avenue to connect the Penn Tower Complex to the Perlman Center for Advanced Medicine; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Trustees of the University of Pennsylvania, University of Pennsylvania Health System are hereby authorized to erect and maintain an overhead pedestrian bridge located east of S. 34th Street and Civic Center Boulevard as follows:

The proposed pedestrian bridge is approximately twelve feet six inches (12'-6") in width, approximately fourteen feet six inches (14'-6") in height and approximately one hundred and fifteen feet (115'-0") in length. The centerline of the pedestrian bridge is located approximately two hundred and fifteen feet (215'-0") east of the east curb line of Civic Center Boulevard. The minimum clearance, from Convention Avenue to the underside of the bridge structure, is approximately twenty-one feet (21'-0").

The proposed pedestrian bridge will connect the UPHS Penn Tower Complex (One Convention Avenue) with the proposed Perlman Center for Advanced Medicine (3400 Civic Center Boulevard).

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.

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SECTION 3. Before exercising any rights or privileges under this Ordinance, The Trustees of the University of Pennsylvania, University of Pennsylvania Health System 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, The Trustees of the University of Pennsylvania, University of Pennsylvania Health System shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the Law Department, to provide that the Trustees of the University of Pennsylvania, University of Pennsylvania Health System shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the pedestrian bridge without cost or expense to the City and shall restore the cartway and footways of Convention Avenue and Civic Center Boulevard 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 pedestrian bridge or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that the Trustees of the University of Pennsylvania, University of Pennsylvania Health System 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 by the reason of the construction of the pedestrian bridge;

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(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 the Trustees of the University of Pennsylvania, University of Pennsylvania Health System 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 pedestrian bridge 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 the Trustees of the University of Pennsylvania, University of Pennsylvania Health System to construct, own and maintain the pedestrian bridge described in Section 1 shall expire without any further action by the City of Philadelphia if the Trustees of the University of Pennsylvania, University of Pennsylvania Health System (UPHS) 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), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date 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 26, 2007. The Bill was Signed by the Mayor on May 9, 2007.



Patricia Rafferty
Chief Clerk of the City Council