

City of Philadelphia



(Bill No. 070231)

AN ORDINANCE

Authorizing East Falls Development Corporation, 3654 Midvale Avenue, Philadelphia, PA 19129, owner of the property at 3800 Midvale Avenue, Philadelphia, PA 19129, for the installation of a gateway entrance sign for the East Falls community, under certain terms and conditions.

WHEREAS, East Falls Development Corporation owns the property at 3800 Midvale Avenue, Philadelphia, PA 19129; and

WHEREAS, East Falls Development Corporation has requested permission to install a gateway entrance sign for the East Falls community; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. East Falls Development Corporation, owner of the property at 3800 Midvale Avenue, Philadelphia, PA 19129, is hereby authorized to install a gateway entrance sign for the East Falls community as follows:

The freestanding structure consists of a granite pylon core with two (2) attached weathering steel “East Falls” rectangular signs. The structure is approximately fourteen feet (14’-0”) high by two feet (2’-0”) wide by four feet (4’-0”) long. The centerline of the sign structure is located approximately seventeen feet (17’-0”) north of the north curb line of Kelly Drive and is placed at the center of the fifteen feet (15’-0”) wide island.

The entrance sign will be placed upon a new landscaped traffic median to be installed in conjunction with the City’s East Falls Streetscape Project.

SECTION 2. The installation of the entrance sign 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 practices.

SECTION 3. Before exercising any rights or privileges under this Ordinance, East Falls Development Corporation 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

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

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the entrance sign without cost or expense to the City and shall restore the cartway and footways of Midvale Avenue 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 placement and installation of the entrance sign or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that East Falls 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 by the reason of the placement and installation of the entrance sign;
- (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 East Falls 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 entrance sign 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 East Falls Development Corporation to place and install the entrance sign described in Section 1 shall expire without any further action by the City of Philadelphia if East Falls 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 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 May 3, 2007. The Bill was Signed by the Mayor on May 24, 2007.

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