

City of Philadelphia



(Bill No. 070789)

AN ORDINANCE

Authorizing Joseph and Donna Slabinski to maintain an existing encroachment located at 2614 Orthodox Street, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Joseph and Donna Slabinski, to maintain an existing encroachment located at 2614 Orthodox Street. The existing encroachment is a free standing clock located approximately one hundred and thirty feet (130'-0") north of the north curb line of Thompson Street and approximately two feet (2'-0") west of the west curb line of Orthodox Street, leaving eleven feet three inches (11'-3") of clear footway. The existing clock encroachment, which is approximately fourteen feet (14'-0") high, sits atop a concrete footing approximately four feet (4'-0") deep by nineteen inches (19") in diameter. The clock is energized via an underground electrical service conduit emanating from the property.

SECTION 2. The maintenance and use of the clock described and 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 Department of Streets, 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, Joseph and Donna Slabinski 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, Joseph and Donna Slabinski shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that Joseph and Donna Slabinski shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the existing clock encroachment without cost or expense to the City and shall remove the existing clock encroachment at no cost and expense to the City of Philadelphia when given written notice to do so by

City of Philadelphia

BILL NO. 070789 continued

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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 City Solicitor 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 existing clock encroachment or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Joseph and Donna Slabinski self-assume 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 Joseph and Donna Slabinski;
- (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 City Solicitor, or in lieu thereof, submit documentation in form and content acceptable to the City that Joseph and Donna Slabinski are 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 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 City Solicitor; 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.

City of Philadelphia

BILL NO. 070789 continued

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SECTION 4. The City Solicitor 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 Joseph and Donna Slabinski to maintain the existing clock encroachment described in Section 1 shall expire without any further action by the City of Philadelphia if Joseph and Donna Slabinski 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.

City of Philadelphia

BILL NO. 070789 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on November 15, 2007. The Bill was Signed by the Mayor on November 29, 2007.



Patricia Rafferty
Chief Clerk of the City Council