

City of Philadelphia



(Bill No. 070992)

AN ORDINANCE

Authorizing LaSalle University to construct, own and maintain, an overhead pedestrian bridge crossing the 5600 block of E. Wister Street connecting the Main Campus with Germantown Hospital, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to LaSalle University, to construct, own and maintain an overhead pedestrian bridge crossing the 5600 block of E. Wister Street connecting the Main Campus with Germantown Hospital. The overhead pedestrian bridge spans the entire right-of-way of E. Wister Street, approximately fifty feet (50'-0"), with a minimum vertical clearance of fourteen feet six inches (14'-6") above the roadway. The centerline of the overhead pedestrian bridge is located approximately three hundred and thirty feet (330'-0") north of the north curb line of W. Clarkson Street. The overhead pedestrian bridge is approximately ten feet (10'-0") wide.

SECTION 2. The construction, use, and maintenance of the overhead pedestrian bridge 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, LaSalle 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, LaSalle University shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the City Solicitor, to provide that LaSalle University *inter alia*:

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

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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 overhead pedestrian bridge or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that LaSalle 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 be necessary by the reason of the construction of the overhead pedestrian bridge;
- (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 LaSalle 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 overhead 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 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.

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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 LaSalle University to construct, own and maintain the overhead pedestrian bridge described in Section 1 shall expire without any further action by the City of Philadelphia if LaSalle 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), 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 December 13, 2007. The Bill was Signed by the Mayor on January 3, 2008.



Patricia Rafferty
Chief Clerk of the City Council