

City of Philadelphia



(Bill No. 000183)

AN ORDINANCE

Authorizing Gino DeJesse, owner of the property 1824 East Passyunk avenue, Philadelphia, PA 19147, to construct and maintain various encroachments onto and over the east footway of Thirteenth street and the north footway of Passyunk avenue adjacent to the property 1824 East Passyunk avenue; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Gino DeJesse, owner of the property 1824 East Passyunk avenue, Philadelphia, PA 19147, to construct and maintain on the footways adjacent to 1824 East Passyunk avenue:

(i) a fenced in area for a dumpster encroaching approximately four feet (4') onto the east footway of Thirteenth street from a point approximately eighty-seven feet (87') north of the north curb line of Passyunk avenue and eight feet (8') east of the east curb line of Thirteenth street and extending to a point approximately ninety-seven feet (97') north of the north curb line of Passyunk avenue, leaving approximately eight feet (8') of unobstructed footway on Thirteenth street.

(ii) an electrified vestibule encroaching approximately four feet (4') onto the north footway of Passyunk avenue from a point approximately eighty feet (80') east of the east curb line of Thirteenth street and eight feet (8') north of the north curb line of Passyunk avenue and extending to a point approximately ninety-three feet (93') east of the east curb line of Thirteenth street, leaving approximately eight feet (8') of unobstructed footway on Passyunk avenue.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Gino DeJesse must first 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 or privileges under this Ordinance, Gino DeJesse shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Gino DeJesse shall, *inter alia*:

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(a) furnish the City with a bond with corporate surety in the 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;

(b) protect, indemnify and save harmless the City from all suits or claims for damages which may arise directly or indirectly as a result of the erection of any of the encroachments listed in Section 1 of this Ordinance;

(c) comply with the provisions of The Philadelphia Code, thereby securing all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions as may be required;

(d) insure that the none of the encroachments authorized by Section 1 exceed the dimensions set forth in Section 1;

(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; and

(f) remove each of the encroachments authorized by Section 1 from the public right-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

SECTION 3. 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 4. The permission granted to Gino DeJesse to construct and maintain various encroachments onto and over the east footway of Thirteenth street and the north footway of Passyunk avenue adjacent to the property 1824 East Passyunk avenue shall expire without any further action by the City if Gino DeJesse has not entered into the Agreement and satisfied all requirements of the Agreement that are listed in Section 2 within one (1) year after this Ordinance becomes law.

SECTION 5. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.

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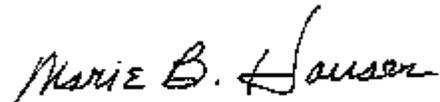
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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 1, 2000. The Bill was Signed by the Mayor on June 16, 2000.

A handwritten signature in black ink that reads "Marie B. Hauser". The signature is written in a cursive style with a large, looped initial "M".

Marie B. Hauser
Chief Clerk of the City Council