

City of Philadelphia



(Bill No. 000281)

AN ORDINANCE

Authorizing the McDonald's Corporation, 150 South Warner Road, King of Prussia, PA 19406, tenant of the property 942 Market street, Philadelphia, PA 19107, to construct and maintain various encroachments attached to the building and projecting onto and over the south footway of Market street and the east footway of Tenth street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the McDonald's Corporation, tenant of the property 942 Market street (owned by The Kieserman Partnership, c/o Lanard & Axilbund, 399 Market street, Philadelphia, PA 19106) to construct and maintain:

(a) Three (3) seasonal planter areas consisting of precast planters affixed to the building with steel posts and straps, within the east footway of Tenth street, projecting a maximum of approximately two feet (2') into the public right-of-way, each with an approximate length of twelve feet, six inches (12'-6") and an approximate height of two feet (2') above the footway. The centerlines of the planters are located at the following approximate offsets north of the north curb line of Degray street:

- (i) thirty feet, three inches (30'-3")
- (ii) forty-four feet, eleven inches (44'-11")
- (iii) fifty-nine feet, six inches (59'-6");

(b) four fabric awnings, projecting approximately two feet, six inches (2'-6") over the east footway of Tenth street; each with an approximate length of twelve feet, six inches (12'-6"), an approximate overall height of three feet (3'), and a minimum vertical clearance of approximately eight feet, one inch (8'-1") above the footway. The centerline of each awning will be located at the following approximate offsets north of the north curb line of Degray street:

- (i) thirty feet, three inches (30'-3")
- (ii) forty-four feet, eleven inches (44'-11")
- (iii) fifty-nine feet, six inches (59'-6")
- (iv) seventy-four feet, two inches (74'-2");

(c) an architectural embellishment consisting of a building cornice extending from the corner of the building at the southeast intersection of Tenth and Market streets, projecting a maximum of approximately two feet, six inches (2'-6") over the south

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footway of Market street, and a maximum of approximately two feet, six inches (2'-6") over the east footway of Tenth street. The cornice extends along the face of the building on the Tenth street side for a distance of approximately thirty-three feet (33') and along the face of the building on the Market street side for a distance of approximately twenty-four feet (24'). The cornice will be approximately thirty inches (30") in height with the lowest point being approximately thirty-four feet, nine inches (34'-9") above each footway;

(d) a metal finished building façade encroachment extending from the corner of the building at the southeast intersection of Tenth and Market streets, projecting a maximum of approximately two feet, six inches (2'-6") over the east footway of Tenth street for a distance of approximately thirty-three feet (33'). The building façade encroachment will be approximately sixteen feet (16') wide, and it will leave a minimum vertical clearance above the footway of approximately twenty-two feet (22') and a maximum vertical clearance above the footway of approximately thirty-eight feet (38'); and

(e) a permanent cloth banner mounted on metal poles attached to the façade of the building, projecting a maximum of approximately two feet, six inches (2'-6") over the south footway of Market street, at a point approximately thirty-three feet (33') east of the east curb line of Tenth street, with a minimum vertical clearance of approximately twelve feet (12') above the footway, and having a total overall height of approximately twenty feet, nine inches (20'-9").

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

(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 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 and maintenance of any of the various encroachments listed in Section 1 of this Ordinance;

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(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 none of the various 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;

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

(g) obtain confirmation in a form acceptable to the City Solicitor from the owner(s) of the property 942 Market street that the owner(s) have no objection to the erection of the various encroachments authorized by this Ordinance.

SECTION 3. The City Solicitor may include in the Agreement such other terms and conditions as the Solicitor deems necessary to protect the interests of the City.

SECTION 4. The permission granted to the McDonald's Corporation to construct and maintain various encroachments over the south footway of Market street and the east footway of Tenth street that are attached to the building 942 Market street shall expire without any further action by the City of Philadelphia if the McDonald's Corporation 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.

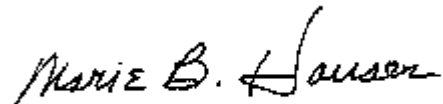
SECTION 5. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the costs thereof, is paid into the City Treasury with sixty (60) days after this Ordinance becomes law.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 22, 2000. The Bill was Signed by the Mayor on August 11, 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