

City of Philadelphia



(Bill No. 010607)

AN ORDINANCE

Authorizing the Arden Theatre Company, 40 North Second Street, Philadelphia, PA 19106, owner of the property 40 North Second Street, Philadelphia, PA 19106, to construct and maintain a steel and glass marquee with two electrified icon signs attached to the building and projecting over the west footway of Second street and the north footway of Filbert street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the Arden Theatre Company, owner of the property 40 North Second street to construct and maintain a steel and glass marquee with two (2) electrified icon signs attached to the northwest corner of the building and projecting a maximum of approximately six feet (6') over the west footway of Second street and a maximum of approximately six feet (6') over the north footway of Filbert street. The marquee with two (2) electrified icon signs will have a minimum vertical clearance above the footways of approximately twelve feet, four inches (12'-4") and a maximum vertical clearance above the footways of approximately eighteen feet, four inches (18'-4"). The marquee structure extends for a maximum length of approximately forty-two feet, four inches (42'-4") along the Second street facade and a maximum length of approximately forty-one feet, six inches (41'-6") along the Filbert street facade.

SECTION 2. Before exercising any rights or privileges under this Ordinance, the Arden Theatre Company 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 Arden Theatre Company shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that the Arden Theatre Company 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;

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(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 the steel and glass marquee with two (2) electrified icon signs;

(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 steel and glass marquee with two (2) electrified icon signs encroaches over the public rights-of-way no more than 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 the steel and glass marquee with two (2) electrified icon signs encroaching over the public rights-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 the Arden Theatre Company to construct and maintain a steel and glass marquee with two (2) electrified icon signs over the west footway of Second street and the north footway of Filbert street and attached to the property 40 North Second street shall expire without any further action by the City of Philadelphia if the Arden Theatre Company 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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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on November 15, 2001. The Bill was Signed by the Mayor on November 28, 2001.



Marie B. Hauser
Chief Clerk of the City Council