

City of Philadelphia



(Bill No. 020259)

AN ORDINANCE

Authorizing Liberty Property Philadelphia Limited Partnership II, owner of the property 3 Franklin Plaza, 1600 Vine Street, Philadelphia, PA 19101, to construct and maintain two aluminum flagpoles, four inground floodlight fixtures and appurtenances in, under and on the south footway of Vine street adjacent to 3 Franklin Plaza, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to the Liberty Property Philadelphia Limited Partnership II, owner of the property 3 Franklin Plaza, 1600 Vine Street, Philadelphia, PA 19101, to construct and maintain:

(a) two (2) aluminum flagpoles with a height of approximately thirty feet (30') and located in and on the south footway of Vine street adjacent to 3 Franklin Plaza at the following locations:

- (i) approximately thirty-seven feet (37') west of the west curb line of Sixteenth street and approximately ten feet, six inches (10'-6") south of the existing south curb line of Vine street
- (ii) approximately fifty-two feet west of the west curb line of Sixteenth street and approximately nine feet six inches (9'-6") south of the south curb line of Vine street

(b) four (4) inground floodlight fixtures and underground appurtenances within the south footway of Vine street adjacent to 3 Franklin Plaza at the following approximate locations west of the west curb line of Sixteenth street:

- (i) thirty-two feet (32')
- (ii) forty-two feet (42')
- (iii) forty-seven feet (47')
- (iv) fifty-seven feet (57')

SECTION 2. Before exercising any rights or privileges under this Ordinance, the Liberty Property Philadelphia Limited Partnership II 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

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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 Liberty Property Philadelphia Limited Partnership II shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that the Liberty Property Philadelphia Limited Partnership II 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 the flagpoles, inground floodlights and appurtenances 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 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.

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 Liberty Property Philadelphia Limited Partnership II to construct and maintain flagpoles, inground floodlights and appurtenances in, under and on the south footway of Vine street adjacent to the property 3 Franklin Plaza shall expire without any further action by the City of Philadelphia if the Liberty Property Philadelphia Limited Partnership II has not entered into the Agreement and satisfied all requirements of the Agreement that are listed in Section 2 within one (1) after this Ordinance becomes law.

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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 June 13, 2002. The Bill was Signed by the Mayor on June 28, 2002.



Marie B. Hauser
Chief Clerk of the City Council