

# City of Philadelphia



(Bill No. 020605)

## AN ORDINANCE

Authorizing Borders Bookstore, a tenant of the property One South Broad Street to construct, own and maintain six rigid awnings projecting from the building One South Broad Street and over the east footway of Broad street and the north footway of Chestnut street, all under certain terms and conditions.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Permission is hereby granted to Borders Bookstore, a tenant of the property One South Broad Street, Philadelphia, PA 19102, to construct, own and maintain:

(a) Three (3) rigid awnings projecting approximately four feet (4') over the east footway of Broad street. Each awning is approximately eleven feet, six inches (11'-6") long, six feet (6') high and has a minimum vertical clearance above the footway of ten feet, three inches (10'-3"). The centerline of each awning is located north of the north curb line of Chestnut street at the following locations:

- (i) forty feet (40')
- (ii) sixty feet (60')
- (iii) eighty feet (80')

(b) Two (2) rigid awnings projecting approximately four feet (4') over the north footway of Chestnut street. Each awning is approximately eleven feet, six inches (11'-6") long, six feet (6') high and has a minimum vertical clearance above the footway of ten feet, three inches (10'-3"). The centerline of each awning is located east of the east curb line of Broad street at the following locations:

- (i) fifty-three feet (53')
- (ii) ninety feet (90')

(c) One (1) rigid awning over the bookstore entrance on Chestnut street projecting approximately eight feet (8') over the north footway of Chestnut street. The awning is approximately eleven feet, six inches long (11'-6") thirteen feet, three inches high (13'-3") and has a minimum vertical clearance above the footway of ten feet, three inches (10'-3"). The centerline of the awning is seventy-one feet, six inches (71'-6") east of the east curb line of Broad street.

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SECTION 2. Before exercising any rights or privileges under this Ordinance, Borders Bookstore 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, Borders Bookstore shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the Law Department, to provide that Borders Bookstore 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 Law Department 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 construction, ownership and maintenance of the awnings over the public rights-of-way;

(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 awnings over the public rights-of-way encroach no more than the dimensions set forth in Section 1, provided that the Streets Department, in its sole unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice;

(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 Law Department;

(f) remove the awnings from over 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 of the property One South Broad Street, Philadelphia, PA 19102 that the owner has no objection to the construction of the awnings projecting from the building and over the east footway of Broad street and the north footway of Chestnut street.

SECTION 3. The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

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SECTION 4. The permission granted to Borders Bookstore to construct, own and maintain six rigid awnings projecting from the building One South Broad Street and over the east footway of Broad street and the north footway of Chestnut street shall expire without any further action by the City of Philadelphia if Borders Bookstore 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 21, 2002. The Bill was Signed by the Mayor on December 3, 2002.



Marie B. Hauser  
Chief Clerk of the City Council