

City of Philadelphia



(Bill No. 020687)

AN ORDINANCE

Authorizing Castlepoint NUMA, USA, Inc. to construct, own, and maintain six cast stone planters on the east footway of Seventeenth street adjacent to the property 1636 Walnut street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Castlepoint NUMA, USA, Inc. 1426 North Grant Avenue, Wilmington, Delaware 19806, owner of the property 1636 Walnut Street, Philadelphia, PA, 19103, to construct, own and maintain:

Six (6) cast stone planters on the east footway of Seventeenth street adjacent to 1636 Walnut street. Each planter is six feet (6') long, two feet (2') wide and twenty-two inches (22") high. The front face of each planter will be set back from the east curb line of Seventeenth street two feet (2'), leaving a minimum clear footway between the building facade and the planters of eight feet (8'). The centerline of each planter will be located at the following offsets south of the south curb line of Walnut street:

- (a) twenty-four feet, eight inches (24'-8")
- (b) thirty-five feet, four inches (35'-4")
- (c) fifty-three feet, ten inches (53'-10")
- (d) sixty-five feet, ten inches (65'-10")
- (e) eighty-six feet, eight inches (86'-8")
- (f) one hundred and six feet, five inches (106'-5").

SECTION 2. Before exercising any rights or privileges under this Ordinance, Castlepoint NUMA, USA, Inc. 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, Castlepoint NUMA, USA, Inc. shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the Law Department, to provide that Castlepoint NUMA, USA, Inc. 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

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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 cast stone planters on 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 cast stone planters on 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; and

(f) remove the cast stone planters from the public rights-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia.

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.

SECTION 4. The permission granted to Castlepoint NUMA, USA, Inc. to construct, own and maintain cast stone planters on the east footway of Seventeenth street adjacent to the property 1636 Walnut street shall expire without any further action by the City of Philadelphia if Castlepoint NUMA, USA, Inc. 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