

City of Philadelphia



(Bill No. 030687)

AN ORDINANCE

Granting permission to Sandra Davis, owner of Hidden River Café, tenant of the property located at 3572 Indian Queen Lane, to operate and maintain an open air sidewalk café on the north footway of Krail Street at the northeast corner of Krail Street and Indian Queen Lane, adjacent to 3572 Indian Queen Lane, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Sandra Davis, 3652 Haywood Street, Philadelphia, PA 19129, owner of Hidden River Café, tenant of the property located at 3572 Indian Queen Lane, at the northeast corner of Krail Street and Indian Queen Lane, to operate and maintain an open air sidewalk café with four (4) tables approximately two feet (2') square, encroaching a maximum of approximately two feet (2') into the north footway of Krail Street, adjacent to 3572 Indian Queen Lane, leaving a minimum of approximately eight feet (8') unobstructed footway for pedestrians. The first table is to be located approximately twenty feet (20') east of the east curb line of Indian Queen Lane; the last table is to be located approximately sixty feet (60') east of the east curb line of Indian Queen Lane.

SECTION 2. Before exercising any rights or privileges under this ordinance, Sandra Davis 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, Sandra Davis shall enter into an agreement ("Agreement") with the appropriate City department(s), in a form satisfactory to the City Solicitor that shall:

a) furnish the City with a bond with corporate surety in the amount required by the Streets Commissioner and in a form satisfactory to the City Solicitor to insure compliance with all of the terms and conditions of this ordinance and the aforementioned agreement;

b) protect, indemnify and save harmless the City from all suits or claims from damages which may arise directly or indirectly as a result of the open air sidewalk cafe;

c) submit documentation in a form acceptable to the City Solicitor that the owner of the property located at 3572 Indian Queen Lane, Philadelphia, PA 19129, has no objection to Sandra Davis operating and maintaining an open air sidewalk café on the

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footways adjacent to the property 3572 Indian Queen Lane, Philadelphia, PA 19129

d) 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;

e) agree in writing that when, at the determination of the City of Philadelphia, the open air sidewalk cafe necessitates relocation and/or removal of any underground structure, either publicly or privately owned, Sandra Davis will absorb all costs and expenses for the performance of such work at no cost to the City;

f) insure that the four (4) tables for the open air sidewalk cafe encroach no more than a maximum of approximately two feet (2') onto the north footway of Krail Street, adjacent to 3572 Indian Queen Lane;

g) 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; and

h) remove the open air sidewalk cafe within thirty (30) days upon service of lawful written notice from the Streets Department.

SECTION 3. The City Solicitor shall include in the Agreement such other terms and conditions, as he shall deem necessary or appropriate in the interest of the City.

SECTION 4. The permission granted to Sandra Davis to maintain and operate an open air sidewalk cafe on the north footway of Krail Street, adjacent to the property at 3572 Indian Queen Lane, shall expire without any further action by the City of Philadelphia if Sandra Davis has not entered into the Agreement and satisfied all requirements of the Agreement 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 December 4, 2003. The Bill was Signed by the Mayor on December 18, 2003.



Patricia Rafferty
Chief Clerk of the City Council