Legislation Details (With Text)

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Type:	Resolution	**Status:**	Passed Finally
File created:	7/21/2017	**In control:**	Committee on Public Works
On agenda:	7/25/2017	**Final action:**	7/31/2017
Enactment date:	7/31/2017	**Enactment #:**	483
Effective date:	8/10/2017		
Title:	Resolution granting unto John Katz, 4 Katz Crew, LP; Brandywine Agency Inc., 357 Lincoln Highway; North Versailles, PA 15137, his successors and assigns, planters and seating areas on the right-of-way of Beacon Street for 1928-1940 Murray Avenue in the 14th Ward, 5th Council District of the City of Pittsburgh.		
Sponsors:			
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Code sections:			
Attachments:	1. Summary 2017-1781.docx		

Date	Ver.	Action By	Action	Result
8/10/2017	1	Mayor	Signed by the Mayor	
7/31/2017	1	City Council	Passed Finally	Pass
7/26/2017	1	Standing Committee	AFFIRMATIVELY RECOMMENDED	Pass
7/25/2017	1	City Council	Waived under Rule 8	Pass
7/25/2017	1	City Council	Read and referred	

Resolution granting unto John Katz, 4 Katz Crew, LP; Brandywine Agency Inc., 357 Lincoln Highway; North Versailles, PA 15137, his successors and assigns, planters and seating areas on the right-of-way of Beacon Street for 1928-1940 Murray Avenue in the 14th Ward, 5th Council District of the City of Pittsburgh.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. That John Katz, 4 Katz Crew, LP; Brandywine Agency Inc., 357 Lincoln Highway; North Versailles, PA 15137, his successors and assigns, is hereby granted the privilege to construct, maintain and use at his own cost and expense, planters and seating areas on the right-of-way of Beacon Street for 1928-1940 Murray Avenue in the 14th Ward, 5th Council District of the City of Pittsburgh.

1) Three (3) concrete/wood planters with vegetation, extending four feet eleven inches (4’ 11”) over the property line.

2) Four (4) tables with chairs (only two (2) located in the right-of-way.)

3) Planting area with trees at least eighteen inches (18”) behind face of curb; three feet (3’) wide by forty-five feet (45’) in length.

All located on the fifteen.seventy-six foot (15.76’) sidewalk area of Beacon Street, for 1928-1940 Murray Avenue, Allegheny County Lot and Block 86-R-44; leaving five feet nine inches (5’ 9”) open for

pedestrian access.

The said encroachment shall conform to the provisions of his resolution and in accordance with the Plan identified as Accession D-826 on file in the Division of Surveys, Department of Public Works.

Section 2. The said Grantee prior to the beginning of the construction of said encroachment shall submit to the Director of the Department of Public Works of the City of Pittsburgh a complete set of plans, in triplicate, showing the location and all details of said construction. Said plans and said construction shall be subject to the approval and supervision of the Director of the Department of Public Works.

Section 3. The encroachment herein granted shall be subject and subordinate to the rights of the City of Pittsburgh and its powers and supervision over City streets, and also to Resolutions of the City of Pittsburgh relating thereto, and to the provisions of any general Resolutions which have been or may be hereafter passed relating to said construction, maintenance and its use on City streets and compensation for same.

Section 4. The said Grantee shall bear the full cost and expense of the repair of any street pavement damaged, repair of sewer, water lines and other surface and sub-surface structures which may be in any way damaged or disturbed by reason of the construction, maintenance, use and operation of said construction. All work, including the repaving and repairing of any portion of the street damaged, shall be done in the manner and at such times as the Director of the Department of Public Works may order and shall be subject to his approval and supervision.

Section 5. The rights and privileges granted by his Resolution are granted upon the express condition that the City of Pittsburgh, without liability, reserves the right to cause the removal of said construction upon giving to the said Grantee at least three (3) months written notice through the proper officers, pursuant to a resolution of Council, to the said John Katz, 4 Katz Crew, LP; Brandywine Agency Inc., 357 Lincoln Highway; North Versailles, PA 15137, his successors and assigns, to that effect and that the said Grantee shall when so notified at the expiration of the said three (3) months forthwith remove said construction and replace street to its original condition at his own cost and expense.

Section 6. John Katz, 4 Katz Crew, LP; Brandywine Agency Inc., 357 Lincoln Highway; North Versailles, PA 15137 is responsible for damages to persons or property by reason of the construction, maintenance and use of said encroachment and it is a condition of his grant that the City of Pittsburgh assumes no liability for damage to either persons, or property on account of his grant, and that John Katz, 4 Katz Crew, LP; Brandywine Agency Inc., 357 Lincoln Highway; North Versailles, PA 15137, for hisselves, his successors and assigns, shall, by accepting the terms of his Resolution, hereby indemnify, save harmless and defend the City of Pittsburgh from any and all damages and claims for damages arising by reason of said construction, maintenance and use.

John Katz, 4 Katz Crew, LP; Brandywine Agency Inc., 357 Lincoln Highway; North Versailles, PA 15137, shall maintain in effect during the entire period of his license the following insurance for the protection of the City of Pittsburgh, all premiums being at the expense of the licensee, which insurance shall be non-cancelable except upon thirty (30) days written notice to said City and which insurance shall cover and name said City as an additional insured:

Public Liability	$ 100,000.00 - $ 300,000.00

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Property Damage	$ 50,000.00

Prior to commencement of his license and as required by said City, from time to time licensee shall submit proof of the above insurance in form of a certificate, duly attested by the proper officers or authorized representatives of a responsible insurance company

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