



## Legislation Details (With Text)

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<b>Type:</b>	Resolution	<b>Status:</b>	Passed Finally
<b>File created:</b>	5/4/2018	<b>In control:</b>	Committee on Public Works
<b>On agenda:</b>	5/8/2018	<b>Final action:</b>	5/22/2018
<b>Enactment date:</b>	5/22/2018	<b>Enactment #:</b>	357
<b>Effective date:</b>	6/1/2018		
<b>Title:</b>	Resolution granting Diana Ngo, Brooks Criswell, Elyse Hoffman, co-owners of Onion Maiden LLC, 639 East Warrington Avenue, Pittsburgh, PA 15210 an encroachment authorizing construction, maintenance, and use of a public seating area (also known as a Spark) on the right-of-way of Warrington Avenue in the 18th Ward, 3rd City Council District of the City of Pittsburgh.		
<b>Sponsors:</b>			
<b>Indexes:</b>	ENCROACHMENTS & EASEMENTS		
<b>Code sections:</b>			
<b>Attachments:</b>	1. Summary 2018-0451		

Date	Ver.	Action By	Action	Result
6/1/2018	1	Mayor	Signed by the Mayor	
5/22/2018	1	City Council	Passed Finally	Pass
5/16/2018	1	Standing Committee	Affirmatively Recommended	
5/8/2018	1	City Council	Read and referred	

Resolution granting Diana Ngo, Brooks Criswell, Elyse Hoffman, co-owners of Onion Maiden LLC, 639 East Warrington Avenue, Pittsburgh, PA 15210 an encroachment authorizing construction, maintenance, and use of a public seating area (also known as a Spark) on the right-of-way of Warrington Avenue in the 18<sup>th</sup> Ward, 3<sup>rd</sup> City Council District of the City of Pittsburgh.

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

**Section 1.** Diana Ngo, Brooks Criswell and Elyse Hoffman, co-owners of Onion Maiden, 73 Owendale Avenue, Pittsburgh, PA 15210, and assigns (“Permittee”) are hereby granted an encroachment to construct, maintain and use at its cost and expense, a public seating area also known as a Spark on the right-of-way in front of their business at 639 E Warrington Avenue in the 18<sup>th</sup> Ward, 3rd Council District of the City of Pittsburgh.

1. 20’ long and 7’ wide wood platform built flush with the existing curb (about 8” in height) beginning 10’ - 3” from the property line and extending 7’ into the right-of-way;
2. Two wood benches and one wood table;
3. 34 continuous feet of 42” high steel and cable railing.

In addition to the issuance of an encroachment permit, the Director of the Department of the Department of Mobility and Infrastructure (“DOMI”) is hereby authorized to require Permittee to agree to additional terms as set forth in an Addendum to Encroachment Permit: Special Conditions for Spark (the “Addendum”). The

encroachment shall conform to the provisions of this Resolution and in accordance with the plans attached to the Addendum.

**Section 2.** The said Permittee prior to the beginning of the construction of said encroachment shall submit to the Director of the Department of Mobility and Infrastructure (“DOMI”) 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 DOMI.

**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 that 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 Permittee 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 that 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 DOMI may order and shall be subject to the Director’s approval and supervision.

**Section 5.** The rights and privileges granted by this Resolution are granted upon the express condition that the City of Pittsburgh, without liability, reserves the right to cause the removal of said construction pursuant to the terms set forth in the Addendum.

**Section 6.** Permittee 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 this encroachment that the City of Pittsburgh assumes no liability for damage to either persons, or property on account of this encroachment, and that Permittee shall, by accepting the terms of this 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 consistent with the requirements herein and with those set forth in the Addendum.

**Section 7.** Permittee shall maintain in effect during the entire period of the encroachment the insurance pursuant to all requirement set forth in the Addendum to the Encroachment Permit.