Text File

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Committee: Committee on Public Works **Status:** Passed Finally

Resolution granting unto Michael Johnson, 5317 Butler Street, Pittsburgh, PA 15201, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, two exterior steel trellis structures at the Pusadee's Garden Restaurant at 5317 Butler Street, in the 10th Ward, 7th Council District of the City of Pittsburgh.

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

Section 1. That Michael Johnson, 5317 Butler Street, Pittsburgh, PA 15201, his successors and assigns, are hereby granted the privilege to construct, maintain and use at his own cost and expense, a 30" in width, and 13' X 0" in length for two exterior steel trellis structures at the Pusadee's Garden Restaurant at 5317 Butler Street, 10th Ward, 7th Council District of the City of Pittsburgh.

Section 2. The said Grantee prior to the beginning of the construction of said encroachment shall submit to the Director of the Department of Mobility and Infrastructure 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 Mobility and Infrastructure.

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 Mobility and Infrastructure may order and shall be subject to their approval and supervision.

Section 5. The rights and privileges granted by their 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 Michael Johnson, 5317 Butler Street, Pittsburgh, PA 15201, their 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 their own cost and expense.

Section 6. That Michael Johnson, 5317 Butler Street, Pittsburgh, PA 15201, shall be responsible for and

shall assume all liability, either of said Michael Johnson, 5317 Butler Street, Pittsburgh, PA 15201, or the City of Pittsburgh, for damages to persons or property by reason of the construction, maintenance and use of said encroachment and it is a condition of their grant that the City of Pittsburgh assumes no liability for damage to either persons, or property on account of their grant, and that Michael Johnson, 5317 Butler Street, Pittsburgh, PA 15201, for themselves, his successors and assigns, shall, by accepting the terms of their 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.

That Michael Johnson, 5317 Butler Street, Pittsburgh, PA 15201, shall maintain in effect during the entire period of their 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
Property Damage	$ 50,000.00	

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

Section 7. The foregoing rights and privileges are granted subject to the following conditions, to wit: Their Resolution shall become null and void unless within 120 days after its approval the said Michael Johnson, 5317 Butler Street, Pittsburgh, PA 15201, his successors and assigns, shall file with the Department of Mobility and Infrastructure their certificate of acceptance of the provisions there of, said certificate to be executed by Michael Johnson, 5317 Butler Street, Pittsburgh, PA 15201.