



C I T Y O F P H I L A D E L P H I A

DEPARTMENT OF STREETS  
TOLSON  
7<sup>TH</sup> Floor - Municipal Services Building  
1401 JFK Boulevard  
Philadelphia, Pennsylvania 19102-1676

CLARENA I. W.  
Commissioner

**Contact:** Keisha McCarty-Skelton, (215) 686-5499  
June Cantor, (215) 686-5088

**For Immediate Release:** July 25, 2007

**CITY WINS CONSENT DECREE AGAINST DEVELOPERS AT 1352 SOUTH STREET**

**PHILADELPHIA** – The Streets Department is pleased to announce it has won a consent decree against the developer at 1352 South Street, ordering the removal of an encroachment of a plaza that was erected illegally and conflicts with American Disability Act (ADA) requirements, Streets Commissioner Clarena Tolson announced today.

On July 12, 2007 a judgment was handed down for the developer to alter the structure of the new building constructed at this location. The building includes a raised plaza, steps and handicap ramp that encroaches the public right of way for safe passage.

After an inspection of the location by the Streets Department's Right of Way Unit, it was determined that the platform at 1352 South Street was in violation of Title 11 of the Philadelphia Code, which states, " No person shall own, construct, operate, maintain, or repair any facilities in the Right-of-Way." The Streets Department acted quickly by partnering with the Department of Licenses and Inspections to withhold occupancy certificates, issue a stop work order and ultimately obtain a Consent Decree through the Court system.

As a result of this judgment, the City and developer have reached an agreement to rectify the situation. The developer has agreed to reconstruct the raised platform to meet the requirements of Title 11 of the Philadelphia Code.

As such, the developer is required within 30 days, at his own expense, to obtain a survey of the as-built conditions and to commission an architect to present an acceptable plan to remedy the illegally constructed platform. Only after the as-built survey is completed and the architect's plan is submitted can the Streets Department make a determination of code compliance and finally resolve this matter. The review of the remediation plans will take in account the structure must meet all ADA requirements.

As public safety is the City's first priority, the Streets Department reminds builders and design professionals who knowingly and willingly perform work in violation of the Philadelphia Code that the Streets Department will continue to aggressively pursue the removal of illegal construction on the public sidewalk on behalf of citizens and visitors to the City of Philadelphia.

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