

City of Philadelphia



(Bill No. 040568)

AN ORDINANCE

Granting permission to Nirlesh C. Desai and C&N Newsstand, owner and operator of the newsstand located on the northwest corner of Sixteenth street and John F. Kennedy boulevard, to construct, use and maintain a conduit for fiber optic facilities in and under the north footway of John F. Kennedy boulevard, the west footway of Sixteenth street and the south footway of Cuthbert street, for the purpose of supplying telephone service to said newsstand.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Nirlesh C. Desai and C&N Newsstand, owner and operator of the newsstand located on the northwest corner of Sixteenth street and John F. Kennedy boulevard to construct, use and maintain a conduit for fiber optic facilities in and under the north footway of John F. Kennedy boulevard, the west footway of Sixteenth street and the south footway of Cuthbert street, for the purpose of supplying telephone service to said newsstand.

The construction and maintenance of said conduit shall be in accordance with the rules and regulations of the City of Philadelphia and specifically those of the Department of Licenses and Inspections, Streets, and Public Property.

No City department, agency, board or commission shall be required solely by virtue of this Ordinance to issue any permit, license, or approval that Nirlesh C. Desai and C&N Newsstand must by law obtain prior to construction in the public right-of-way.

This Ordinance specifically does not grant Nirlesh C. Desai and C&N Newsstand permission to install or use any machine or device outside the exterior wall of the newsstand.

SECTION 2. Before exercising any rights and privileges under this Ordinance, Nirlesh C. Desai and C&N Newsstand shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the City Solicitor, to provide that Nirlesh C. Desai and C&N Newsstand shall:

(a) Furnish the City with a bond with corporate surety in the amount and in form satisfactory to the City Solicitor to insure the compliance with all the terms and conditions of this Ordinance and the Agreement and to protect and to indemnify the City from all damage or claims for damages which may arise directly or indirectly as a result of the construction, use and maintenance of the conduit authorized by Section 1.

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(b) Secure all necessary permits, licenses, and approval from all appropriate departments, agencies, boards, or commissions of the City or other governmental entity as may be required by law.

(c) Provide written proof that the location, design and connection of the conduit and fiber optic facilities have been approved by Bell-Atlantic-PA, Inc.

(d) Assume the cost of all changes and adjustments to, and relocation and abandonment of, all utilities and structures wherever located as may be necessary by reason of the installation of the telephone service.

(e) Carry public liability and property damage insurance, naming the City of Philadelphia as an insured party, in such amounts as shall be reasonably satisfactory to the City Solicitor.

(f) Assume the costs and duties of completely restoring the public rights of way of Sixteenth street, John F. Kennedy boulevard and Cuthbert street that are affected by the work authorized by Section 1 of this Ordinance pursuant to City of Philadelphia approved specifications.

SECTION 3. The City Solicitor shall include in the Agreement such other terms and provisions as shall be deemed necessary to protect the interest of the City of Philadelphia.

SECTION 4. The permission granted to construct, use and maintain a conduit for fiber optic facilities shall expire without any further action by the City of Philadelphia if Nirlesh C. Desai has not entered into the Agreement and satisfied all requirements of the Agreement and the requirements that are listed in Section 2 of this Ordinance 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 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 June 21, 2004. The Bill was Signed by the Mayor on July 1, 2004.



Patricia Rafferty
Chief Clerk of the City Council