

City of Philadelphia



(Bill No. 050140)

AN ORDINANCE

Authorizing Vincent and Barbara Termini, 824 Gatemore Road, Bryn Mawr, PA 19010, owners of the property Mr. Joe Café, 1514 S. 8th Street, Philadelphia, PA 19147, their successors and assigns, to construct, own and maintain pedestrian scale light poles, luminaires and underground electrical service, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Vincent and Barbara Termini, owners of the property Mr. Joe Café, 1514 S. 8th Street, Philadelphia, PA 19147, their successors and assigns, to construct, own and maintain pedestrian scale light poles, luminaires and underground electrical service as follows:

Pedestrian Lights:

The pedestrian scale light posts with luminaires are approximately eleven feet six inches (11'-6") in height, are approximately seven inches (7") in diameter, and are located approximately one foot six inches (1'-6") from the face of the curb to the centerline of the post. Four (4) light posts are proposed for the south footway of Greenwich Street and two (2) light posts are proposed for the west footway of S. 8th Street. The posts are located at the following approximate distances measured from the face of the curb of the near street to the centerline of each light post.

<u>Post #</u>	<u>On Location</u>	<u>Approx. Distance</u>	<u>From Location</u>
1	Greenwich Street	Nine feet Two inches (9'-2")	wwcl of S. 8th Street
2	Greenwich Street	Twenty- Eight feet Two inches (28'-2")	wwcl of S. 8th Street
3	Greenwich Street	Forty- Seven feet Two inches (47'-2")	wwcl of S. 8th Street
4	Greenwich Street	Sixty-six feet Two inches (66'-2")	wwcl of S. 8th Street
5	S. 8th Street	Ten feet Zero inches (10'-0")	sscl of Greenwich St
6	S. 8th Street	Twenty-four feet Zero inches (24'-0")	sscl of Greenwich St

Note: **wwcl** = west of west curblines; **sscl** = south of south curblines

Electrical Service Conduit:

The pedestrian scale light posts with luminaires are energized via an electrical service conduit powered from within the property. The one inch (1") diameter PVC conduit, approximately one foot three inches (1'-3") below grade, runs beneath the south sidewalk

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of Greenwich Street starting at a point located approximately sixty-six feet (66') west of the west curbline of S. 8th Street. The conduit, which connects each post, runs for approximately ninety-three feet (93') beneath the south sidewalk of Greenwich Street and the west sidewalk of S. 8th Street, terminating approximately twenty-four feet (24') south of the south curbline of Greenwich Street.

SECTION 2. The construction, use and maintenance of the pedestrian scale light poles, luminaires and underground electrical service listed in Section 1 shall be in accordance with the laws, rules and regulations of the City of Philadelphia, and specifically those of the Department of Licenses and Inspections and the Department of Streets.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Vincent and Barbara Termini must first obtain or have their contractor(s) obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions. No such department, board, agency or commission shall be required to issue any such permit, license or approval solely because this Ordinance has been enacted, it being the express intent of this Ordinance not to supersede any other provision of law governing the issuance of such permits, licenses or approvals. In addition, before exercising any rights and privileges under this Ordinance, Vincent and Barbara Termini shall enter into an agreement (“Agreement”) with the appropriate City department or departments, satisfactory to the Law Department, to provide that Vincent and Barbara Termini shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City of Philadelphia, they shall remove the pedestrian scale light poles, luminaires and underground electrical service without cost or expense to the City when given written notice to do so by the City to accommodate a municipal or municipal sponsored construction project;
- (b) furnish the City with either a bond with corporate surety in an amount required by the Department of Streets and in a form satisfactory to the Law Department to insure the compliance with all the terms and conditions of this Ordinance and the Agreement, and to protect and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the construction, maintenance or use of the pedestrian scale light poles, luminaires and underground electrical service or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Vincent and Barbara Termini self-assume liabilities and obligations normally covered by Surety Bond;

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- (c) secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City as may be required by regulation or law. No such department, board, agency or commission shall be required to issue any such permit, license or approval solely because this Ordinance has been enacted;
- (d) assume the costs of all changes and adjustments to, and relocation or abandonment of, City utilities and City structures wherever located as may be necessary by the reason of the construction of the pedestrian scale light poles, luminaires and underground electrical service;
- (e) carry public liability and property damage insurance, co-naming the City of Philadelphia as an insured party, in such amounts as shall be satisfactory to the Law Department, or in lieu thereof, submit documentation in form and content acceptable to the City that Vincent and Barbara Termini are self-insured and are providing the City of Philadelphia the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania;
- (f) insure that all construction contractors for the pedestrian scale light poles, luminaires and underground electrical service 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 Law Department; and
- (g) give the City and all public utility companies the right of access, ingress and egress for the purpose of inspection, maintenance, alteration, relocation or reconstruction of any of their respective facilities which may lie within the public footways on S. 8th Street and Greenwich Street, adjacent to the property.

SECTION 4. The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

SECTION 5. The permission granted to Vincent and Barbara Termini to construct, own and maintain the pedestrian scale light poles, luminaires and underground electrical service described in Section 1 shall expire without any further action by the City of Philadelphia if Vincent and Barbara Termini have not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 3 of this Ordinance within one (1) year after this Ordinance becomes law.

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SECTION 6. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the 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 April 21, 2005. The Bill was Signed by the Mayor on May 4, 2005.



Patricia Rafferty
Chief Clerk of the City Council