



# City of Philadelphia

City Council  
Chief Clerk's Office  
402 City Hall  
Philadelphia, PA 19107

**BILL NO. 060859**

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**Introduced November 16, 2006**

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**Councilmember Clarke**

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**Referred to the  
Committee on Streets and Services**

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## **AN ORDINANCE**

Authorizing John Rocco to construct, operate and maintain underground electric and phone conduit feeds for a newsstand located at the northwest corner of 20th and Market Streets, Philadelphia, PA, 19103, under certain terms and conditions.

**WHEREAS**, John Rocco has requested permission to construct, operate and maintain building encroachments consisting of underground electric and phone conduit feeds to a newsstand located at the northwest corner of 20th and Market Streets, Philadelphia, PA, 19103; now, therefore,

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

**SECTION 1.** John Rocco, his successors and assigns are hereby authorized to construct, operate and maintain underground electric and phone conduit feeds to the newsstand located at the northwest corner of 20th and Market Streets, Philadelphia, PA, 19103, as follows:

The encroachment, as detailed below, describes the approximate centerline location of the adjacent conduits:

**Phone** service is to be provided by a two inch (2") diameter PVC conduit. **Starting** at the south side of the existing newsstand, located in the south footway of Market Street west of N. 20th Street, the conduit runs **south** beneath the footway and into the roadway for approximately six feet (6') to a point located approximately twenty-five feet (25') west of the west curb line of N. 20th Street and two feet (2') south of the north curb line of Market Street. The conduit runs **east** beneath the roadway for approximately thirty-eight feet (38') to a point located approximately thirteen feet (13') east of the west curb line of N. 20th Street and two feet (2') south of the north curb line of Market Street. The conduit runs **south** beneath the roadway for approximately twenty-four feet (24') to a point

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located approximately thirteen feet (13') east of the west curb line of N. 20th Street and twenty-six feet (26') south of the north curb line of Market Street. The conduit runs **east** beneath the roadway for approximately five feet (5') terminating at the west side of an existing VERIZON manhole located approximately twenty feet (20') east of the west curb line of N. 20th Street and twenty-six feet (26') south of the north curbline of Market Street.

**Electrical** service is to be provided by a two inch (2") diameter PVC conduit. **Starting** at the south side of the existing newsstand, located in the south footway of Market Street west of N. 20<sup>th</sup> Street, the conduit runs **south** beneath the footway and into the roadway for approximately six feet (6') to a point located approximately twenty-five feet (25') west of the west curb line of N. 20<sup>th</sup> Street and two feet (2') south of the north curb line of Market Street. The conduit runs **east** beneath the roadway for approximately thirty-eight feet (38') to a point located approximately thirteen feet (13') east of the west curb line of N. 20th Street and two feet (2') south of the north curb line of Market Street. The conduit runs **south** beneath the roadway for approximately thirty-three feet (33') terminating at the north side of an existing PECO manhole located approximately thirteen feet (13') west of the west curb line of S. 20th Street and fifteen feet (15') north of the south curb line of Market Street.

**SECTION 2.** The construction, operation and maintenance of the underground electric and phone conduit as listed in Section 1 above 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, the Department of Streets and the Art Commission.

**SECTION 3.** Before exercising any rights or privileges under this Ordinance, John Rocco must first obtain or have his 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, John Rocco shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the Law Department, provided that John Rocco shall, *inter alia*:

(a) agree that when given thirty (30) days written notice from the City, John Rocco shall remove underground electric and phone conduit feeds to the newsstand at the northwest corner of 20th and Market streets without cost or expense to the City and shall restore the aforesaid cartways and footways at no cost or expense to the City to accommodate a municipal or municipal-sponsored construction project;

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(b) furnish the City with 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 aforementioned Agreement;

(c) assume the costs and expenses 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, operation and maintenance of underground electric and phone conduit feeds to the newsstand located at the northwest corner of 20th and Market Streets;

(d) agree to defend, save harmless and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as result of the construction, operation and maintenance of underground electric and phone conduit feeds to the newsstand located at the northwest corner of 20th and Market Streets or their removal;

(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 John Rocco is self-insured and is providing the City of Philadelphia that 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 underground electric and phone conduit feed carry public liability and property damage insurance, naming the City of Philadelphia as an insured party in such amounts as shall be satisfactory to the Law Department;

(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 right-of-way of any affected streets aforesaid; and

(h) insure that underground electric and phone conduit feeds encroach on no more than the dimensions listed in Section 1 provided that the Streets Department, in its sole, unreviewable discretion, may allow minor variation of the dimension limits within the standard tolerance of current engineering practice.

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**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 authorization granted to John Rocco to construct, operate and maintain underground electric and phone conduit feeds as described in Section 1 shall expire without any further action by the City if John Rocco has not entered into the Agreement and satisfied all requirements of the Agreement within one (1) year after this Ordinance becomes law.

**SECTION 6.** This Ordinance shall not become effective unless the sum of TWO HUNDRED DOLLARS (\$200.00), towards the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.