

City of Philadelphia



(Bill No. 020356)

AN ORDINANCE

Granting permission to Payal News, owner of the newsstand at the northwest corner of Eleventh street and Market street, to construct, use and maintain an electrical conduit with an electrical service line and a telecommunications conduit with a telephone service line in and under the public rights-of-way for the purpose of supplying electrical service and telephone service to the newsstand, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Payal News (owned by Kishori Desai and Nitin Desai, 10861 Academy Road, Philadelphia, PA 19154) owner of the newsstand located on the northwest corner of Eleventh street and Market street to construct, use and maintain:

(a) a two inch (2") conduit with appurtenances, serving as an electric service connection approximately thirty-two inches (32") below the grade of the north footway of Market street. The conduit begins at a point on the east side of the newsstand and continues in an easterly direction approximately thirty-five feet (35') under the footway and into the cartway of Eleventh street, where it turns south and enters a PECO Energy manhole. The PECO Energy manhole is located approximately nine feet, ten inches (9'-10") south of the north curb line of Market street and approximately six feet, six inches (6'-6") east to the west curb line of Eleventh street; and

(b) a two inch (2") conduit and appurtenances, serving as a telephone service connection approximately thirty-two inches (32") below the grade of the north footway of Market street. The conduit begins at a point on the east side of the newsstand and continues in an easterly direction approximately thirty-four feet under the footway and into the cartway of Eleventh street, where it turns north and enters a Verizon manhole. The Verizon manhole is located approximately twenty-five feet (25') north of the north curb line of Market street and fifteen feet (15') east of the west curb line of Eleventh street.

(c) The construction and maintenance of the electric conduit, electric service line, telecommunications conduit and telephone service line described in subsections (i) and (ii) above shall be in accordance with the laws, rules and regulations of the City of Philadelphia, including those of the Department of Licenses and Inspections, Department of Streets, and Department of Public Property.

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(d) The north footway of Market street where the electrical and telecommunications conduit is installed must be restored with the same type of material that is at this location on the date this Ordinance becomes law.

(e) No City department, agency, board or commission shall be required solely by virtue of this Ordinance to issue any permit, license, or approval that Payal News must by law obtain prior to construction in and under the public right-of-way, 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.

(f) This Ordinance specifically does not grant Payal News permission to install or use any machine or device outside the exterior wall of the newsstand, and the permission granted by this Ordinance is expressly conditioned on the newsstand maintaining at all times a clear footway of approximately nine feet, eight inches (9'-8") on the north footway of Market street where the newsstand is located.

SECTION 2. Before exercising any rights and privileges under the Ordinance, Payal News, shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the City Solicitor, to provide that Payal News shall, *inter alia*:

(a) furnish the City with a bond with a 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 of the Agreement, and to protect and to indemnify the City from all damages or claims for damages which may arise directly or indirectly as a result of the construction, use and maintenance of the electrical conduit and electrical service line and the telecommunications conduit and telephone service line authorized in Section 1;

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

(c) provide proof that PECO Energy Company has approved the location, design and connection of the electrical conduit and electrical service line to the existing PECO facilities and the newsstand;

(d) provide proof that Verizon-PA Inc., has approved the location, design and connection of the conduit and telephone service line from the newsstand to existing Verizon facilities;

(e) assume the cost of all changes or adjustments to, or relocation or abandonment of any utilities and structures, wherever they may be located, which are

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necessitated by the installation of the electrical conduit, electrical service line and telephone service line authorized by Section 1 of this Ordinance;

(f) assume the costs and duties of completely restoring the public rights-of-way of Eleventh street and Market street that are affected by the work authorized by Section 1 of this Ordinance pursuant to City of Philadelphia approved specifications; and

(h) 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 City Solicitor.

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 an electrical conduit and service line and a telecommunications conduit and telephone service line shall expire without any further action by the City of Philadelphia if Payal News 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 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 June 13, 2002. The Bill was Signed by the Mayor on September 6, 2002.



Marie B. Hauser
Chief Clerk of the City Council