

City of Philadelphia



Philadelphia, December 4, 2003

CERTIFICATION: This is to certify that Bill No. 030616 was presented to the Mayor on the thirteenth day of November, 2003, and was not returned to the Council with his signature at a meeting held December 4, 2003 (being more than ten days after it has been presented to him).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

A handwritten signature in cursive script that reads "Patricia Rafferty".

Patricia Rafferty
Chief Clerk of the City Council

(Bill No. 030616)

AN ORDINANCE

Granting permission to Lougeswaran Vijayhratnam, owner of the newsstand at the southeast corner of Eighteenth Street and Chestnut 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 Lougeswaran Vijayhratnam, 1816 Stephen Street, Ridgewood Queen, NY 11385, owner of the newsstand located on the southeast corner of Eighteenth Street and Chestnut Street to construct, use and maintain:

(a) a two inch (2") diameter PVC conduit with appurtenances, serving as an electric service connection. The conduit starts at the eastside of an existing PECO manhole, in the cartway of South Eighteenth Street, located approximately fourteen feet

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six inches (14'-6") south of the south curbline of Chestnut Street and two feet (2') west of the east curbline of South Eighteenth Street, the conduit proceeds east beneath the cartway and into the east footway of South Eighteenth Street for approximately four feet six inches (4'-6") to a point located approximately fourteen feet six inches (14'-6") south of the south curbline of Chestnut Street and two feet six inches (2'-6") east of the east curbline of South Eighteenth Street. The conduit proceeds south beneath the footway approximately thirteen feet (13') and enters the north end of the newsstand at a point located approximately twenty seven feet six inches (27'-6") south of the south curbline of Chestnut Street and two feet six inches (2'-6") east of the east curbline of South Eighteenth Street; and

(b) a two inch (2") diameter PVC conduit and appurtenances, serving as a telephone service connection. The conduit begins at an underground conduit beneath an existing VERIZON pay phone, in the south footway of Chestnut Street, located approximately five feet (5') south of the south curbline of Chestnut Street and twenty five feet (25') east of the east curbline of South Eighteenth Street, the conduit proceeds west beneath the south footway of Chestnut Street for approximately fifteen feet (15') to a point located approximately five feet (5') south of the south curbline of Chestnut Street and ten feet (10') east of the east curbline of South Eighteenth Street. The conduit proceeds southwest beneath the footway for approximately eight feet (8') to a point located approximately ten feet six inches (10'-6") south of the south curbline of Chestnut Street and three feet six inches (3'-6") east of the east curbline of South Eighteenth Street. The conduit proceeds south beneath the east footway of South Eighteenth Street for approximately seventeen feet (17') and enters the north end of the newsstand at a point located approximately twenty seven feet six inches (27'-6") south of the south curbline of Chestnut Street and three feet six inches (3'-6") east of the east curbline of South Eighteenth Street; and

(c) construction and maintenance of the electric conduit, electric service line, telecommunications conduit and telephone service line described in Sections 1(a) and 1(b) 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; and

(d) no City department, agency, board or commission shall be required solely by virtue of this Ordinance to issue any permit, license, or approval that Lougeswaran Vijayhratnam 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; and

(e) this Ordinance specifically does not grant Lougeswaran Vijayhratnam 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 an eight foot (8') minimum clear footway on both

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South Eighteenth Street and Chestnut Street where the newsstand as approved by the City is located.

SECTION 2. Before exercising any rights and privileges under the Ordinance, Lougeswaran Vijayhratnam shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Lougeswaran Vijayhratnam shall, *inter alia*:

(a) furnish the City with a bond with a corporate surety in the amount and in form satisfactory to the Law Department to insure compliance with all the terms and conditions of this Ordinance and of 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 electrical conduit, electrical service line, 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 written 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 written 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 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 Eighteenth Street and Chestnut Street that are affected by the work authorized by Section 1 of this Ordinance pursuant to City of Philadelphia approved specifications;

(g) 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.

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

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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 Lougeswaran Vijayhratnam 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.