



City of Philadelphia

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

BILL NO. 010230

Introduced April 19, 2001

Councilmember Miller

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

AN ORDINANCE

Granting permission to Kent R. Miller, and to his successors and assigns, to construct, use, own and maintain a private combination sanitary/storm sewer main within the right-of-way of the Unit block of East Sunset avenue to provide service to 4 East Sunset avenue; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Kent R. Miller, 4 Sunset Avenue, Philadelphia, PA 19118, owner of the property 4 East Sunset Avenue, Philadelphia, PA 19118, and his successors and assigns, to construct, use, own and maintain the following facilities to provide sanitary/storm sewer service to the property 4 East Sunset avenue:

A combination sanitary/stormwater sewer main, running from an existing Philadelphia Water Department manhole located approximately eighty seven feet (87') east of the east right-of-way line of Green Tree road and two feet (2') north of the north right of way line of East Sunset avenue; extending south across the footway and into the cartway of East Sunset avenue for approximately twenty-four feet (24'); turning approximately 45 degrees and extending southwesterly for approximately twenty-four feet (24') to a point located approximately forty-eight feet (48') east of the east right-of-way line of Green Tree road and eight feet (8') north of the south right of right-of-way line of East Sunset avenue; continuing westerly for approximately forty feet (40') to a point approximately eight feet (8') east of the east right-of-way line of Green Tree road and eight

City of Philadelphia

BILL NO. 010230 continued

feet (8') north of the south right-of-way line of East Sunset avenue; and then continuing southerly for approximately eight feet (8') across the south footway of East Sunset avenue and into the property 4 East Sunset avenue.

SECTION 2. Before exercising any rights and privileges under this Ordinance, Kent R. Miller must first obtain all required permits, licenses and approvals from all appropriate City 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 or privileges under this Ordinance, Kent R. Miller shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Kent R. Miller 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 compliance with all the terms and conditions of this Ordinance and 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 installation, use and maintenance of the facilities authorized by Section 1 of this Ordinance;

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

(c) Assume the cost of all changes or adjustments to, or relocation or abandonment of, all utilities and structures within the public right-of-way which are necessary for the installation of the facilities authorized by Section 1 of this Ordinance;

(d) Carry public liability and property damage insurance that covers the private combination sanitary/storm sewer authorized to be constructed within the public right-of-way in Section 1, naming the City of Philadelphia as an insured party, in such amounts as shall be reasonably satisfactory to the City Solicitor;

(e) Remove or relocate any or all of the facilities authorized by Section 1 of this Ordinance from the public right-of-way within sixty (60) days after lawful service of notice by the City of Philadelphia;

(f) Remove any or all of the facilities authorized by Section 1 of this Ordinance from the public right-of-way pursuant to the applicable City specifications

City of Philadelphia

BILL NO. 010230 continued

within sixty (60) days notice when any of the facilities are no longer used for the purpose authorized by this Ordinance;

(g) Acknowledge that the facilities authorized and constructed by Section 1 of this Ordinance are owned by, and are the sole maintenance responsibility of Kent R. Miller; and

(h) Submit documentation in a form acceptable to the City of Philadelphia establishing that the Philadelphia Water Department has approved the manner of connection of the private combination sanitary/stormwater sewer to the sewer owned and maintained by the City of Philadelphia.

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 by this Ordinance shall automatically terminate without any further legislative action by the City of Philadelphia when the facilities authorized by Section 1 of this Ordinance are no longer being used by Kent R. Miller, or by his successors and assigns, for the purpose authorized by this Ordinance.

SECTION 5. The permission granted to Kent R. Miller, his successors and assigns to construct, use and maintain the facilities authorized by Section 1 of this Ordinance shall expire without any further action by the City of Philadelphia if Kent R. Miller has not entered into the Agreement and satisfied all requirements of the Agreement that are listed in Section 2 of this Ordinance 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), toward the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.

City of Philadelphia

BILL NO. 010230 continued