

# City of Philadelphia



(Bill No. 010301)

## AN ORDINANCE

Granting permission to John Tripodi, owner of the property 2536 McKean Street, Philadelphia, PA 19145, and his successors and assigns, to construct, use, own and maintain a private water line under the cartway of Twenty-sixth street and the south footway of the 2500 block of McKean street to provide water service to 2536 McKean street; all under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to John Tripodi, 1911 Morris Street, Philadelphia, PA 19145, owner of the property 2536 McKean Street, Philadelphia, PA 19145, and his successors and assigns, to construct, use, own and maintain the following facilities to provide water service to the property 2536 McKean street:

A private one inch (1") steel water line with a minimum cover of approximately three feet, six inches (3'-6") and intersecting an existing water main in the cartway of Twenty-sixth street at a point approximately three feet (3') south of the south curb line of McKean street and thirteen feet (13') west of the east curb line of Twenty-sixth street. The private water line runs under and across the Twenty-sixth street cartway, continues beneath the south footway of McKean street offset approximately three feet (3') south of the south curb line of McKean street for a total distance of approximately ninety feet (90') and then turns south, across the right-of-way line and into the property 2536 McKean street.

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

(1) 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

# City of Philadelphia

BILL NO. 010301 continued

Certified Copy

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;

(2) 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;

(3) 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;

(4) Carry public liability and property damage insurance that covers the private sanitary 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;

(5) 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;

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

(7) Acknowledge that the facilities authorized and constructed by Section 1 of this Ordinance are owned by, and are the sole maintenance responsibility of John Tripodi; and

(8) 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 water line to the water main 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 John Tripodi, or by his successors and assigns, for the purpose authorized by this Ordinance.

# City of Philadelphia

BILL NO. 010301 continued

Certified Copy

SECTION 5. The permission granted to John Tripodi, 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 John Tripodi 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. 010301 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 31, 2001. The Bill was Signed by the Mayor on May 31, 2001.



Patricia Rafferty  
Chief Clerk of the City Council