

# City of Philadelphia



(Bill No. 000373)

## AN ORDINANCE

Granting permission to Temple University of the Commonwealth System of Higher Education to construct, use and maintain a telecommunications duct bank and manholes within and under Diamond street between Broad street and Tenth street, all under certain terms and conditions.

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

**SECTION 1.** Permission is hereby granted to Temple University of the Commonwealth System of Higher Education to construct, use and maintain:

(i) A maximum of nine (9) four inch (4") diameter conduits within a duct bank in the cartway of Diamond street, approximately two feet (2') north of the south curb line of Diamond street, beginning at an existing manhole owned by Temple University and located approximately six feet (6') north of the south curb line of Diamond street and three hundred and twenty-eight feet, six inches (328'-6") east of the east curb line of Broad street (southeast corner of Diamond street and Park avenue), and extending eastwardly for approximately fourteen hundred feet (1400') to the east curb line of Alder street, then continuing eastwardly in the south footway of Diamond street, approximately ten feet (10') south of the south curb line for an additional distance of approximately thirty-five feet (35') to a point approximately one hundred and four feet (104') west of the west curb line of Tenth street, then in a northerly direction in the cartway and north footway of Diamond street for a distance of approximately sixty-eight feet;

(ii) Four (4) manholes with a maximum size of approximately five feet (5') wide, twelve feet (12') long and ten feet (10') deep, at places along the route of the conduits described in Section 1(i) at the following locations:

(a) The southeast intersection of Thirteenth street and Diamond street centered a point approximately five feet (5') north of the south curb line of Diamond street and fifteen feet (15') east of the east curb line of Thirteenth street;

(b) The southeast intersection of Twelfth street and Diamond street centered at a point approximately five feet (5') north of the south curb line of Diamond street and twenty feet (20') east of the east curb line of Twelfth street;

# City of Philadelphia

BILL NO. 000373

Certified Copy

(c) The southeast intersection of Eleventh street and Diamond street centered at a point approximately five feet (5') north of the south curb line of Diamond street and twenty feet(20') east of the east curb line of Eleventh street; and

(d) The southeast intersection of Alder street and Diamond street centered a point approximately five feet (5') north of the south curb line of Diamond street and two hundred and forty-seven feet (247') east of the east curb line of Eleventh street.

(iii) The construction, use and maintenance of said telecommunications duct bank and manholes 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, Department of Streets, and Department of Public Property.

**SECTION 2.** Before exercising any rights and privileges under this Ordinance, Temple University 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, Temple University of the Commonwealth System of Higher Education shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Temple University 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, naming the City of Philadelphia as an insured party, in such amounts as shall be reasonably satisfactory to the City Solicitor;

# City of Philadelphia

BILL NO. 000373

Certified Copy

(e) Remove 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) Make necessary adjustments or reimburse the City of Philadelphia for making adjustments to any manhole authorized in Section 1 of this Ordinance when notified to do so by the Streets Department in preparation of a street paving project; and

(g) Remove the telecommunication duct bank and manholes from the public right-of-way pursuant to the applicable City specifications within sixty (60) days after any of the facilities listed in Section 1 cease being used for the purpose authorized by this Ordinance.

**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 Temple University for the purpose authorized by this Ordinance.

**SECTION 5.** The permission granted to Temple University 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 Temple University 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.

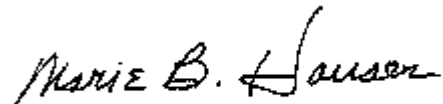
**SECTION 6.** This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.

# City of Philadelphia

BILL NO. 000373

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 22, 2000. The Bill was Signed by the Mayor on August 11, 2000.

A handwritten signature in black ink that reads "Marie B. Hauser". The signature is written in a cursive style with a large, looped initial "M".

Marie B. Hauser  
Chief Clerk of the City Council