



City of Philadelphia

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

BILL NO. 010504

Introduced June 14, 2001

Councilmember DiCicco

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

AN ORDINANCE

Authorizing Philadelphia Hotel Partners, L.L.C., owners of the property 410 South Front street, Philadelphia, PA 19147, to construct, own and maintain underground conduit and four spotlight fixtures in, on and under the west footway of Front street adjacent to the building 410 South Front street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Philadelphia Hotel Partners, L.L.C., owners of the property 410 South Front street, Philadelphia, PA 19147, to construct, use, own and maintain the following facilities in and under public rights-of-way:

(a) Four (4) underground conduit electric service lines under the west footway of Front street and four (4) spotlight fixtures located in treewells within the west footway of Front street near the front entrance to the hotel. The underground conduits begin at building line of 410 South Front street and extend eastwardly under the west footway of Front street to each spotlight. The centerline of each treewell with a spotlight is located approximately six feet (6') west of the west curb line of Front street. The centerline of each spotlight fixture and conduit is located at the following approximate distances north of the north curb line of Lombard street:

- (i) one hundred and thirteen feet (113')
- (ii) one hundred and thirty-three feet (133')
- (iii) one hundred and fifty-three feet (153')
- (iv) two hundred and twenty-one feet (221')

SECTION 2. Before exercising any rights and privileges under this Ordinance, Philadelphia Hotel Partners, L.L.C. must first obtain all required permits, licenses and approvals from all appropriate City departments, boards, agencies or commissions. No

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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, Philadelphia Hotel Partners, L.L.C. shall enter into an agreement (“Agreement”) with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Philadelphia Hotel Partners L.L.C. 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 construction, ownership, 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 that are necessary for the installation of the facilities authorized by Section 1 of this Ordinance;

(d) insure that none of the facilities authorized by Section 1 exceed the dimensions set forth in Section 1;

(e) carry public liability and property damage insurance that covers the facilities 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;

(f) 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;

(g) 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; and

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(h) submit “built plans” to the City of Philadelphia in a form designated by the City for the underground conduit authorized by Section 1(a) within ninety (90) days after the conduit is installed.

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 Philadelphia Hotel Partners, L.L.C. to construct, own and maintain the facilities authorized by Section 1 of this Ordinance shall expire without any further action by the City of Philadelphia if Philadelphia Hotel Partners, L.L.C. 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 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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