

City of Philadelphia



(Bill No. 020167)

AN ORDINANCE

Authorizing 801 Market Street Holdings, L.L.C., owners of the property 801 Market Street, Philadelphia, PA 19107, to construct, use, own and maintain two private pedestrian light posts with underground appurtenances and conduit in, on and under the west footway of Eighth street adjacent to the property 801 Market street and one concrete-encased duct bank within the public right-of-way to supply electrical service to the property 801 Market street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to 801 Market Street Holdings, L.L.C., owner of the property 801 Market Street, Philadelphia, PA 19107, to construct, use, own and maintain the following facilities in, on and under public rights-of-way:

(a) Two (2) aluminum pedestrian light posts approximately fourteen feet (14') high and set back approximately two feet (2') west of the west curb line of Eighth street. The centerline of each light post will be offset north of the north curb line of Market street at the following locations:

- i one hundred and seventy-one feet (171')
- ii two hundred and four feet (204');

(b) A two-inch (2") diameter conduit for providing electric service to the pedestrian light posts, the conduit beginning at the building 801 Market street under the west footway of Eighth street at a point located approximately two hundred and five feet, eight inches (205'-8") north of the north curb line of Market street. The conduit continues east to a point approximately two feet (2') west of the west curb line of Eighth street, then under the west footway to a point located approximately one hundred and seventy-one feet north of the north curb line of Market street where it intersects with the concrete-encased duct bank described in Section 1(c). The conduit is located approximately fifteen inches (15") below the grade of the footway.

(c) One (1) concrete-encased duct bank with two (2) conduits of five inch (5") diameter to provide electrical service to 801 Market street. The duct bank begins at the property line and runs east under the entire west footway of Eighth street from a point located approximately one hundred and seventy-one feet (171') north of the north curb line of Market street to an existing PECO Energy manhole located one hundred and seventy-one feet (171') north of the north curb line of Market street and approximately

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two feet (2') east of the west curb line of Eighth street. The duct bank is located approximately seventeen inches (17") below the grade of the footway.

SECTION 2. Before exercising any rights and privileges under this Ordinance, 801 Market Street Holdings, L.L.C. 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, 801 Market Street Holdings, 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 801 Market Street Holdings, 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 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 facilities authorized to be constructed within the public right-of-way in Section 1 of this Ordinance, 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 within sixty (60) days notice when any of the facilities are no longer used for the purpose authorized by this Ordinance;

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(g) submit documentation in a form acceptable to the City of Philadelphia establishing that the entity supplying energy for the pedestrian lights and electrical service to 801 Market street has approved the manner of connection of the private lights and the concrete-encased conduit to their facilities; and

(h) submit “built plans” to the City of Philadelphia in a form designated by the City for the underground conduits authorized by Section 1(b) and Section 1(c) of this Ordinance within 90 days after the conduits are 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 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 801 Market Street Holdings, L.L.C. for the purpose authorized by this Ordinance.

SECTION 5. The permission granted to 801 Market Street Holdings, 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 801 Market Street Holdings, 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 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.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 13, 2002. The Bill was Signed by the Mayor on September 6, 2002.



Marie B. Hauser
Chief Clerk of the City Council