

City of Philadelphia



(Bill No. 030374)

AN ORDINANCE

Authorizing the Philadelphia Phillies, Broad Street and Pattison Avenue, Philadelphia, PA 19148, its successors and assigns, to construct, own and maintain a total of fifty-five (55) street light poles with luminaires, twenty-seven (27) pedestrian light poles with luminaires, underground electrical service conduit, underground electrical and communication ductbanks in the vicinity of Pattison Avenue, Darien Street, and Hartranft Street adjacent to the new ballpark.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Philadelphia Phillies, its successors and assigns, is hereby authorized to construct, own and maintain the following structures:

Street Light Poles and Luminaires

The street light poles are thirty feet (30') high and are located approximately two feet ten inches (2'-10") from the face of the curb to the centerline of the pole. There is a total of fifteen (15) poles located on the north sidewalk of Pattison Avenue, a total of twenty-four (24) poles on the east and west sidewalks of Darien Street and a total of sixteen (16) poles on the north and south sidewalks of Hartranft Street. The pole locations are as follows:

(a) On the north sidewalk of Pattison Avenue, at the following locations west of the west curbline of Darien Street:

- i) twenty feet (20')
- ii) one hundred and twenty feet (120')
- iii) two hundred feet (200')
- iv) two hundred and eight feet (208')
- v) three hundred and fifty feet (350')
- vi) four hundred and forty feet (440')
- vii) five hundred feet (500')
- viii) five hundred and sixty feet (560')
- ix) six hundred and forty feet (640')
- x) six hundred and eighty feet (680')
- xi) seven hundred and forty feet (740')
- xii) eight hundred feet (800')
- xiii) eight hundred and ninety feet (890')
- xiv) nine hundred and sixty feet (960')
- xv) one thousand feet (1000')

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(b) On the east sidewalk of Darien Street, at the following locations north of the north curbline of Pattison Avenue:

- i) twenty feet (20')
- ii) eighty feet (80')
- iii) one hundred and eighty feet (180')
- iv) two hundred and sixty feet (260')
- v) three hundred and thirty feet (330')
- vi) four hundred and twenty feet (420')
- vii) five hundred feet (500')
- viii) five hundred and sixty feet (560')
- ix) six hundred and twenty feet (620')
- x) seven hundred feet (700')
- xi) seven hundred and eighty feet (780')
- xii) eight hundred and seventy feet (870')

(c) On the west sidewalk of Darien Street, at the following locations north of the north curbline of Pattison Avenue:

- i) twenty feet (20')
- ii) eighty feet (80')
- iii) one hundred and eighty feet (180')
- iv) two hundred and sixty feet (260')
- v) three hundred and thirty feet (330')
- vi) four hundred and twenty feet (420')
- vii) five hundred feet (500')
- viii) five hundred and sixty feet (560')
- ix) six hundred and twenty feet (620')
- x) seven hundred feet (700')
- xi) seven hundred and eighty feet (780')
- xii) eight hundred and seventy feet (870')

(d) On the north sidewalk of Hartranft Street, at the following locations west of the west curbline of Darien Street:

- i) twenty feet (20')
- ii) seventy feet (70')
- iii) one hundred and forty feet (140')
- iv) two hundred and ten feet (210')
- v) three hundred and ten feet (310')
- vi) three hundred and ninety feet (390')
- vii) four hundred and ninety feet (490')
- viii) five hundred and eighty feet (580')

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(e) On the south sidewalk of Hartranft Street, at the following locations west of the west curbline of Darien Street:

- i) twenty feet (20')
- ii) sixty feet (60')
- iii) one hundred and forty feet (140')
- iv) three hundred feet (300')
- v) three hundred and ninety feet (390')
- vi) four hundred and ninety feet (490')
- vii) six hundred feet (600')
- viii) six hundred and eighty feet (680')

Pedestrian Light Poles and Luminaires

The pedestrian light poles are twelve feet (12') high and are located approximately two feet ten inches (2'-10") from the face of the curb to the centerline of the pole. There is a total of thirteen (13) poles located on the north sidewalk of Pattison Avenue, a total of nine (9) poles on the west sidewalk of Darien Street and a total of five (5) poles on the south sidewalk of Hartranft Street. The pole locations are as follows:

(f) On the north sidewalk of Pattison Avenue, at the following locations west of the west curbline of Darien Street:

- i) sixty feet (60')
- ii) one hundred and fifty feet (150')
- iii) two hundred and fifty feet (250')
- iv) three hundred feet (300')
- v) four hundred and ten feet (410')
- vi) four hundred and seventy feet (470')
- vii) five hundred and thirty feet (530')
- viii) six hundred and sixty feet (660')
- ix) seven hundred and twenty feet (720')
- x) seven hundred and seventy feet (770')
- xi) eight hundred and sixty feet (860')
- xii) nine hundred and forty feet (940')
- xiii) one thousand and twenty feet (1020')

(g) On the west sidewalk of Darien Street, at the following locations north of the north curbline of Pattison Avenue:

- i) one hundred and twenty feet (120')
- ii) two hundred feet (200')
- iii) two hundred and ninety feet (290')

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- iv) three hundred and ninety feet (390')
- v) four hundred and seventy feet (470')
- vi) five hundred and thirty feet (530')
- vii) five hundred and ninety feet (590')
- viii) seven hundred and twenty feet (720')
- ix) eight hundred and ten feet (810')

(h) On the south sidewalk of Hartranft Street, at the following locations west of the west curbline of Darien Street:

- i) three hundred and sixty feet (360')
- ii) four hundred and sixty feet (460')
- iii) five hundred and twenty feet (520')
- iv) six hundred and thirty feet (630')
- v) six hundred and fifty feet (650')

Electrical and Communication Ductbanks

Four ductbanks will cross the entire public right-of-ways of Darien Street and Hartranft Street to provide for the interconnection of electrical power and communication throughout the ballpark site.

The ductbanks encroachments are as follows:

Hartranft Street

A ductbank consisting of a three (3) four inch (4") diameter PVC conduits for electrical and one (1) four inch (4") diameter PVC conduit for communication will cross the full width of **Hartranft Street** connecting the ballpark with a north parking lot. The ductbank is located approximately one hundred feet (**100'**) west of the west curbline of Darien Street and crosses the entire right-of-way at a distance of approximately eighty-eight feet (**88'**). The ductbank connects to manholes located outside of the right-of-way.

Darien Street

Three (3) separate ductbanks will cross the full width of **Darien Street** connecting the ballpark with an east parking lot. The **south** ductbank consists one (1) four inch (4") diameter PVC conduit for communications. This ductbank is located approximately six hundred and eighty-five feet (685') north of the north curbline of Pattison Avenue. The ductbank connects to manholes located outside of the right-of-way. The **center** ductbank consists eight (8) four inch (4") diameter PVC conduits for communications. This ductbank is located approximately seven hundred and ten feet (**710'**) north of the north curbline of Pattison Avenue. The ductbank connects to manholes located outside of the right-of-way. The **north** ductbank consists four (4) four inch (4") diameter PVC conduits for electrical service. This ductbank is located approximately seven hundred and twenty

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feet (**720'**) north of the north curblineline of Pattison Avenue. The ductbank connects to manholes located outside of the right-of-way.

SECTION 2. The construction, use and maintenance of a total of fifty-five (55) street light poles with luminaires, twenty-seven (27) pedestrian light poles with luminaires, underground electrical service conduit, underground electrical and communication ductbanks in the vicinity of Pattison Avenue, Darien Street, and Hartranft Street adjacent to the new ballpark listed in Section 1 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 and the Department of Streets.

SECTION 3. Before exercising any rights or privileges under this Ordinance, the Philadelphia Phillies must first obtain or have their contractor(s) obtain all required permits, licenses and approvals from all appropriate 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 and privileges under this Ordinance, the Philadelphia Phillies shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that the Philadelphia Phillies shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the fifty-five (55) street light poles with luminaires, twenty-seven (27) pedestrian light poles with luminaires, underground electrical service conduit, underground electrical and communication ductbanks in the vicinity of Pattison Avenue, Darien Street, and Hartranft Street adjacent to the new ballpark, without cost or expense to the City and shall restore the cartway and footways in the vicinity of Pattison Avenue, Darien Street, and Hartranft Street adjacent to the new ballpark at no cost and expense to the City of Philadelphia when given written notice to do so by the City of Philadelphia to accommodate a municipal or municipal sponsored construction project;
- (b) furnish the City with either a bond with corporate surety in an amount required by the Department of Streets and in a form satisfactory to the Law Department to insure the compliance with all the terms and conditions of this Ordinance and the Agreement, and to protect and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the construction, maintenance or use of the fifty-five (55) street light poles with luminaires, twenty-seven (27) pedestrian light poles with luminaires, underground electrical service conduit, underground electrical and communication

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ductbanks or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that the Philadelphia Phillies self-assumes liabilities and obligations normally covered by Surety Bond;

- (c) secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City as may be required by regulation or law. 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;
- (d) assume the costs of all changes and adjustments to, and relocation or abandonment of City utilities and City structures wherever located as may be necessary by the reason of the construction of the fifty-five (55) street light poles with luminaires, twenty-seven (27) pedestrian light poles with luminaires, underground electrical service conduit, underground electrical and communication ductbanks;
- (e) carry public liability and property damage insurance, co-naming the City of Philadelphia as an insured party, in such amounts as shall be satisfactory to the Law Department, or in lieu thereof, submit documentation in form and content acceptable to the City that the Philadelphia Phillies is self insured and is providing the City of Philadelphia the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania;
- (f) insure that all construction contractors of the fifty-five (55) street light poles with luminaires, twenty-seven (27) pedestrian light poles with luminaires, underground electrical service conduit, underground electrical and communication ductbanks 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 Law Department; and
- (g) give the City and all public utility companies the right-of-access, ingress and egress for the purpose of inspection, maintenance, alteration, relocation or reconstruction of any of their respective facilities which may lie within the public right-of-way in the vicinity of Pattison Avenue, Darien Street, and Hartranft Street adjacent to the new ballpark, without cost or expense to the City and shall restore the cartway and footways in the vicinity of Pattison Avenue, Darien Street, and Hartranft Street adjacent to the new ballpark.

SECTION 4. The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

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SECTION 5. The permission granted to the Philadelphia Phillies to construct, own and maintain the fifty-five (55) street light poles with luminaires, twenty-seven (27) pedestrian light poles with luminaires, underground electrical service conduit, underground electrical and communication ductbanks in the vicinity of Pattison Avenue, Darien Street, and Hartranft Street adjacent to the new ballpark described in Section 1 shall expire without any further action by the City of Philadelphia if the Philadelphia Phillies have not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 3 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 5, 2003. The Bill was Signed by the Mayor on July 31, 2003.



Patricia Rafferty
Chief Clerk of the City Council