

City of Philadelphia



(Bill No. 040025)

AN ORDINANCE

Granting permission to Nehal Desai and Raju Desai, owners of the newsstand at the corner of 13th & Market Streets, to construct, use and maintain an electrical conduit with an electrical service line and a telecommunications conduit with a telephone service line in and under the public rights-of-way for the purpose of supplying electrical service and telephone service to the newsstand, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Nehal Desai and Raju Desai, 210 Balfield Terrace, Cherry Hill, NJ 08003, owners of the newsstand located on the corner of 13th & Market Streets to construct, use and maintain:

(a) a two inch (2") diameter PVC conduit with appurtenances, serving as an electric service connection. Starting at the eastside of the existing newsstand, in the south footway of Market Street, located approximately thirty-three feet (33') east of the east curbline of 13th Street and one foot six inches (1'-6") south of the south curbline of Market Street, the conduit proceeds northeasterly beneath the south footway of Market Street for approximately two feet (2') to a point located approximately thirty-five feet (35') east of the east curbline of 13th Street and zero feet six inches (0'-6") south of the south curbline of Market Street. The conduit connects and terminates at an existing underground PECO conduit; and

(b) a two inch (2") diameter PVC conduit and appurtenances, serving as a telephone service connection. Starting at an existing VERIZON manhole in S. 13th Street, located approximately sixty-nine feet (69') south of the south curbline of Market Street and thirteen feet six inches (13'-6") west of the east curbline of S. 13th Street, the conduit proceeds east for approximately seventeen feet six inches (17'-6") beneath the roadway and east sidewalk of S. 13th Street to a point located approximately sixty-nine feet (69') south of the south curbline of Market Street and four feet (4') east of the east curbline of S. 13th Street. The conduit proceeds north for approximately sixty-three feet (63') beneath the east sidewalk of S. 13th Street and the south sidewalk of Market Street to a point located approximately six feet (6') south of the south curbline of Market Street and four feet (4') east of the east curbline of S. 13th Street. The conduit proceeds east for approximately twenty feet six inches (20'-6") beneath the south sidewalk of Market Street to a point located approximately six feet (6') south of the south curbline of Market Street and twenty-four feet six inches (24'-6") east of the east curbline of S. 13th Street. The conduit proceeds north for approximately four feet six inches (4'-6") beneath the south sidewalk of Market Street and terminates at a point located approximately one foot six

City of Philadelphia

BILL NO. 040025 continued

Certified Copy

inches (1'-6") south of the south curblin of Market Street and twenty-four feet six inches (24'-6") east of the east curblin of S. 13th Street; and

(c) construction and maintenance of the electric conduit, electric service line, telecommunications conduit and telephone service line described in Sections 1(a) and 1(b) shall be in accordance with the laws, rules and regulations of the City of Philadelphia, including those of the Department of Licenses and Inspections, Department of Streets, and Department of Public Property; and

(d) no City department, agency, board or commission shall be required solely by virtue of this Ordinance to issue any permit, license, or approval that Nehal Desai and Raju Desai must by law obtain prior to construction in and under the public right-of-way, 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; and

(e) this Ordinance specifically does not grant Nehal Desai and Raju Desai permission to install or use any machine or device outside the exterior wall of the newsstand, and the permission granted by this Ordinance is expressly conditioned on the newsstand maintaining at all times an eight foot (8') minimum clear footway on both 13th Street and Market Street where the newsstand as approved by the City is located.

SECTION 2. Before exercising any rights and privileges under the Ordinance, Nehal Desai and Raju Desai shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Nehal Desai and Raju Desai shall, *inter alia*:

(a) furnish the City with a bond with a corporate surety in the amount and in form satisfactory to the Law Department to insure compliance with all the terms and conditions of this Ordinance and of the Agreement, and to protect and to indemnify the City from all damage or claims for damages which may arise directly or indirectly as a result of the construction, use and maintenance of the electrical conduit, electrical service line, the telecommunications conduit and telephone service line authorized in Section 1;

(b) secure all necessary permits, licenses, and approvals from all appropriate departments, agencies, boards, or commissions of the City or of any other governmental entity as may be required by law;

(c) provide written proof that PECO Energy Company has approved the location design and connection of the electrical conduit and electrical service line to the existing PECO facilities and the newsstand;

City of Philadelphia

BILL NO. 040025 continued

Certified Copy

(d) provide written proof that Verizon-PA Inc., has approved the location, design and connection of the conduit and telephone service line from the newsstand to existing Verizon facilities;

(e) assume the cost of all changes or adjustments to, or relocation or abandonment of any utilities and structures, wherever they may be located, which are necessitated by the installation of the electrical conduit, electrical service line and telephone service line authorized by Section 1 of this Ordinance;

(f) assume the costs and duties of completely restoring the public rights of way of 13th Street and Market Street that are affected by the work authorized by Section 1 of this Ordinance pursuant to City of Philadelphia approved specifications; and

(g) carry public liability and property damage insurance, naming the City of Philadelphia as an insured party, in such amounts as shall be satisfactory to the Law Department.

SECTION 3. The Law Department 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 construct, use and maintain an electrical conduit and service line and a telecommunications conduit and telephone service line shall expire without any further action by the City of Philadelphia if Nehal Desai and Raju Desai have not entered into the Agreement and satisfied all requirements of the Agreement and the requirements 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.

City of Philadelphia

BILL NO. 040025 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on February 26, 2004. The Bill was Signed by the Mayor on March 11, 2004.



Patricia Rafferty
Chief Clerk of the City Council