

City of Philadelphia



(Bill No. 050671)

AN ORDINANCE

Granting permission to Abhay V. Sheth, owner of the newsstand at the Northwest corner of 12th Street and Filbert Street, 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 Abhay V. Sheth, 5 Black Latch Lane, Cherry Hill, NJ 08203, owner of the newsstand located on the Northwest corner of 12th Street and Filbert Street to construct, use and maintain:

(a) an electric conduit with and electric service line. Electrical service is to be provided by a two inch (2") diameter PVC conduit. Starting at an existing PECO manhole in the roadway of N. 12th Street, located approximately four feet six inches (4'-6") west of the east curblineline of N. 12th Street and seven feet (7') north of the north curblineline of Filbert Street, the conduit proceeds south beneath the roadway for approximately nine feet (9') to a point located approximately four feet six inches (4'-6") west of the east curblineline of N. 12th Street and two feet (2') south of the north curblineline of Filbert Street. The conduit proceeds west for approximately twenty-four feet (24') to a point located approximately twenty-eight feet six inches (28'-6") west of the east curblineline of N. 12th Street and two feet (2') south of the north curblineline of Filbert Street. The conduit proceeds north for approximately twenty-five feet (25') to a point located approximately twenty-eight feet six inches (28'-6") west of the east curblineline of N. 12th Street and twenty-three feet (23') north of the north curblineline of Filbert Street. The conduit proceeds west for approximately three feet six inches (3'-6") terminating at the eastside of the newsstand located approximately two feet (2') west of the west curblineline of N. 12th Street and twenty-three feet (23') north of the north curblineline of Filbert Street; and

(b) a telecommunications conduit with telephone service line. Telephone service is to be provided by a two inch (2") diameter PVC conduit. Starting at an existing VERIZON manhole in the north sidewalk of Filbert Street, located approximately sixty feet (60') east of the east curblineline of N. 12th Street and two feet (2') north of the north curblineline of Filbert Street, the conduit proceeds south beneath the roadway of Filbert Street for approximately four feet (4') to a point located approximately sixty feet (60') east of the east curblineline of N. 12th Street and two feet (2') south of the north curblineline of Filbert Street. The conduit proceeds west for approximately eighty-eight feet six inches (88'-6") to a point located approximately twenty-eight feet six inches (28'-6") west of the

City of Philadelphia

BILL NO. 050671 continued

Certified Copy

east curbline of N. 12th Street and two feet (2') south of the north curbline of Filbert Street. The conduit proceeds north for approximately twenty-five feet (25') to a point located approximately twenty-eight feet six inches (28'-6") west of the east curbline of N. 12th Street and twenty-three feet (23') north of the north curbline of Filbert Street. The conduit proceeds west for approximately three feet six inches (3'-6") terminating at the eastside of the newsstand located approximately two feet (2') west of the west curbline of N. 12th Street and twenty-three feet (23') north of the north curbline of Filbert 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 Abhay V. Sheth 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 Abhay V. Sheth 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 12th Street and Filbert Street where the newsstand as approved by the City is located.

SECTION 2. Before exercising any rights and privileges under the Ordinance, Abhay V. Sheth shall enter into an agreement ("Agreement") with the appropriate City department or departments, satisfactory to the Law Department, to provide that Abhay V. Sheth 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;

City of Philadelphia

BILL NO. 050671 continued

Certified Copy

(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;

(d) provide written proof that Verizon-PA, Inc., has approved the location, design and connection of the telecommunications 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, telecommunications conduit 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 12th Street and Filbert 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 electric service line, and a telecommunications conduit and telephone service line shall expire without any further action by the City of Philadelphia if Abhay V. Sheth has 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. 050671 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 27, 2005. The Bill was Signed by the Mayor on November 10, 2005.



Patricia Rafferty
Chief Clerk of the City Council