

City of Philadelphia



(Bill No. 230577)

AN ORDINANCE

Granting permission to Wynnefield/Overbrook Eruv Association, in order to demarcate the boundaries of a Wynnefield/Overbrook eruv district, to construct and maintain a clear nylon cord and other ancillary facilities including a maximum of one hundred poles and forty-five pieces of plexiglass along, over, and in certain public rights-of-way and City streets, and/or to attach such demarcation facilities to existing facilities owned by other entities authorized by other City ordinances, subject to such owner's consent; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Wynnefield Overbrook Eruv Association, a Pennsylvania non-profit corporation, registered to do business in Pennsylvania (hereinafter "WOEA"), and its successors, assigns, and agents, subject to the terms and conditions hereinafter set forth, to construct, maintain, operate, replace, and remove a clear nylon cord or string and other ancillary facilities (including a maximum of one hundred poles and forty-five pieces of plexiglass, and other facilities as may be approved by the Department of Streets) for demarcation of the boundaries of an eruv district ("Eruv Boundaries"), along, in, and over the public rights-of-way of the City of Philadelphia identified below, and/or to place such demarcation facilities within and/or attached to the existing facilities owned by other entities authorized by other City ordinances, subject to such owner's consent. WOEA is not authorized by this Ordinance to transmit, receive and distribute energy or telecommunications or to provide to subscribers within the City "cable service," as defined at 47 U.S.C. § 522(6), or "video programming" as defined at 47 U.S.C. § 522(20) as an open video system operator pursuant to 47 U.S.C. § 573(a) or otherwise.

(a) The Eruv Boundaries will make maximum use of existing physical features which can be used for demarcation of an eruv for the Wynnefield and Overbrook areas consistent with Jewish religious law, including currently installed utility lines, existing walls and fences, and river banks and other embankments. In certain areas, such existing boundaries will be supplemented by a clear nylon cord to connect such existing features and create a continuous boundary, and in some areas, ancillary facilities may be mounted on existing physical features, subject to the owner's consent, to create the proper form of boundary line prescribed by Jewish religious law; a maximum of one hundred new poles and forty-five pieces of plexiglass extension may also be erected. The approximate territory bounded by the Eruv Boundaries is the area between Upland Way on the south, Belmont Avenue on the north, City Avenue on the west, and the train tracks for the SEPTA Cynwood Line on the east. The specific boundaries are delineated as follows and a map of the general contours of the eruv is attached:

City of Philadelphia

BILL NO. 230577 continued

Certified Copy

Boundary	Approximate Geolocation
Premier Apartment building Fence	39.98992, -75.24884
Tree on Median	39.98971, -75.24894
Tree	39.98931, -75.24903
Light Post	39.9891, -75.24912
Train Platform railing	39.98926, -75.24951
Light Post	39.98966, -75.24981
Overbrook Station Building	39.98968, -75.24988
Overbrook Station Building	39.99005, -75.2501
Light Post	39.99037, -75.24939
Light Post	39.99052, -75.24899
Light Post	39.99077, -75.24845
Light Post	39.99099, -75.24804
Tree and Stone Wall	39.99107, -75.24782
Fence	39.99207, -75.24567
Fence	39.99213, -75.24552
Fence	39.99323, -75.24329
Fence	39.99329, -75.24315
Fence	39.99393, -75.24177
Light Post	39.99399, -75.24175
Light Post	39.99412, -75.24145
Stone Gate and Lamp	39.99409, -75.24134
Base of Lamp post on cross over	39.99477, -75.24002
Light Post	39.99482, -75.23985
Light Post	39.99489, -75.23975
Stone Gate	39.99521, -75.23905
Light Post	39.99528, -75.23897
Light Post	39.99543, -75.23863
Light Post	39.99553, -75.23843
Light Post	39.99564, -75.2382
Light Post	39.99576, -75.23794
Light Post	39.99586, -75.23772
Light Post	39.99595, -75.23755
Light Post	39.99614, -75.23718
Light Post	39.99625, -75.23693
Light Post	39.99633, -75.23673
Light Post	39.99642, -75.2365
Light Post	39.99652, -75.23631
Light Post	39.99663, -75.23604
Light Post	39.99675, -75.23581
Light Post	39.99684, -75.23561
Light Post	39.99693, -75.2354

City of Philadelphia

BILL NO. 230577 continued

Certified Copy

Traffic light pole	39.99708, -75.23505
Light Post	39.99721, -75.23484
Wall of Building	39.99719, -75.23483
Wall of Building	39.99734, -75.23432
Wall of Building	39.99739, -75.23416
Wall of Building	39.99786, -75.23332
Light Post	39.9979, -75.23332
Light Post	39.9983, -75.23245
Light Post	39.99865, -75.23174
Light Post	39.99901, -75.23098
Traffic light pole	39.99914, -75.23069
Light Post	39.99932, -75.2303
Light Post	39.99972, -75.2295
Light Post	40.00008, -75.22872
Traffic light pole	40.00017, -75.22854
Light Post	40.00039, -75.22807
Light Post	40.00077, -75.22722
Light Post	40.00113, -75.2265
Telephone Pole	40.00121, -75.2262
Mansion at Bala Fence	40.00119, -75.22615
Wall of Building	40.00179, -75.22449
Wall of Building	40.00184, -75.22437
Mansion at Bala Fence	40.00211, -75.2236
Telephone Pole	40.00212, -75.22356
Telephone Pole	40.00211, -75.22346
Fence	40.00219, -75.22291
Fence	40.00333, -75.22078
Telephone Pole	40.00341, -75.22064
Light Post and Fence	40.00345, -75.22034
Fence	40.00216, -75.21901
Light Post	40.00183, -75.21904
Fence	39.99842, -75.21932
Telephone Pole	39.99842, -75.21926
Light Post on Fence	39.99858, -75.21901
WPHL17 Fence	39.99163, -75.2255
Catenary Pole	39.99169, -75.22558
Catenary Pole	39.99094, -75.22552
Catenary Pole	39.99023, -75.22552
Catenary Pole	39.98962, -75.22556
Catenary Pole	39.98901, -75.22561
Catenary Pole	39.98841, -75.22569
Catenary Pole	39.98778, -75.22586

City of Philadelphia

BILL NO. 230577 continued

Certified Copy

Catenary Pole	39.98712, -75.226
Catenary Pole	39.98644, -75.22625
Catenary Pole	39.98575, -75.22652
Catenary Pole	39.98546, -75.22671
Catenary Pole	39.98505, -75.22687
Catenary Pole	39.98432, -75.22706
Catenary Pole	39.98361, -75.22735
Catenary Pole	39.98219, -75.22793
Catenary Pole	39.98227, -75.22824
Land	39.98228, -75.22831
Fence	39.98088, -75.22896
Fence	39.98079, -75.22919
Light Post	39.9815, -75.23023
Light Post	39.98169, -75.23037
Fence	39.98421, -75.23601
Telephone Pole	39.9843, -75.23602
Telephone Pole	39.98446, -75.23645
Telephone Pole	39.9846, -75.23681
Telephone Pole	39.9847, -75.23714
Telephone Pole	39.98483, -75.23749
Fence	39.98481, -75.23751
Fence	39.98511, -75.24015
Road Guard	39.98511, -75.24015
Telephone Pole	39.98582, -75.24495
Telephone Pole	39.98617, -75.24532
Telephone Pole	39.98654, -75.24553
Telephone Pole	39.98666, -75.24558
Telephone Pole	39.98702, -75.24581
Telephone Pole	39.98729, -75.24594
Telephone Pole	39.98748, -75.24606
Telephone Pole	39.98784, -75.24628
Telephone Pole	39.98821, -75.24646
Telephone Pole	39.9884, -75.2465
Telephone Pole	39.98865, -75.24642
Telephone Pole	39.9889, -75.24636
Telephone Pole	39.9892, -75.24629
Telephone Pole	39.98945, -75.24627
Telephone Pole	39.9896, -75.24668
Telephone Pole	39.98986, -75.24702
Telephone Pole	39.99009, -75.24725
Telephone Pole	39.99039, -75.24749
Telephone Pole	39.99057, -75.24764

City of Philadelphia

BILL NO. 230577 *continued*

Certified Copy

Premier Apartment building Fence	39.99057, -75.24768
----------------------------------	---------------------

To the extent approved by the Department of Streets, WOEa is authorized to install, construct, maintain, operate, replace and remove a clear nylon cord or string and other ancillary facilities, including poles and plexiglass extensions, and other facilities as may be approved by the Department of Streets (collectively, the “Demarcation System”), along, in, and over the public rights-of-way listed above.

(b) Before entering into the Agreement provided in Section 5 below, WOEa must submit proof of authorization from the governmental body responsible for maintaining any highway bridge crossing over a railroad right-of-way, private property or over another public right-of-way if the Demarcation System listed in this Section is constructed on or attached to any such bridges.

(c) The said Demarcation System shall be constructed in accordance with the requirements and under the supervision of the Department of Streets, without interference with any existing surface or subsurface structures, and shall be used by WOEa and/or its successors and assigns exclusively for the purposes set forth in this Section and in accordance with all ordinances of the City of Philadelphia and regulations of the Committee of Highway Supervisors governing the construction, maintenance, and operation of structures, equipment, facilities and or appurtenances placed within the public rights-of-way.

(d) The permission granted by this Ordinance is conditioned upon the approval of the Department of Streets as to the construction and installation of WOEa facilities at any location along the specified route and is not a guaranty that WOEa facilities can be placed at any particular location along that route. No City department, agency, board, or commission shall be required solely by virtue of this Ordinance to issue any permit, license, or approval that WOEa must by law obtain prior to construction or occupancy of existing facilities in the public right-of-way.

(e) All Demarcation System facilities constructed pursuant to this Ordinance within a railroad right-of-way that includes an alteration to a rail/highway crossing, which includes such crossings as they are defined under state law, must have, in addition to the approvals set forth in this Ordinance, the appropriate approval of the Pennsylvania Public Utility Commission.

SECTION 3. The permission granted by this Ordinance shall include permission to deviate from the route described in Section 1 by no more than three (3) City blocks, said blocks to be demarcated by major City streets and not by intervening pathways or alleyways. Before any such deviations are made, WOEa shall first obtain the approval of the Department of Streets. This Section shall govern all deviations from the route approved in Section 1, including those deviations which serve as replacement and alternative right-of-ways in relocating WOEa

City of Philadelphia

BILL NO. 230577 *continued*

Certified Copy

facilities pursuant to Section 2 of this Ordinance. All deviations which extend more than three (3) City blocks from the approved route shall require additional authorization from City Council.

SECTION 4. The permission granted to WOEa and its successors and assigns to occupy the public right-of-way and City streets with its Demarcation System shall be and is subject to the terms and conditions of this Ordinance, all other applicable ordinances of the City of Philadelphia, all ordinances of general application currently in existence or subsequently enacted that are related to the City of Philadelphia's management of the public rights-of-way, the right-of-occupancy of the public rights-of-way, and/or the use of property in, under, over, along and/or across the streets, sidewalks, alleyways, easements and right-of-ways within the City of Philadelphia. Such permission is also subject to the terms and conditions of the Agreement provided in Section 5 of this Ordinance and all other applicable agreements, and to WOEa's compliance with such terms and conditions, to the extent that such agreements are consistent with the terms and conditions of this Ordinance.

SECTION 5. Before exercising any rights and privileges under this Ordinance, WOEa shall enter into an agreement ("Agreement") with the appropriate City department or departments, in form satisfactory to the City Solicitor, to provide that WOEa shall, *inter alia*:

- (a) Furnish the City with a bond with corporate surety in an amount required by the Department of Streets and in form satisfactory to the City Solicitor to ensure the compliance with all the terms and conditions of this Ordinance and the Agreement and to protect and to indemnify the City from and against all damages or claims for damages which may arise directly as a result of the construction, maintenance, operation or removal of facilities of WOEa;
- (b) Secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards, or commissions of the City or other governmental entity as may be required by law;
- (c) Assume the costs of all changes and adjustments to, and relocation and abandonment of, all utilities and structures wherever located as may be necessary by reason of the installation of the WOEa Demarcation System;
- (d) Carry insurance protecting against liability for injury to persons or property of others, naming the City as an additional insured party in such amounts as shall be reasonably satisfactory to the City Solicitor;
- (e) Pay all charges, rents, franchise fees or other fees that the City of Philadelphia may now or in the future impose for a licensee's occupation of City property, streets and rights-of-way;
- (f) Submit confirmation in a form acceptable to the City Solicitor from the owner of any existing utility pole or other structure used for attachment or installation of Demarcation

City of Philadelphia

BILL NO. 230577 *continued*

Certified Copy

System facilities that WOEa has authorization to occupy such utility pole or other structure; and

(g) Remove any or all portions of the Demarcation System listed in Section 1 from the public rights-of-way pursuant to applicable City of Philadelphia specifications within sixty (60) days when the Demarcation System or a portion of the Demarcation System is no longer used for the purpose authorized by the ordinance or existing law.

SECTION 6. The City Solicitor shall include in the Agreement, together with the terms and provisions required by Section 5 of this Ordinance and such other terms and provisions as shall be deemed necessary to protect the interest of the City, provisions setting forth, as a condition of the permissions granted by this Ordinance, WOEa's representation, warranty, and agreement that it is subject to and will comply fully with (i) the terms and conditions of this Ordinance and all other applicable ordinances of the City of Philadelphia, and (ii) the terms and conditions of all ordinances of general application currently in existence or subsequently enacted that are related to the City of Philadelphia's management of the public rights-of-way, the right-of-occupancy of the public rights-of-way, and/or the use of property in, under, over, along and/or across the streets, sidewalks, alleyways, easements and rights-of-way within the City of Philadelphia.

SECTION 7. The permission granted to WOEa and its successors, assigns and agents to construct, maintain, operate, replace and remove the Demarcation System along, in, over and under the public rights-of-way and City streets listed in Section 1 of this Ordinance shall expire without any further action by the City of Philadelphia if WOEa has not entered into the Agreement as required by Section 5 and Section 6 within one hundred eighty (180) days after this Ordinance becomes law.

SECTION 8. The permission granted to WOEa and its successors, assigns, and agents for installation and/or construction of the new facilities along the route identified in this Ordinance shall expire without any further action by the City of Philadelphia as to such portions not constructed two (2) years after the date this Ordinance becomes law unless WOEa, its successors, assigns, and agents have substantially completed the construction of the new facilities authorized herein. A change in ownership of the assets of WOEa does not, without express written permission of the City of Philadelphia, extend the time for substantially completing the construction of the new facilities authorized herein.

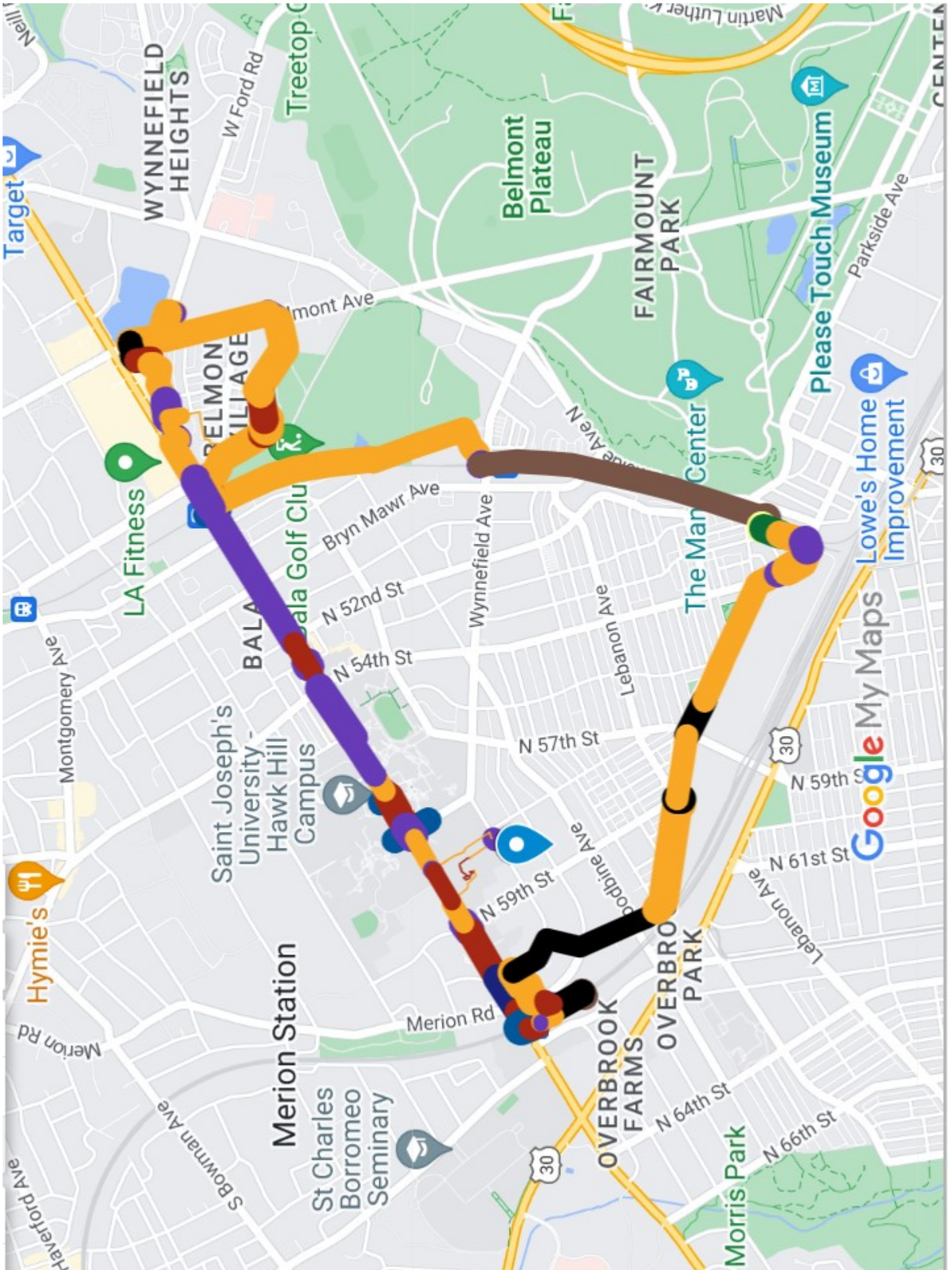
SECTION 9. The City of Philadelphia reserves the right to charge a transfer fee for any agreement transferring the right-of-way license from one entity to another so as to ensure that all costs incurred by the City of Philadelphia related to the transfer are reimbursed. The transferee must pay all costs incurred by the City of Philadelphia associated with such transfer within thirty (30) days of the date the City submits such costs to the transferee or the transferee's authorized agent.

City of Philadelphia

BILL NO. 230577 continued

Certified Copy

SECTION 10. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.



City of Philadelphia

BILL NO. 230577 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 26, 2023. The Bill was Signed by the Mayor on November 13, 2023.



Michael A. Decker
Chief Clerk of the City Council