

City of Philadelphia



(Bill No. 020230)

AN ORDINANCE

Authorizing The Philadelphia Orchestra Association, a tenant of the property 260 South Broad Street, Philadelphia, PA 19102, to construct, own and maintain underground conduit and private telecommunications facilities under the right-of-way of Bach Place between the properties 1420 Locust street and 260 South Broad street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to The Philadelphia Orchestra Association, Sixteenth Floor, 260 South Broad Street, Philadelphia, PA 19102, a tenant of the property 260 South Broad Street, Philadelphia, PA 19102 to construct, use, own and maintain conduit and private telecommunication facilities under the Bach Place public right-of-way between the properties 1420 Locust street and 260 South Broad street for the purpose establishing a private telecommunication connection.

The conduit for private telecommunication facilities will be a four inch (4") PVC conduit that begins under the north footway of Bach Place from the rear of the Academy House Building (1420 Locust street) at a point located approximately eighty-two feet (82') east of the east curb line of Fifteenth street. The conduit continues south across and under the entire eight foot (8') wide footway and into the cartway to a point approximately six feet (6') south of the north curb line of Bach Place. The conduit then turns east and continues in the cartway for approximately two hundred and four feet (204'). The conduit then turns south and continues across the entire cartway and south footway of Bach Place to the façade of the building 260 South Broad street at a point on the façade which is approximately four feet (4') east of the property line. The conduit continues south into the building. The conduit will have approximately three feet (3') of cover in the public right-of-way. The following facilities in and under public rights-of-way:

SECTION 2. Before exercising any rights and privileges under this Ordinance, The Philadelphia Orchestra Association 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, The Philadelphia Orchestra Association shall enter into an agreement ("Agreement") with the appropriate City department(s), in form

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satisfactory to the City Solicitor, to provide that The Philadelphia Orchestra Association 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, 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;

(g) submit documentation in a form acceptable to the City of Philadelphia establishing that the owner(s) of the property 260 South Broad Street, Philadelphia, PA 19102 and the property 1420 Locust Street, Philadelphia, PA 19102 have no objection to the installation of the private telecommunications conduit on their property; and

(h) submit “built plans” to the City of Philadelphia in a form designated by the City for the underground conduit authorized by Section 1(a) within ninety (90) days after the conduit is 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.

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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 The Philadelphia Orchestra Association for the purpose authorized by this Ordinance.

SECTION 5. The permission granted to The Philadelphia Orchestra Association 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 The Philadelphia Orchestra Association 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 May 2, 2002. The Bill was Signed by the Mayor on May 15, 2002.



Marie B. Hauser
Chief Clerk of the City Council