

# City of Philadelphia



(Bill No. 030739)

## AN ORDINANCE

Authorizing Thomas Jefferson University, Suite 2100, 130 S. 9th Street, Philadelphia, PA 19107 its successors and assigns, to construct, own and maintain an underground pneumatic conduit ductbank connecting three hospital campus buildings in the vicinity of 10th and Walnut Streets, under certain terms and conditions.

WHEREAS, Thomas Jefferson University is the owner of properties located in the vicinity of 10th and Walnut Streets, Philadelphia, PA, namely, Curtis Building - 1015 Walnut Street, Barringer Building - 928 Walnut Street, and the BLSG Building - 233 S. 10th Street; and

WHEREAS, Thomas Jefferson University has requested permission to construct, own and maintain an underground pneumatic conduit ductbank connecting three hospital campus buildings in the vicinity of 10th and Walnut Streets; now, therefore,

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Thomas Jefferson University, its successors and assigns, is hereby authorized to construct, own and maintain the following structures:

A ductbank in the vicinity of 10th and Walnut Streets. The ductbank consists of two (2) steel pneumatic tube conduits and two (2) spare PVC conduits for future use. The underground ductbank will connect hospital campus buildings BLSG and Barringer to the Curtis Building.

The encroachment description, which locates the centerline of the proposed ductbank, is as follows:

Starting within the property of Thomas Jefferson University, located on the east side of S. 10th Street between the BLSG and Barringer Buildings, approximately ninety-seven feet (97') south of the south curblineline of Walnut Street, the ductbank consists of two (2) eight inch (8") diameter steel pneumatic tube conduits, and two (2) spare four inch (4") diameter PVC conduits for future use.

The ductbank proceeds west beneath the east sidewalk, roadway and into the west footway of S. 10th Street for approximately forty-two feet (42') to a point located approximately ninety-seven feet (97') south of the south curblineline of Walnut Street and approximately four feet (4') west of the west curblineline of S. 10th Street.

# City of Philadelphia

BILL NO. 030739 continued

Certified Copy

The ductbank proceeds north beneath the west sidewalk of S. 10th Street and into the south sidewalk of Walnut Street for approximately ninety-one feet (91') to a point located approximately six feet (6') south of the south curblineline of Walnut Street and approximately four feet (4') west of the west curblineline of S. 10th Street.

The ductbank proceeds west beneath the south sidewalk of Walnut Street for approximately sixty-two feet (62') to a point located approximately six feet (6') south of the south curblineline of Walnut Street and approximately sixty-six feet (66') west of the west curblineline of S. 10th Street.

The ductbank proceeds north beneath the south sidewalk, roadway and north sidewalk of Walnut Street for approximately forty-four feet (44') and terminates within the Curtis Building at a point located approximately twelve feet (12') north of the north curblineline of Walnut Street and approximately sixty-six feet (66') west of the west curblineline of S. 10th Street. The depth of the conduit is a minimum of three feet (3') below grade.

SECTION 2. The construction, use and maintenance of the underground pneumatic conduit ductbank 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, Thomas Jefferson University 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, Thomas Jefferson University shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Thomas Jefferson University shall, *inter alia*:

(a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the underground pneumatic conduit ductbank without cost or expense to the City and shall restore the cartway and footways of 10th and Walnut Streets 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,

# City of Philadelphia

BILL NO. 030739 continued

Certified Copy

maintenance or use of the underground pneumatic conduit ductbank or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Thomas Jefferson University 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 underground pneumatic conduit ductbank;

(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 Thomas Jefferson University 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 for the underground pneumatic conduit ductbank 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;

(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 of 10th and Walnut Streets.

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.

SECTION 5. The permission granted to Thomas Jefferson University to construct, own and maintain the underground pneumatic conduit ductbank described in Section 1 shall expire without any further action by the City of Philadelphia if Thomas Jefferson University has 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.

# City of Philadelphia

BILL NO. 030739 continued

Certified Copy

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.

# City of Philadelphia

BILL NO. 030739 continued

Certified Copy

# City of Philadelphia

BILL NO. 030739 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 18, 2003. The Bill was Signed by the Mayor on December 31, 2003.



Patricia Rafferty  
Chief Clerk of the City Council