

City of Philadelphia



(Bill No. 030388)

AN ORDINANCE

Authorizing Trigen-Philadelphia Energy Corporation, 2600 Christian Street, Philadelphia, PA 19146, its successors and assigns, to construct, own and maintain an underground chilled water distribution system from their central chiller, originating from Trigen's Edison Plant located at 908 Sansom Street to four (4) buildings owned by Thomas Jefferson University Hospital, under certain terms and conditions.

WHEREAS, Thomas Jefferson University Hospital is the owner of the following properties located at the Gibbons Building - 111 South Eleventh Street, Foerderer Pavilion - 117 South Eleventh Street, Thompson Building - 1020 Sansom Street, and the Curtis Building - 1015 Walnut Street, Philadelphia, PA; and

WHEREAS, Trigen-Philadelphia Energy Corporation has requested permission to construct, own and maintain an underground chilled water distribution system from their central chiller, originating from Trigen's Edison Plant located at 908 Sansom Street to four (4) buildings owned by Thomas Jefferson University Hospital; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Trigen-Philadelphia Energy Corporation, its successors and assigns, is hereby authorized to construct, own and maintain the following:

An underground chilled water distribution system from their central chiller, originating from Trigen's Edison Plant located at 908 Sansom Street, the description of which locates the centerline of the proposed distribution system, as follows:

Main

Starting at the Edison Central Chiller Plant, located on the southside of Sansom Street, the distribution system consists of a twenty-four inch (24") diameter chilled water supply pipe, a twenty-four inch (24") diameter chilled water return pipe, and a four inch (4") PVC conduit. The distribution system proceeds north beneath the south sidewalk and into the roadway of Sansom Street for approximately fifteen feet (15') to a point located approximately two hundred feet (200') east of the east curblineline of South Tenth Street and approximately five feet (5') north of the south curblineline of Sansom Street. The distribution system proceeds west for approximately two hundred feet (200') to a point located approximately zero feet (0') east of the east curblineline of South Tenth Street and approximately five feet (5') north of the south curblineline of Sansom Street. The distribution system proceeds southwest for approximately fourteen feet (14') to a point located approximately thirteen feet (13') west of the east curblineline of South Tenth Street and

City of Philadelphia

BILL NO. 030388 continued

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approximately two feet (2') north of the south curbline of Sansom Street. At this location, the main terminates and splits into three (3) branch mains: **north, south & west**.

North Branch Main

The north branch distribution system consists of a sixteen inch (16") diameter chilled water supply pipe, a sixteen inch (16") diameter chilled water return pipe, and a four inch (4") PVC conduit. The distribution system proceeds north beneath the roadway of South Tenth Street for approximately one hundred and forty-five feet (145') to a point located approximately fifteen feet (15') east of the west curbline of South Tenth Street and approximately one hundred and twenty-seven feet (127') north of the north curbline of Sansom Street. The distribution system proceeds west beneath the roadway and into the west footway of South Tenth Street for approximately twenty-seven feet (27') and terminates at the *Gibbons Building* located approximately twelve feet (12') west of the west curbline of South Tenth Street and approximately one hundred and twenty-seven feet (127') north of the north curbline of Sansom Street.

South Branch Main

The south branch distribution system consists of a twelve inch (12") diameter chilled water supply pipe, a twelve inch (12") diameter chilled water return pipe, and a four inch (4") PVC conduit. The distribution system proceeds south beneath the roadway of South Tenth Street for approximately one hundred and fifty-two feet (152') to a point located approximately ten feet (10') east of the west curbline of South Tenth Street and approximately one hundred and fifty feet (150') south of the south curbline of Sansom Street. The distribution system proceeds west beneath the roadway and into the west footway of South Tenth Street for approximately twenty-two feet (22') and terminates at the *Curtis Building* located approximately twelve feet (12') west of the west curbline of South Tenth Street and approximately one hundred and fifty feet (150') south of the south curbline of Sansom Street.

West Branch Main

The west branch distribution system consists of an eighteen inch (18") diameter chilled water supply pipe, an eighteen inch (18") diameter chilled water return pipe, and a four inch (4") PVC conduit. The distribution system proceeds west beneath the roadway for approximately forty-three feet (43') to a point located approximately thirty feet (30') west of the west curbline of South Tenth Street and two feet (2') north of the south curbline of Sansom Street. The distribution system splits tees at this location, proceeding **south** and **west**. The south (spur) branch distribution system consists of a twelve inch (12") diameter chilled water supply pipe, a twelve inch (12") diameter chilled water return pipe, and a four inch (4") PVC conduit. The distribution system proceeds south beneath the roadway and south footway of Sansom Street for approximately twelve feet (12') and terminates at the *Thompson Building* located approximately thirty feet (30') west of the west curbline of South Tenth Street and twelve feet (12') south of the south curbline of Sansom Street.

City of Philadelphia

BILL NO. 030388 continued

Certified Copy

The west (spur) branch distribution system consists of an eighteen inch (18") diameter chilled water supply pipe, an eighteen inch (18") diameter chilled water return pipe, and a four inch (4") PVC conduit. The distribution system continues west beneath the roadway for approximately thirty-three feet (33') to a point located approximately sixty-three feet (63') west of the west curbline of South Tenth Street and two feet (2') north of the south curbline of Sansom Street. The distribution system reduces in size at this location to a twelve inch (12") diameter chilled water supply pipe, a twelve inch (12") diameter chilled water return pipe, and a four inch (4") PVC conduit. The distribution system proceeds southwest beneath the roadway and into the south footway of Sansom Street for approximately fifteen feet (15') to a point located approximately seventy-five feet (75') west of the west curbline of South Tenth Street and seven feet (7') south of the south curbline of Sansom Street. The distribution system proceeds west beneath the south footway of Sansom Street for approximately three hundred and ten feet (310') to a point located approximately three hundred and eighty-five feet (385') west of the west curbline of South Tenth Street and seven feet (7') south of the south curbline of Sansom Street. The distribution system proceeds south beneath the south footway of Sansom Street for approximately seven feet (7') and terminates at the *Foerderer Building* located approximately three hundred and eighty-five feet (385') west of the west curbline of South Tenth Street and ten feet (10') south of the south curbline of Sansom Street.

SECTION 2. The construction, use and maintenance of an underground chilled water distribution system 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, Trigen-Philadelphia Energy Corporation 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, Trigen-Philadelphia Energy Corporation shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Trigen-Philadelphia Energy Corporation shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, it shall remove the underground chilled water distribution system without cost or expense to the City and shall restore the cartway and footways of Sansom Street from South Ninth to South Eleventh Streets, and South Tenth Street from Walnut to Chestnut Streets at no cost and expense to the City of Philadelphia when given written notice to do so by the City of

City of Philadelphia

BILL NO. 030388 continued

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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, maintenance or use of the underground chilled water distribution system or its removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that Trigen-Philadelphia Energy Corporation 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 chilled water distribution system;
- (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 Trigen-Philadelphia Energy Corporation 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 chilled water distribution system 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; and
- (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 Sansom Street from South Ninth to

City of Philadelphia

BILL NO. 030388 continued

Certified Copy

South Eleventh Streets, and South Tenth Street from Walnut to Chestnut 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 Trigen-Philadelphia Energy Corporation to construct, own and maintain the underground chilled water distribution system described in Section 1 shall expire without any further action by the City of Philadelphia if Trigen-Philadelphia Energy Corporation 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.

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. 030388 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 5, 2003. The Bill was Signed by the Mayor on July 31, 2003.



Patricia Rafferty
Chief Clerk of the City Council