

# City of Philadelphia



(Bill No. 000372)

## AN ORDINANCE

Granting permission to Temple University of the Commonwealth System of Higher Education to construct, use and maintain various underground utility facilities and appurtenances within the public right of way of an area bounded by Cecil B. Moore avenue, Thirteenth street, Oxford street and Park avenue, all under certain terms and conditions.

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

**SECTION 1.** Permission is hereby granted to Temple University of the Commonwealth System of Higher Education to construct, use and maintain:

(i) Six (6) five inch (5") electric conduits under the west footway of Thirteenth street located approximately three feet, three inches (3'-3") west of the west curb line of Thirteenth street and beginning at a new manhole owned by Temple University that is to be located approximately one hundred and seventy-seven feet, one inch (177'-1") north of the north curb line of Oxford street and three feet, three inches (3'-3") west of the west curb line of Thirteenth street, and extending north to the south curb line of Cecil B. Moore avenue, across the entire cartway of Cecil B. Moore avenue, and back under the west footway of Thirteenth street to a new manhole owned by Temple University that is to be located approximately nineteen feet, three inches (19'-3") north of the north curb line of Cecil B. Moore avenue and approximately three feet, one inch (3'-1") west of the west curb line of Thirteenth street;

(ii) Four (4) five inch (5") electric service connection conduits extending west from a new manhole owned by Temple University that is to be located approximately one hundred and seventy-seven feet, one inch (177'-1") north of the north curb line of Oxford street and three feet, three inches (3'-3") west of the west curb line of Thirteenth street, and extending under the west footway of Thirteenth street for a distance of approximately eight feet, nine inches (8'-9") to the west right of way line of Thirteenth street and into property owned by Temple University;

(iii) Eight (8) five inch (5") telephone conduits under the west footway of Thirteenth street, approximately ten feet, one inch (10'-1") west of the west curb line of Thirteenth street, beginning at a new manhole owned by Temple University that is to be located approximately one hundred and ninety-three feet, five inches (193'-5") north of the north curb line of Oxford street and nine feet, five inches (9'-5") west of the west curb line of Thirteenth street, and extending north to the south curb line of Cecil B.

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Moore avenue, continuing across the entire cartway and then under the west footway of Thirteenth street to an existing manhole owned by Temple University that is located nineteen feet, three inches (19'-3") north of the north curb line of Cecil B. Moore avenue and nine feet, five inches (9'-5") west of the west curb line of Thirteenth street.

(iv) Three (3) five inch (5") underground telephone service connection conduits extending west from a new manhole owned by Temple University that is to be located approximately one hundred and ninety-three feet, five inches (193'-5") north of the north curb line of Oxford street and ten feet, one inch (10'-1") west of the west curb line of Thirteenth street, continuing under the west footway of Thirteenth street for a distance of approximately one foot, eleven inches (1'-11") to the west right of way line of Thirteenth street and into property owned by Temple University.

(v) One (1) three inch (3") condensate line over one (1) eight inch (8") steam line extending from property owned by Temple University under the south right of way lane of Cecil B. Moore avenue and the south footway of Cecil B. Moore avenue for a distance of approximately six feet (6') to a new manhole owned by Temple University to be located approximately six feet (6') south of the south curb line of Cecil B. Moore avenue and approximately thirteen feet (13') west of the west curb line of Thirteenth street; then extending east under the west footway of Thirteenth street, across the entire cartway of Thirteenth street and under the east footway of Thirteenth street to a new manhole owned by Temple University to be located approximately twenty-five feet, two inches (25'-2") east of the east curb line of Thirteenth street and six feet (6') south of the south curb line of Cecil B. Moore avenue; then extending north under the south footway of Cecil B. Moore avenue to the south curb line, across the entire Cecil B. Moore cartway to the north curb line and under the entire twelve foot north footway of Cecil B. Moore avenue and into property owned by Temple University at the northeast corner of Thirteenth street and Cecil B. Moore avenue;

(vi) One (1) fourteen inch (14") chilled water supply main and one fourteen inch (14")

chilled return main, spaced approximately two feet (2') apart on center, extending east from property owned by Temple University under the west footway of Thirteenth street for a distance of approximately five feet, five inches (5'-5") to a new manhole owned by Temple University to be located approximately six feet, seven inches (6'-7") west of the west curb line of Thirteenth street and one hundred and eighty-seven feet (187') south of the south curb line of Cecil B. Moore avenue; then extending north under the west footway of Thirteenth street to a new manhole owned by Temple University to be located approximately ten feet, eight inches (10'-8") south of the south curb line of Cecil B. Moore avenue and six feet, seven inches (6'-7") west of the west curb line of Thirteenth street; then extending east under the west footway of Thirteenth street across the cartway of Thirteenth street to the east curb line of Thirteenth street and continuing under south footway of Cecil B. Moore avenue for a distance of approximately twenty-seven feet, ten inches (27'-10") to a new manhole owned by Temple University to be located

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approximately twenty-seven feet, ten inches (27'-10") east of the east curb line of Thirteenth street and ten feet, eight inches (10'-8") south of the south curb line of Cecil B. Moore avenue; then extending north and going perpendicularly across the entire right of way of Cecil B. Moore avenue to the north right of way line of Cecil B. Moore avenue and continuing into property owned by Temple University at the northeast corner of Thirteenth street and Cecil B. Moore avenue;

(vii) One (1) two inch (2") conduit for electrical service to a new system of light poles with floodlights owned by Temple University. The conduit extends with approximately thirty inches (30") of cover under the footways, located a constant distance of approximately twelve inches (12") from the curb line around the entire site bounded by:

- (a) The north curb line of Oxford street;
- (b) The east curb line of Park avenue;
- (c) The south curb line of Cecil B. Moore avenue; and
- (d) The west curb line of Thirteenth street.

(viii) Thirty-two (32) light posts with floodlights located along the conduit system described in Section 1(vii), spaced a minimum of approximately thirty-one feet (31') and a maximum of approximately fifty-seven feet (57') on centers, all located approximately eighteen inches (18") clear behind the curb line at the following locations:

(a) Behind the north curb line of Oxford street at points approximately: twenty-six feet, eleven inches (26'-11") east of the east curb line of Park avenue; fifty-nine feet, eleven inches (59'-11") east of the east curb line of Park avenue; ninety-one feet, eleven inches (91'-11") east of the east curb line of Park avenue; one hundred sixty-seven feet, eleven inches (167'-11") east of the east curb line of Park avenue; one hundred ninety-nine feet, eleven inches (199'-11") east of the east curb line of Park avenue; and two hundred thirty-two feet, eleven inches (231'-11") east of the east curb line of Park avenue;

(b) Behind the east curb line of Park avenue at points approximately forty-three feet, two inches (43'-2") north of the north curb line of Oxford street; eighty-three feet, two inches (83'-2") north of the north curb line of Oxford street; one hundred twenty-one feet, two inches (121'-2") north of the north curb line of Oxford street; one hundred fifty-nine feet, two inches (159'-2") north of the north curb line of Oxford street; one hundred ninety-six feet, two inches (196'-2") north of the north curb line of Oxford street; two hundred thirty-four feet, two inches (234'-2") north of the north curb line of Oxford street; two hundred seventy-three feet, two inches (273'-2") north of the north curb line of Oxford street; three hundred eight feet, two inches (308'-2") north of the north curb line of Oxford street; three hundred forty-two feet, two inches (342'-2") north of the north curb line of Oxford street; three hundred eight-two feet, two inches (382'-2")

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north of the north curb line of Oxford street; and four hundred twenty-two feet, two inches (422'-2") north of the north curb line of Oxford street;

(c) Behind the south curb line of Cecil B. Moore avenue at points located approximately forty-eight feet, eleven inches (48'-11") east of the east curb line of Park avenue; one hundred feet, eleven inches (100'-11") east of the east curb line of Park avenue; one hundred fifty-seven feet, eleven inches (157'-11") east of the east curb line of Park avenue; two hundred ten feet, eleven inches (210'-11") east of the east curb line of Park avenue; and two hundred fifty feet, eleven inches (250'-11") east of the east curb line of Park avenue;

(d) Behind the west curb line of Thirteenth street at points approximately: thirty-eight feet, eight inches (38'-8") north of the north curb line of Oxford street; sixty-nine feet, eight inches (69'-8") north of the north curb line of Oxford street; one hundred seven feet, eight inches (107'-8") north of the north curb line of Oxford street; one hundred fifty-eight feet, eight inches (158'-8") north of the north curb line of Oxford street; two hundred six feet, eight inches (206'-8") north of the north curb line of Oxford street; two hundred fifty feet, eight inches (250'-8") north of the north curb line of Oxford street; two hundred ninety-four feet, eight inches (294'-8") north of the north curb line of Oxford street; three hundred thirty-seven feet, eight inches (337'-8") north of the north curb line of Oxford street; three hundred eighty feet, eight inches (380'-8") north of the north curb line of Oxford street; and four hundred twenty feet, eight inches (420'-8") north of the north curb line of Oxford street.

(ix) The construction, use and maintenance of said underground utilities facilities and appurtenances 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, Department of Streets, and Department of Public Property.

**SECTION 2.** Before exercising any rights and privileges under this ordinance, Temple University 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, Temple University of the Commonwealth System of Higher Education shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Temple University 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

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from all damages or claims for damages which may arise directly or indirectly as a result of the installation, use 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, naming the City of Philadelphia as an insured party, in such amounts as shall be reasonably satisfactory to the City Solicitor;

(e) Remove any or all of the utility facilities and appurtenances 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) Make necessary adjustments or reimburse the City of Philadelphia for making adjustments to any manhole owned by Temple University and listed in Section 1 of this ordinance when notified to do so by the Streets Department in preparation of a street paving project; and

(g) Remove the utility facilities and appurtenances listed in Section 1 from the public right-of-way pursuant to the applicable City specifications within sixty (60) days any of the facilities listed in Section 1 are no longer used for the purpose authorized by this ordinance.

**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.

**SECTION 4.** The permission granted by this Ordinance shall automatically terminate without any further legislative action by the City of Philadelphia when the utility facilities and appurtenances authorized by Section 1 of this Ordinance are no longer being used by Temple University for the purpose authorized by this Ordinance.

**SECTION 5.** The permission granted to Temple University to construct, use and maintain the utility facilities and appurtenances authorized by Section 1 of this Ordinance shall expire without any further action by the City of Philadelphia if Temple University 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.

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**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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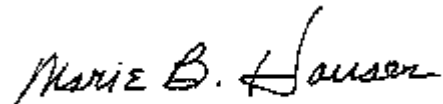
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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 22, 2000. The Bill was Signed by the Mayor on August 11, 2000.

A handwritten signature in black ink that reads "Marie B. Hauser". The signature is written in a cursive style with a large, looped initial "M".

Marie B. Hauser  
Chief Clerk of the City Council