

City of Philadelphia



(Bill No. 020342)

AN ORDINANCE

Authorizing Drexel University to construct and maintain various encroachments in, on and under the raised triangular area in the public right-of-way within the area bounded by Thirty-second street as it extends north of Market street, Market street and Lancaster avenue and to construct, use and maintain a conduit trench for water service and electric service under the north footway of Market street, Thirty-second street and the raised triangular area, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Drexel University to construct and maintain the following encroachments in, on and under the raised triangular area in the public right-of-way within the area bounded by Thirty-second street as it extends north of Market street, Market street and Lancaster avenue and to construct, use and maintain a conduit trench for water service and electric service under the north footway of Market street, Thirty-second street and the raised triangular area:

(a) granite sign approximately twenty-one feet (21') long, eighteen inches (18") wide and three feet, six inches (3'-6") high. The sign is oriented perpendicular to the Market street curb line within the landscaped portion of the raised triangular area. The south end of the sign is located approximately eighty-two feet (82') north of the south curb line of Market street and approximately fifty-eight feet (58') east of the west curb line of Thirty-second street to the centerline of the sign.

(b) three (3) six-inch (6") diameter flag poles approximately thirty feet (30') high located within the landscaped portion of the raised triangular area. The center line of each flag pole is located fifty-one feet, five inches (51'-5") east of the west curb line of Thirty-second street and at the following offsets north of the south curb line of Market street:

- (i) approximately ninety-five feet, ten inches (95'-10")
- (ii) approximately one hundred and three feet, ten inches (103'-10")
- (iii) approximately one hundred and eleven feet, ten inches (111'-10")

(c) four (4) trees on the raised triangular area

City of Philadelphia

BILL NO. 020342 continued

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(d) two (2) accessory floodlights located approximately three feet (3') east of the west centerline of the granite sign and approximately eighteen inches (18") north of the south end of the sign.

(e) underground irrigation system within the landscaped portion of the raised triangular area. The irrigation system includes a one-inch (1") PVC pipe connecting eight (8) adjustable sprinkler heads around the perimeter of the triangular planting bed. Each sprinkler head will be a minimum of approximately twelve inches (12") from the paved footway and controlled by an electric water valve.

(f) conduit trench beginning at the property line of 3215 Market street and extending in a southerly direction under the north footway of Market street to a point approximately eighty-eight feet, six inches (88'-6") north of the south curb line of Market street and approximately fifty-five feet (55') west of the west curb line of Thirty-second street. The trench continues easterly under the north footway of Market street, into the cartway of Thirty-second street and into the raised triangular area. The trench continues under the raised triangular area to a point approximately eighty-eight feet, six inches (88'-6") north of the south curb line of Market street and approximately fifty feet, six inches (50'-6") east of the west curb line of Thirty-second street. The ducts placed within the trench will maintain a minimum of approximately three feet (3') of cover in the cartway of Thirty-second street.

(g) one (1) three inch (3") ductile iron conduit containing a one inch (1") PVC pipe for the irrigation system within the landscaped portion of the raised triangular area. The ductile iron conduit will be located in the conduit trench described in Section 1(f).

(h) two (2) four inch (4") diameter cast iron conduits. One (1) conduit will provide the electrical service to the floodlights listed in Section 1(d) and one (1) conduit will be for future use. Both conduits will be located in the conduit trench described in Section 1(f).

SECTION 2. Before exercising any rights or privileges under this Ordinance, Drexel 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, Drexel University shall enter into an agreement ("Agreement")

City of Philadelphia

BILL NO. 020342 continued

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with the appropriate City department(s), in a form satisfactory to the City Solicitor, to provide that Drexel University shall, *inter alia*:

(a) furnish the City with a bond with corporate surety in the amount required by the Department of Streets and in a form satisfactory to the City Solicitor to insure compliance with all the terms and conditions of this Ordinance and the Agreement;

(b) protect, indemnify and save harmless the City from all suits or claims for damages which may arise directly or indirectly as a result of the encroachments authorized in Section 1 of this Ordinance;

(c) comply with the provisions of The Philadelphia Code, thereby securing all permits, licenses and approvals from all appropriate departments, boards, agencies or commissions as may be required;

(d) insure that the encroachments, conduit trench, water conduit, and two (2) electrical conduits authorized in Section 1 of this Ordinance do not exceed the dimensions specified in Section 1;

(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 City Solicitor;

(f) remove any or all of the various encroachments in, on or under the public rights-of-way within ninety (90) days upon lawful service of notice from the City of Philadelphia;

(g) remove any encroachment constructed pursuant to the authority of this Ordinance within ninety (90) days after the encroachment is no longer being used for the purpose authorized by the Ordinance.

(h) assume the cost of all changes or adjustments to, or relocation or abandonment of, all utilities, structures and appurtenances within the public right-of-way which are necessary for the installation of the encroachments authorized by Section 1 of this Ordinance; and

(i) provide proof that PECO Energy Company has approved the location, design and connection of the underground electrical line and appurtenances.

SECTION 3. The City Solicitor shall include in the Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

City of Philadelphia

BILL NO. 020342 continued

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SECTION 4. The permission granted to Drexel University to construct and maintain various encroachments in, on and under the raised triangular area in the public right-of-way within the area bounded by Thirty-second street, as it extends north of Market street, Market street and Lancaster Avenue and to construct, use and maintain a conduit trench for water service and electric service under the north footway of Market street, Thirty-second street and the raised triangular area shall expire without any further action by the City of Philadelphia if Drexel University has not entered into the Agreement and satisfied all requirements of the Agreement and this Ordinance that are listed in Section 2 of the Ordinance within one (1) year after this Ordinance becomes law.

SECTION 5. 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. 020342 continued

Certified Copy

City of Philadelphia

BILL NO. 020342 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 13, 2002. The Bill was Signed by the Mayor on June 26, 2002.



Marie B. Hauser
Chief Clerk of the City Council