

City of Philadelphia



(Bill No. 020244)

AN ORDINANCE

Authorizing the Ralston House, owner of the property 3615 Chestnut Street, Philadelphia, PA 19104, to construct, own and maintain underground conduit and pedestrian light posts, fixtures and appurtenances in, on and under the public right-of-way of Chestnut street north of the north curb line of Chestnut street adjacent to the building 3615 Chestnut street, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Ralston House, a Non Profit Pennsylvania Corporation and owner of the property 3615 Chestnut Street, Philadelphia, PA 19104, to construct, use, own and maintain the following facilities in, on and under public rights-of-way:

(a) A one inch (1") diameter underground conduit to supply electrical power to five (5) pedestrian light posts. The conduit begins in the building 3615 Chestnut street and runs south across the north right-of-way line of Chestnut street into the footway at a point located approximately three hundred and thirty-four feet (334') west of the west curb line of Thirty-sixth street. It continues south to a point approximately four feet, six inches (4'-6") north of the north curb line of Chestnut street and continues in an easterly and westerly direction parallel to the curb line to provide power to each of the five (5) light post listed in Section 1(b). The conduit will be approximately eighteen inches (18") below the grade of the footway.

(b) Five (5) pedestrian light posts with attached fixtures located along the conduit system described in Section 1(a). The light posts are set back from the north curb of Chestnut street approximately four feet, six inches (4'-6") and will be located within the landscaped area between the curb and the concrete footway. Each light post is approximately sixteen feet (16') high and has a three foot (3') square concrete footing that is approximately five feet (5') deep. Each light post has a pvc junction box that is approximately a one foot (1') cube located one foot (1') below the grade of the footway and approximately two feet (2') south of the center line of each light post.

The centerline of each light post is located at the following approximate distances west of the west curb line of Thirty-sixth street:

- (i) four hundred and twenty-six feet (426')
- (ii) three hundred and seventy-one feet (371')

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- (iii) three hundred and sixteen feet (316')
- (iv) two hundred and sixty-one feet (261')
- (v) two hundred and six feet (206')

SECTION 2. Before exercising any rights and privileges under this Ordinance, Ralston House 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, Ralston House shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Ralston House shall, *inter alia*:

(a) Furnish the City with a bond with 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;

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(g) Submit documentation in a form acceptable to the City of Philadelphia establishing that the entity supplying energy for the pedestrian lights has approved the manner of connection of the private lights to their facilities; 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 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.

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 Ralston House for the purpose authorized by this Ordinance.

SECTION 5. The permission granted to Ralston House 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 Ralston House 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 9, 2002. The Bill was Signed by the Mayor on May 29, 2002.



Marie B. Hauser
Chief Clerk of the City Council