

City of Philadelphia



(Bill No. 000259)

AN ORDINANCE

Granting permission to Chestnut Hill Academy, 500 Willow Grove avenue, Philadelphia, PA 19118, to construct, use and maintain one water distribution line, one sleeve with two telecommunication conduits and one spare sleeve under and across Willow Grove avenue, east of Cherokee street; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Chestnut Hill Academy, 500 Willow Grove avenue, Philadelphia, PA 19118 to construct, use and maintain:

(i) one (1) three inch (3") diameter water distribution line crossing the entire sixty foot (60') wide public right-of-way of Willow Grove avenue from a point approximately four hundred and sixty two feet (462') east of the east curb line of Cherokee street and a minimum depth below the cartway paving of approximately thirty-two inches (32");

(ii) one (1) four inch (4") diameter sleeve that crosses the entire sixty foot (60') wide public right-of-way of Willow Grove avenue from a point approximately four hundred and sixty feet (460') east of the east curb line of Cherokee street and at a minimum depth below the cartway paving of approximately thirty-two inches (32"). The sleeve will contain a one and one half inch (1½") telecommunication conduit and a two inch (2") telecommunication conduit; and

(iii) one (1) three inch (3") diameter sleeve as a spare for future use crossing the entire sixty foot (60') wide public right-of-way of Willow Grove avenue from a point approximately four hundred and fifty-eight feet (458') east of the east curb line of Cherokee street and at a minimum depth below the cartway paving of approximately thirty-two inches (32").

The construction, use and maintenance of said water distribution line, sleeves and telecommunication conduits 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, Chestnut Hill Academy must first obtain all required permits, licenses and approvals from all appropriate City departments, boards, agencies or commissions. No such department,

City of Philadelphia

BILL NO. 000259

Certified Copy

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, Chestnut Hill Academy shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Chestnut Hill Academy 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 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 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; and

(f) remove the water distribution line, four inch (4") sleeve with two telecommunication conduits, the two telecommunication conduits and spare three inch (3") sleeve from the public right-of-way pursuant to the applicable City specifications within sixty (60) days when any of the facilities 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 facilities authorized by Section 1 of this Ordinance are no longer being used by Chestnut Hill Academy for the purpose authorized by this Ordinance.

City of Philadelphia

BILL NO. 000259

Certified Copy

SECTION 5. The permission granted to Chestnut Hill Academy to construct, use and maintain the facilities authorized by Section 1 of this Ordinance shall expire without any further action by the City of Philadelphia if Chestnut Hill Academy 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.

City of Philadelphia

BILL NO. 000259

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 1, 2000. The Bill was Signed by the Mayor on June 16, 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