

City of Philadelphia



(Bill No. 040425)

AN ORDINANCE

Authorizing John and Sharon Miller, 7800 Jackson Street, Philadelphia, PA 19136, owners of the property 7800 Jackson Street a.k.a. 4400 Hartel Street, their successors and assigns, to construct and maintain privately owned underground water and sewer branch mains, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to John and Sharon Miller, owners of the property 7800 Jackson Street a.k.a. 4400 Hartel Street, their successors and assigns, to construct, own and maintain:

Sewer Branch Main

Starting at the property line of 4400 Hartel Street, the five inch (5") diameter sewer proceeds south beneath the public right of way for approximately eleven feet (11') to a point located approximately one hundred and forty feet (140') west of the west curbline of Jackson Street and two feet (2') north of the north curbline of Hartel Street. The sewer proceeds east beneath the public right of way for approximately one hundred and twenty-eight feet (128') to a point located approximately twelve feet (12') west of the west curbline of Jackson Street and two feet (2') north of the north curbline of Hartel Street. The sewer proceeds south beneath the public right of way for approximately twenty-nine feet (29'), terminating at an eighteen inch (18") diameter sewer main located at a point approximately twelve feet (12') west of the west curbline of Jackson Street and twenty-seven feet (27') south of the north curbline of Hartel Street. The branch sewer is approximately four feet (4') below grade.

Water Branch Main

Starting at the property line of 4400 Hartel Street, the three quarter inch (3/4") diameter main proceeds south beneath the public right of way for approximately twelve feet (12') to a point located approximately one hundred and forty-one feet (141') west of the west curbline of Jackson Street and one foot (1') north of the north curbline of Hartel Street. The main proceeds east beneath the public right of way for approximately one hundred and twenty-eight feet (128') to a point located approximately thirteen feet (13') west of the west curbline of Jackson Street and one foot (1') north of the north curbline of Hartel Street. The main proceeds south beneath the public right of way for approximately eighteen feet (18'), terminating at an eight inch (8") diameter water main located at a point approximately eleven feet six inches (11'-6") west of the west curbline of Jackson Street and seventeen feet (17') south of the north curbline of Hartel Street. The branch sewer is approximately four feet (4') below grade.

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SECTION 2. The construction, use, and maintenance of the underground water and sewer branch mains 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, the Department of Streets and the Art Commission.

SECTION 3. Before exercising any rights or privileges under this Ordinance, John and Sharon Miller 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, John and Sharon Miller shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that John and Sharon Miller shall, *inter alia*:

- (a) agree that upon one hundred and eighty (180) days notice from the City, they shall remove the privately owned underground water and sewer branch mains without cost or expense to the City when given written notice to do so by the City of 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 privately owned underground water and sewer branch mains or their removal, or in lieu thereof, submit documentation in a form and content acceptable to the City that John and Sharon Miller self-assume 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 privately owned underground water and sewer branch mains;

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- (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 John and Sharon Miller are self insured and are 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 privately owned underground water and sewer branch mains 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;
- (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 footways on Jackson Street and Hartel Street adjacent to the property.

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 John and Sharon Miller to construct, own and maintain the privately owned underground water and sewer branch mains described in Section 1 shall expire without any further action by the City of Philadelphia if John and Sharon Miller have 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.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 3, 2004. The Bill was Signed by the Mayor on June 21, 2004.



Patricia Rafferty
Chief Clerk of the City Council