

City of Philadelphia



(Bill No. 010496)

AN ORDINANCE

Authorizing Richard Ley to construct, own and maintain a private pole, electrical appurtenances and aerial wire over, on and under the south footway of the 3800 block of Powelton avenue for supplying electric service to his vendor truck, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Richard Ley, 132 Glencoe road, Upper Darby, PA 19082 to construct, own and maintain a private pole with an electric meter, locked receptacle ground rod and aerial wire over, on and under the south footway of Powelton avenue. The pole will be located approximately three hundred feet (300') west of the west curb line of Thirty-eighth street and approximately eighteen inches (18") south of the south curb line of Powelton avenue. The aerial wire will extend from the private pole to an existing PECO Energy Company utility pole located in the south footway of Powelton avenue approximately one hundred and fifty feet (150') west of the west curb line of Thirty-eighth street.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Richard Ley must first 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 or privileges under this Ordinance, Richard Ley shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that Richard Ley 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 erection and maintenance of the private pole, electrical appurtenances and aerial wire listed in Section 1 of this Ordinance;

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

(d) insure that the private pole, electrical appurtenances and aerial wire authorized by Section 1 do not exceed the dimensions set forth 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 the private pole, electrical appurtenances and aerial wire, authorized by Section 1 from over, on and under the public rights-of-way within sixty (60) days upon lawful service of notice from the City of Philadelphia;

(g) remove the private pole, electrical appurtenances and aerial wire authorized by Section 1 from over, on and under the public rights of way within thirty (30) days after the private pole, electrical appurtenances and aerial wire are no longer used for the purposes authorized by this Ordinance; and

(h) submit documentation in a form acceptable to the City of Philadelphia that PECO Energy Company has approved the connection of the facilities authorized by Section 1 with facilities owned by PECO Energy Company.

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

SECTION 4. The permission granted to Richard Ley to construct, own and maintain a private pole, electrical appurtenances and aerial wire over, on and under certain public rights-of-way set forth in Section 1 shall expire without any further action by the City of Philadelphia if Richard Ley has not entered into the Agreement and satisfied all requirements of the Agreement that are listed in Section 2 within one (1) year after this Ordinance becomes law.

SECTION 5. The authorization granted to Richard Ley to construct, own and maintain a private pole, electrical appurtenances and aerial wire over, on and under certain public rights-of-way described in this Ordinance shall automatically terminate without any further action by the City of Philadelphia ninety (90) days after The Philadelphia Code is amended to permit the use of gas operated generators within the geographic boundaries of the University City District.

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 December 20, 2001. The Bill was Signed by the Mayor on January 15, 2002.



Marie B. Hauser
Chief Clerk of the City Council