

# City of Philadelphia



October 10, 2001

CERTIFICATION: This is to certify that Bill No. 010398 was presented to the Mayor on the thirteenth day of September, 2001, and was not returned disapproved to the Council at a meeting held October 4, 2001 (being more than ten days after it has been presented to him).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

A handwritten signature in cursive script, appearing to read "Marie B. Hauser".

Marie B. Hauser  
Chief Clerk of the City Council

(Bill No. 010398)

## AN ORDINANCE

Authorizing SAS-1600 Arch Streets, L.P., owner of the property 1600 Arch street, Philadelphia, PA 19103, to construct, own and maintain underground conduit, various pedestrian light poles with attached floodlight fixtures, and various ground light fixtures in and on the south footway of Arch street, the west footway of Sixteenth street and the north footway of Cuthbert street adjacent to the building 1600 Arch street, all under certain terms and conditions.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Permission is hereby granted to SAS-1600 Arch street, L.P., owner of the property 1600 Arch street, Philadelphia, PA 19103, to construct, use, own and maintain the following facilities in and under public rights-of-way:

(a) One (1), two inch (2") pvc underground conduit line to supply power to the pedestrian lighting poles and inground light fixtures described in Sections 1(b) and

# City of Philadelphia

BILL NO. 010398 continued

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1(c). The conduit will be approximately twenty-four inches (24") below the grade of the footways and offset a constant distance of approximately eighteen inches (18") behind the curb lines of Sixteenth street and Cuthbert street and the curb line as proposed to be placed on the City Plan for Arch street under the following footways:

- (i) south footway of Arch street
- (ii) west footway of Sixteenth street
- (iii) north footway of Cuthbert street

(b) Sixteen (16) pedestrian lighting poles with attached floodlights fixtures located along the conduit system described in Section 1(a), spaced at approximately thirty-one feet (31') minimum and fifty-seven feet (57') maximum on centers, offset a minimum of approximately eighteen inches (18") clear behind each curb line as described in Section 1 (a), at the following locations:

Eight (8) lights along Arch street, west of the west curb line of Sixteenth street at the following distances:

- (i) forty-nine feet (49')
- (ii) seventy feet (70')
- (iii) ninety-one feet (91')
- (iv) one hundred and nineteen feet (119')
- (v) one hundred and thirty-nine feet (139')
- (vi) one hundred and fifty-nine feet (159')
- (vii) one hundred and eighty-six feet (186')
- (viii) two hundred and thirty feet (230')

Four (4) lights along Sixteenth street, south of the south curb line of Arch street, at the following distances:

- (i) forty-nine feet (49')
- (ii) seventy-eight feet (78')
- (iii) one hundred and twenty feet (120')
- (iv) one hundred and fifty-three feet (153')

Four (4) lights along Cuthbert street, north of the north curb line of Cuthbert street, at the following distances:

- (i) thirty-nine feet (39')
- (ii) ninety-nine feet (99')
- (iii) one hundred and seventy-six feet (176')
- (iv) two hundred and twenty feet (220')

# City of Philadelphia

BILL NO. 010398 continued

Certified Copy

(c) Seven (7) in ground light fixtures located along the conduit system under Cuthbert street described in Section 1(a) approximately thirty-one feet (31') minimum and fifty-seven feet (57') maximum on centers, offset a minimum of approximately eighteen inches (18") behind the confirmed west curb line of Sixteenth street. Each fixture is one foot (1') wide, one foot (1') long and extends approximately one foot, six inches (1'-6") below the grade of the north footway of Cuthbert street with the top of the footway flush with the grade of the footway. The fixtures are located at the following approximate offsets:

- (i) fifty-eight feet (58')
- (ii) seventy-nine feet (79')
- (iii) one hundred and seven feet (107')
- (iv) one hundred and thirty-seven feet (137')
- (v) one hundred and sixty-seven feet (167')
- (vi) one hundred and ninety-five feet (195')
- (vii) two hundred and thirty-five feet (235')

SECTION 2. Before exercising any rights and privileges under this Ordinance, SAS-1600 Arch street, L.P. 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, SAS-1600 Arch street, L.P. shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that SAS-1600 Arch street, L.P. shall, *inter alia*:

(a) furnish the City with a bond with a 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;

# City of Philadelphia

BILL NO. 010398 continued

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(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;

(g) submit documentation in a form acceptable to the City of Philadelphia establishing that the entity supplying energy for the pedestrian lights and floodlights 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(a) within 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 SAS-1600 Arch street, L.P. for the purpose authorized by this Ordinance.

SECTION 5. The permission granted to SAS-1600 Arch street, L.P. 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 SAS-1600 Arch street, L.P. 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.