



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 190938

Introduced November 21, 2019

Councilmember Blackwell

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Authorizing Neal and Linda Pakvina, owners and operators of the food truck, Linda's Cart, located at the northeast corner of 43rd Street and Woodland Avenue, to construct, use, and maintain conduits in, under, and across the northeast corner of 43rd Street and Woodland Avenue for the purpose of supplying electrical service to said food truck, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Neal and Linda Pakvina, owners and operators of the food truck, Linda's Cart, located at northeast corner of 43rd Street and Woodland Avenue, to construct, use, and maintain conduits in, under, and across the northeast corner of 43rd Street and Woodland Avenue for the purpose of supplying electrical service.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Owner must first obtain or have its contractor(s) obtain all required permits, licenses, and approvals from all appropriate departments, boards, agencies, or commissions, including approval of the site plan. 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, Owner shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department which shall:

(a) furnish the City with a bond with corporate surety in an amount required by the Streets Commissioner and in a form satisfactory to the Law Department to insure the compliance with all the terms and conditions of this Ordinance and the aforementioned agreement;

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(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 conduits in and under the northeast corner of 43rd Street and Woodland Avenue for the purpose of supplying electric service to the food truck;

(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) agree in writing that when, at the determination of the City of Philadelphia, relocation and/or removal of any underground structure at the northeast corner of 43rd Street and Woodland Avenue either publicly or privately owned, is necessary, Neal and Linda Pakvina will be responsible for all costs and expenses related to the removal of any and all conduits constructed pursuant to this Ordinance;

(e) insure that the conduits in and under the northeast corner of 43rd Street and Woodland Avenue, for the purpose of supplying electrical service to the food truck are constructed according to plans approved by the appropriate City departments;

(f) insure that all construction contractors for the encroachments described in Section 1 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;

(g) 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; and

(h) remove the conduits in and under the corner of 43rd Street and Woodland Avenue for the purpose of supplying electrical service to the food truck within one hundred and eighty (180) days upon service of lawful written notice from the City of Philadelphia.

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

SECTION 4. The permission granted to Neal and Linda Pakvina to construct, use, and maintain conduits in and under the northeast corner of 43rd Street and Woodland Avenue for the purpose of supplying electrical service to said food truck described in Section 1 shall expire without any further action by the City of Philadelphia if Neal and Linda Pakvina have not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 2 and 3 of this Ordinance within one (1) year after this Ordinance becomes law.

SECTION 5. This Ordinance shall not become effective unless the sum of Two Hundred Dollars (\$200.00), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date this Ordinance becomes law.