

City of Philadelphia



(Bill No. 010603)

AN ORDINANCE

Granting permission to Nick Mangini, d/b/a N&C Mangini Newsstand, owner of the newsstand located on the north footway of Oregon avenue west of Swanson street, to construct, use and maintain overhead electrical and telecommunication lines from an existing utility pole over and across the north footway of Oregon avenue for the purpose of supplying electrical and phone service to his newsstand, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Nick Mangini, 1833 West Moyamensing Avenue, Philadelphia, Pennsylvania 19145, d/b/a as N&C Mangini Newsstand owner of the newsstand located on the north footway of Oregon avenue approximately one hundred and fifty-three feet (153') west of the west curb line of Swanson street, to construct, use and maintain overhead electrical and overhead telecommunication lines from an existing utility pole over and across the north footway of Oregon avenue for the purposes of supplying electrical service and phone service to his newsstand.

(a) The overhead electrical line, telecommunication line and appurtenances will be installed from the existing PECO Energy Pole #38336, located along the north curb of Oregon avenue approximately one hundred and seventy-three feet (173') west of the west curb line of Swanson street, to the newsstand.

(b) The minimum vertical clearance of the overhead electric line and overhead telecommunication line must be eleven feet (11') above the footway.

(c) The construction and maintenance of the said overhead electrical and overhead telecommunication lines and appurtenances shall be in accordance with the 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.

(d) No City department, agency, board or commission shall be required solely by virtue of this Ordinance to issue any permit, license, or approval that Nick Mangini must by law obtain prior to construction over the public right-of-way, it being the express intent of the Ordinance not to supersede any other provision of law governing issuance of such permits, licenses or approvals.

(e) This Ordinance specifically does not grant Nick Mangini permission to install or use any machine or device outside the exterior wall of the newsstand, and the

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permission granted by this Ordinance is expressly conditioned on maintaining at all times a minimum clear footway from the newsstand to the north curb of Oregon avenue of approximately twelve feet, four inches (12'-4").

SECTION 2. Before exercising any rights and privileges under this Ordinance, Nick Mangini shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the City Solicitor, to provide that Nick Mangini shall, *inter alia*:

(a) furnish the City with a bond with a corporate surety in the amount and in a form satisfactory to the City Solicitor to insure compliance with all terms and conditions of this Ordinance and of the Agreement and to protect and to indemnify the City from all claims for damages which may arise directly or indirectly as a result of the construction, use and maintenance of the overhead electrical and overhead telecommunication wires and appurtenances authorized by Section 1;

(b) secure all necessary permits, licenses, and approvals from all appropriate departments, agencies, boards, or commissions of the City or other governmental entity as may be required by law;

(c) provide proof that PECO Energy Company has approved the location, design and connection of the overhead electrical line and appurtenances from PECO Utility Pole #38336 located on the north curb line of Oregon avenue west of Swanson street to the newsstand;

(d) provide proof that the telecommunication provider has approved the location, design and connection of the overhead telecommunication line and appurtenances from PECO Utility Pole #38336 located on the north curb line of Oregon avenue west of Swanson street to the newsstand;

(e) assume the cost of all changes and adjustments to, and relocation and abandonment of, all utilities and structures wherever located as may be necessary by reason of the installation of the overhead electrical line and overhead telecommunication line and related appurtenances; and

(f) 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.

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 to Nick Mangini to construct, use and maintain overhead electrical and telecommunication lines and appurtenances over the north

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footway of Oregon avenue west of Swanson street shall expire without any further action by the City of Philadelphia if Nick Mangini has not entered into the Agreement and satisfied all requirements that are listed in Section 2 of the 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 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