

# City of Philadelphia



(Bill No. 020097)

## AN ORDINANCE

Granting permission to Raju Desai and Nehal Desai, owners of the newsstand located on the southeast corner of Broad street and Chestnut streets, to construct, use and maintain an electrical conduit and electrical service line and a telecommunications conduit and telephone service line in and under the public rights-of-way of Chestnut street for the purpose of supplying electrical service and telephone service to their newsstand, under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Raju Desai and Nehal Desai, 210 Balfield Terrace, Cherry Hill New Jersey 08003, d/b/a R-N Newsstand, owners of the newsstand to be located on the southeast corner of Chestnut street and Broad street, to construct, use and maintain:

(i) a two inch (2") conduit and appurtenances, serving as an electric service connection below the cartway of Chestnut street and the south footway of Chestnut street approximately two feet below the grade of the cartway. The conduit begins at a point on the west side of the newsstand on Chestnut street located approximately fifty-four feet (54') east of the east curb line of Broad street and eighteen inches (18") south of the south curb line of Chestnut street. The electrical conduit continues north under the Chestnut street footway for approximately seven feet, three inches (7'-3") to a point in the Chestnut street cartway that is approximately five feet, nine inches (5'-9") north of the north curb line and then in a westerly direction under the cartway for approximately eighteen feet, nine inches (18'-9") to PECO manhole #5621 which is located in the Chestnut street cartway approximately twenty-six feet (26') east of the east curb line of Broad street; and

(ii) a two inch (2") conduit and appurtenances, serving as a telephone service connection below the cartway of Chestnut street and the south footway of Chestnut street. The conduit varies in depth beneath the cartway from approximately two feet, six inches (2'-6") to four feet, six inches (4'-6"). The conduit begins at a point on the north side of the newsstand on Chestnut street located approximately fifty-eight feet (58') east of the east curb line of Broad street and approximately eighteen inches (18") south of the south curb line of Chestnut street. The telecommunication conduit continues north under the Chestnut street footway for approximately two feet, six inches (2'-6") to a point in the cartway of Chestnut street approximately one foot (1') north of the north curb line of Chestnut street. The telecommunications conduit continues east under the cartway for approximately fourteen feet, six inches (14' -6") and then in a northerly direction across

# City of Philadelphia

BILL NO. 020097 continued

Certified Copy

the Chestnut street cartway for approximately nineteen feet, six inches (19'-6") to an existing Verizon-Pa, Inc. manhole in the Chestnut street cartway which is located approximately seventy-three feet (73') east of the east curb line of Broad street.

The construction and maintenance of the electric conduit, electric service line, telecommunications conduit and telephone service line described in subsections (i) and (ii) above shall be in accordance with the laws, rules and regulations of the City of Philadelphia, including those of the Department of Licenses and Inspections, Department of Streets, and Department of Public Property.

No City department, agency, board or commission shall be required solely by virtue of this Ordinance to issue any permit, license, or approval that Raju Desai and Nehal Desai must by law obtain prior to construction in and under the public right-of-way, 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.

This Ordinance specifically does not grant Raju Desai and Nehal Desai permission to install or use any machine or device outside the exterior wall of the newsstand, and the permission granted by this Ordinance is expressly conditioned on the newsstand maintaining at all times a clear footway, as determined by the City, on the south side of Chestnut street where the newsstand is located.

SECTION 2. Before exercising any rights and privileges under the Ordinance, Raju Desai and Nehal Desai shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the City Solicitor, to provide that Raju Desai and Nehal Desai 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 the compliance with all the terms and conditions of this Ordinance and of the Agreement and to protect and to indemnify the City from all damage or claims for damages which may arise directly or indirectly as a result of the construction, use and maintenance of the electrical conduit and electrical service line and the telecommunications conduit and telephone service line authorized in Section 1;

(b) secure all necessary permits, licenses, and approvals from all appropriate departments, agencies, boards, or commissions of the City or of any 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 electrical conduit and electrical service line to the existing PECO facilities and the newsstand;

# City of Philadelphia

BILL NO. 020097 continued

Certified Copy

(d) provide proof that Verizon-Pa, Inc. has approved the location, design and connection of the fiber optic conduit and telephone service line to the existing Verizon-Pa, Inc. facilities and the newsstand;

(e) assume the cost of all changes or adjustments to, or relocation or abandonment of any utilities and structures, wherever they may be located, which are necessitated by the installation of the electrical conduit, electrical service line, fiber optic conduit or telephone service line authorized by Section 1 of this Ordinance;

(f) submit the proposed plans to restore the Broad street and Chestnut street public right-of-way to the City of Philadelphia for approval before any work to restore the public right-of-way begins;

(g) assume the costs and completely restore the public rights-of-way of Chestnut street and Broad street that are affected by the work authorized by Section 1 of this Ordinance pursuant to City of Philadelphia approved specifications; and

(h) carry public liability and property damage insurance, naming the City of Philadelphia as an insured party, in such amounts as shall be 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 Raju Desai and Nehal Desai to construct, use and maintain an electrical conduit and service line and a telecommunications conduit and telephone service line shall expire without any further action by the City of Philadelphia if Raju Desai and Nehal Desai have not entered into the Agreement and satisfied all requirements of the Agreement and the requirements that are listed in Section 2 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 the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.

# City of Philadelphia

BILL NO. 020097 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 4, 2002. The Bill was Signed by the Mayor on April 17, 2002.



Marie B. Hauser  
Chief Clerk of the City Council