

# City of Philadelphia



(Bill No. 000340)

## AN ORDINANCE

Granting permission to National Railroad Passenger Corporation, 60 Massachusetts Avenue, Washington, D.C. 20002, to construct, use and maintain various underground facilities within, under and across Delaware avenue between Wheatsheaf lane and Lewis street; all under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to National Railroad Passenger Corporation, 60 Massachusetts Avenue, Washington, D.C. 20002 to construct, use and maintain:

(i) a precast cable trench, set at grade from the National Railroad Passenger Corporation property, crossing the east right-of-way line of Delaware avenue at a point approximately sixty feet, six inches (60'-6") north of the former northerly right-of-way line of Wheatsheaf lane (stricken from the City Plan on 2-2-25), extending for a distance of approximately fifty feet, four inches (50'-4") to a point where the former Kensington and Tacony at grade railroad right-of-way previously existed within the right-of-way of Delaware avenue; then turning north and continuing for a distance of approximately one thousand, eighty feet (1080'); then turning forty five degrees and running approximately forty five feet (45') northeastwardly to a point outside where the former Kensington and Tacony at grade railroad right-of-way previously existed within the right-of-way of Delaware avenue at a point approximately twenty-five feet, nine inches (25'-9") west of the east right-of-way line of Delaware avenue and nine feet, one inch (9'-1") south of the north right-of-way line of Lewis street; then continuing north for nine feet, one inch (9'-1") across Lewis street and crossing the northern property line of PECO Energy Company and into a National Passenger Railroad Corporation easement on the PECO property. The precast cable trench cross section is approximately nine feet, eleven inches (9'-11") wide by twenty-six inches (26") deep. The precast cable trench will contain one hundred thirty eight kilovolt (138 KV) cables in twelve (12) concrete encased conduits spaced approximately ten inches (10") apart;

(ii) a below grade communications duct back containing six (6) concrete encased conduits with approximately two feet (2') of cover, running in the former Kensington and Tacony at grade railroad right-of-way that previously existed within the right-of-way of Delaware avenue, located approximately thirty-eight feet, five inches (38'-5") west of the east Delaware avenue right-of-way line from a handhole located approximately eighty-seven feet, seven inches (87'-7") north of the north right-of-way line of the former Wheatsheaf lane (stricken from the City Plan on 2-2-25) for a distance

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of approximately one thousand and seventeen feet (1017'), and then turning approximately thirty (30) degrees for approximately eight feet (80') to a point approximately thirteen feet, two inches (13'-2") south of the north right-of-way of Lewis street and nine feet nine inches (9'9") west of the east right-of-way line of Delaware avenue. The duct bank continues in a northerly direction for a distance of approximately thirteen feet, two inches (13'-2") across Lewis street and into a National Railroad Passenger Corporation easement on PECO Energy Company property;

(iii) three (3) handholes located within the public right-of-way of the communications duct bank described in Section 1(ii). Each handhole measures approximately four feet (4') by four feet (4') by four feet (4'). The handholes are constructed of precast concrete and are all located approximately thirty-eight feet, five inches (38'-5") west of the east right-of-way line of Delaware avenue and are located at the following locations north of the north curb line of the former Wheatsheaf lane (stricken and vacated from the City Plan on 2-2-25):

- (a) eighty-seven feet, eleven inches (87'-11")
- (b) five hundred and ninety-eight feet (598')
- (c) one thousand, nine hundred and ninety-eight feet (1998');

(iv) two below grade grid cables in the public right-of-way Delaware avenue located approximately two feet (2') west of the east right-of-way line of Delaware avenue, and extending approximately ninety-five feet (95') in a northerly direction from the north right-of-way line of the former Wheatsheaf lane (stricken from the City Plan on 2-2-25);

(v) a sanitary sewer main with a six inch (6") diameter and a minimum cover of three feet (3') extending westwardly from National Railroad Passenger Corporation property and into the public right-of-way of Delaware avenue at a point approximately nine feet, three inches (9'-3") north of the north right-of-way line of the former Wheatsheaf lane (stricken from the City Plan on 2-2-25) for a distance of approximately twelve feet (12'), then turning in a southerly direction for a distance of approximately two hundred and ninety-five feet (295') to an existing sanitary manhole located on City of Philadelphia property used as the Northeast Sanitation Facility. The sanitary manhole is located approximately two hundred and ninety-five feet (295') south of the north right-of-way line of the former Wheatsheaf lane (stricken from the City Plan on 2-2-25) and twelve feet (12') west of the east right-of-way line of Delaware avenue;

(vi) a sanitary manhole located along the sewer main described in Section 1(v) located within the public right-of-way of Delaware avenue approximately twelve feet west of the east right-of-way line of Delaware avenue and one hundred ninety-five feet, two inches (195'-2") south of the north right-of-way line of Wheatsheaf lane (stricken from the City Plan on 2-2-25);

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(vii) an eight inch (8") diameter water main with a minimum cover of four feet (4') in the public right-of-way of Delaware avenue extending northwardly from the north right-of-way line of the former Wheatsheaf lane (stricken from the City Plan on 2-2-25) for a distance of approximately forty feet (40') and approximately five feet (5') east of the west right-of-way line of Delaware avenue.;

(viii) an eight inch diameter fire line with a minimum cover of four feet (4') extending westwardly from National Railroad Passenger Corporation property into and under the entire width of the public right-of-way of Delaware avenue from a point approximately thirty-nine feet, nine inches (39'-9") north of the north right-of-way line of the former Wheatsheaf lane (stricken from the City Plan on 2-2-25); and

(ix) a two inch water line branch with minimum cover of three feet (3') extending westwardly from National Railroad Passenger Corporation property into and under the entire public right-of-way of Delaware avenue from a point approximately thirty-five feet, nine inches (35'-9") north of the north right-of-way line of the former Wheatsheaf lane (stricken from the City Plan on 2-2-25).

**SECTION 2.** The construction, use and maintenance of the underground facilities listed in Section 1 shall be in accordance with the laws, rules and regulations of the City of Philadelphia, and specifically those of the Department of Licenses and Inspections, Department of Streets, Water Department and Department of Public Property.

**SECTION 3.** Before exercising any rights and privileges under this Ordinance, National Railroad Passenger Corporation 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, National Railroad Passenger Corporation shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that National Railroad Passenger Corporation 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 of 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 installation, use and maintenance of the facilities authorized by Section 1 of this Ordinance;

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(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 necessitated by the installation of the facilities authorized by Section 1 of this Ordinance;

(d) 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;

(e) remove 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) make necessary adjustments or reimburse the City of Philadelphia for making adjustments to any manhole authorized in Section 1 of this Ordinance when instructed to do so by the Streets Department in preparation of a street paving project; and

(g) remove the various underground facilities listed in Section from the public right-of-way pursuant to the applicable City specifications within sixty (60) days when any of those facilities are no longer used for the purpose authorized by this Ordinance.

**SECTION 4.** 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 5.** 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 National Railroad Passenger Corporation for the purpose authorized by this Ordinance.

**SECTION 6.** The permission granted to National Passenger Railroad Corporation to construct, use and maintain the facilities authorized by Section 1 of this Ordinance shall expire without any further action by the City of Philadelphia if National Passenger Railroad Corporation has not entered into the Agreement and satisfied all requirements of the Agreement that are listed in Section 3 of this Ordinance within one (1) year after this Ordinance becomes law.

**SECTION 7.** 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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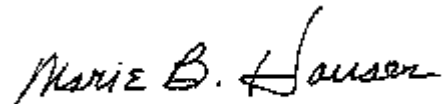
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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 22, 2000. The Bill was Signed by the Mayor on August 11, 2000.

A handwritten signature in black ink that reads "Marie B. Hauser". The signature is written in a cursive style with a large, looped initial "M".

Marie B. Hauser  
Chief Clerk of the City Council