

City of Philadelphia



(Bill No. 020757)

AN ORDINANCE

Granting permission to University of the Sciences in Philadelphia, 600 South Forty-third Street, Philadelphia, PA 19 104-4495, to construct, own, use and maintain underground steam lines, telecommunication lines, chilled water and chilled water return lines and electrical conduit under the 4200 block of Woodland avenue; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to University of the Sciences in Philadelphia, 600 South Forty-third Street, Philadelphia, PA 19104-4495, to construct, own, use and maintain the following underground facilities in the 4200 block of Woodland avenue between University of the Sciences in Philadelphia's properties owned on each side of Woodland avenue:

- (a) A twenty-inch (20") diameter steel casing pipe containing two (2) steam lines:
 - (i) an eight-inch (8") diameter medium pressure line;
 - (ii) a two inch (2") pumped condensate line.

The casing pipe is twelve feet (12') below the cartway grade and extends across the entire ninety foot (90') Woodland avenue right-of-way. The centerline of the casing pipe is located approximately three hundred and fifty-two feet (352') east of the east curb line of Forty-third street.

(b) Six (6) four inch (4") diameter ducts extending across the entire ninety foot (90') Woodland avenue right-of-way. The ducts will be located in an area between two feet (2') and four feet (4') below the cartway grade. The ducts will be located approximately three hundred and fifty-four feet (354') east of the east curb line of Forty-third street.

(c) One ten-inch (10") diameter chilled water service line within a twenty-inch (20") diameter steel casing pipe. The casing pipe is twelve feet (12') below the cartway grade and extends across the entire ninety foot (90') Woodland avenue right-of-way. The centerline of casing pipe is located approximately three hundred and fifty seven feet (357') east of the east curb line of Forty-third street.

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(d) One ten-inch (10") diameter chilled water return line within a twenty-inch (20") diameter steel casing pipe. The casing pipe is twelve feet (12') below the cartway grade and extends across the entire ninety foot (90') Woodland avenue right-of-way. The centerline of the casing pipe is located approximately three hundred and fifty-nine feet (359') east of the east curb line of Forty-third street.

(e) Four (4) four-inch (4") diameter ducts for electrical service across the entire ninety foot (90') Woodland avenue right-of-way. The ducts will be located in an area between two feet (2') and four feet (4') below the cartway grade. The centerline of the ducts will be located approximately three hundred and sixty-one feet (361') east of the east curb line of Forty-third street.

The construction, use and maintenance of said facilities and appurtenances listed in this 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, and Department of Public Property.

SECTION 2. Before exercising any rights and privileges under this Ordinance, University of the Sciences in Philadelphia 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, University of the Sciences in Philadelphia shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to provide that University of the Sciences in Philadelphia 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 installation, use 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;

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(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) insure that the various underground facilities listed in Section 1 are installed at the locations set forth in Section 1, provided that the Streets Department, in its sole unreviewable discretion, may allow minor variations of the dimension limits of Section 1, within standard tolerances of current engineering practice;

(f) 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; and

(g) remove the steam lines and casing pipe, telecommunication conduits, chilled water line and casing pipe, chilled water return line and casing pipe and the electrical conduit from the public right-of-way pursuant to the applicable City specifications within sixty (60) days when any of the facilities are no longer used for the purpose authorized by this Ordinance.

SECTION 3. The Law Department 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 University of the Sciences in Philadelphia for the purpose authorized by this Ordinance.

SECTION 5. The permission granted to University of the Sciences in Philadelphia 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 University of the Sciences in Philadelphia 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.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on March 27, 2003. The Bill was Signed by the Mayor on April 8, 2003.

A handwritten signature in black ink that reads "Patricia Rafferty". The signature is written in a cursive, flowing style.

Patricia Rafferty
Chief Clerk of the City Council