

# City of Philadelphia



(Bill No. 030348)

## AN ORDINANCE

Granting permission to Nahal Desai, owner of the newsstand at the northeast corner of Juniper street and Market street, to construct, use and maintain an electrical conduit with an electrical service line and a fiber optic conduit with a telephone service line in and under the public rights-of-way for the purpose of supplying electrical service and telephone service to the newsstand, under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Nahal Desai, 210 Balfield Terrace, Cherry Hill, NJ 08003, owner of the newsstand located on the northeast corner of Juniper street and Market street to construct, use and maintain:

(a) an underground electrical conduit and service line in and under Market street from the existing PECO Energy Company manhole located four feet (4') south of the north curb line of Market street and fourteen feet (14') east of the east curb line of Juniper street, extending approximately seven feet (7') north under the cartway and north footway of Market street and extending approximately thirty feet (30') eastward under the north footway of Market street and terminating at the newsstand for the purposes of supplying electrical service to the newsstand;

(b) an underground fiber optic conduit and service line under the north footway of Market street from the newsstand and extending approximately twenty feet (20') northward to the property line for the purpose of supplying telephone service to the newsstand;

(c) construction and maintenance of such electrical conduit, electrical service line, fiber optic conduit and telephone service line 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 Nahal 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 supercede any other provision of law governing the issuance of such permits, licenses or approvals;

(e) This Ordinance specifically does not grant Nahal Desai 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 the newsstand maintaining at all times an eight foot (8') minimum clear footway on both Juniper street and Market street where the newsstand as approved by the City is located.

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

(a) furnish the City with a bond with a corporate surety in the amount and in form satisfactory to the Law Department 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 damage or claims for damages which may arise directly or indirectly as a result of the construction, use and maintenance of the electrical conduit, electrical service line, the fiber optic 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 written 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;

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

(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 and telephone service line authorized by Section 1 of this Ordinance;

(f) assume the costs and duties of completely restoring the public rights-of-way of Juniper and Market street that are affected by the work authorized by Section 1 of this Ordinance pursuant to City of Philadelphia approved specifications; and

(g) 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 Law Department.

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.

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SECTION 4. The permission granted to construct, use and maintain an electrical conduit and service line and a fiber optic conduit and telephone service line shall expire without any further action by the City of Philadelphia if Nahal Desai has 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.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 5, 2003. The Bill was Signed by the Mayor on July 31, 2003.



Patricia Rafferty  
Chief Clerk of the City Council