

City of Philadelphia



(Bill No. 130849)

AN ORDINANCE

Repealing an Ordinance (Bill No. 130449) entitled “An Ordinance authorizing Atul Amin, owner and operator of the newsstand located on the southeast corner of 17th and JFK Blvd, to construct, use and maintain conduits in, under and across the southeast corner of 17th and JFK Blvd for the purpose of supplying electrical service and telephone service to the newsstand, under certain terms and conditions,” and authorizing Atul Amin, owner and operator of the newsstand located on the northwest corner of 17th and JFK Blvd, to construct, use and maintain conduits in, under and across the northwest corner of 17th and JFK Blvd 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. Bill Number 130449, signed by the Mayor on July 11, 2013, is hereby repealed in its entirety.

SECTION 2. Permission is hereby granted to Atul Amin, owner and operator of the newsstand located on the northwest corner of 17th and JFK Blvd to construct, use and maintain conduits in, under and across the northwest corner of 17th and JFK Blvd for the purpose of supplying electrical service and telephone service to the newsstand.

SECTION 3. Before exercising any rights or privileges under this Ordinance, Atul Amin must first obtain or have his contractor(s) obtain all required permits, licenses and approvals from all appropriate 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 and privileges under this Ordinance, Atul Amin shall enter into an agreement (“Agreement”) with the appropriate City department(s) in a form satisfactory to the Law Department which shall:

(a) furnish the City with a bond with corporate surety in an amount required by the Streets Commissioner and in a form satisfactory to the Law Department to insure the compliance with all the terms and conditions of this Ordinance and the aforementioned agreement;

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(b) protect, indemnify and save harmless the City from all suits or claims for damages which may arise directly or indirectly as a result of the conduits in, under and across the northwest corner of 17th and JFK Blvd for the purpose of supplying electrical service and telephone service to the newsstand;

(c) comply with the provisions of The Philadelphia Code thereby securing all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions, as may be required;

(d) agree in writing that when, at the determination of the City of Philadelphia, relocation and/or removal of any underground structure in the northwest corner of 17th and JFK Blvd, either publicly or privately owned, is necessary, Atul Amin will be responsible for all costs and expenses related to the removal of any and all conduits constructed pursuant to this Ordinance;

(e) insure that the conduits in, under and across the northwest corner of 17th and JFK Blvd for the purpose of supplying electrical service and telephone service to the newsstand are constructed according to plans approved by the Streets Department;

(f) insure that all construction contractors for the encroachments described in Section 1 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;

(g) carry public liability and property damage insurance, co-naming the City of Philadelphia as an insured party in such amounts as shall be satisfactory to the Law Department; and

(h) remove the conduits in, under and across the northwest corner of 17th and JFK Blvd for the purpose of supplying electrical service and telephone service to the newsstand within one hundred and eighty (180) days upon service of lawful written notice from the Streets Department.

SECTION 4. The Law Department shall include in the Agreement such other terms and conditions as shall be deemed necessary to protect the interests of the City.

SECTION 5. The permission granted to Atul Amin to construct, use and maintain conduits in, under and across the northwest corner of 17th and JFK Blvd for the purpose of supplying electrical service and telephone service to the newsstand described in Section 1 shall expire without any further action by the City of Philadelphia if Atul Amin has not entered into an Agreement and satisfied all requirements of the Agreement that are listed in Section 2 and 3 of this Ordinance within one (1) year after this Ordinance becomes law.

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SECTION 6. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward costs thereof, is paid into the City Treasury within sixty (60) days after the date 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 May 22, 2014. The Bill was Signed by the Mayor on June 4, 2014.

A handwritten signature in cursive script, reading "Michael A. Decker".

Michael A. Decker
Chief Clerk of the City Council