

Legislation Details (With Text)

File #: 020494 **Version:** 0 **Name:**

Type: Bill **Status:** ENACTED

File created: 9/12/2002 **In control:** Committee on Streets and Services

On agenda: **Final action:** 10/24/2002

Title: Granting permission to Atul Amin, owner of the newsstand at the northeast corner of Fifteenth street and Arch street, to construct, use and maintain an electrical conduit with an electrical service line and a telecommunications conduit with a telephone service line in and under the north footway of Arch street for the purpose of supplying electrical service and telephone service to the newsstand, under certain terms and conditions.

Sponsors: Councilmember Clarke

Indexes: ENCROACHMENT

Code sections:

Attachments: 1. CertifiedCopy02049400.pdf

Date	Ver.	Action By	Action	Result	Tally
11/13/2002	0	MAYOR	SIGNED		
10/24/2002	0	CITY COUNCIL	READ		
10/24/2002	0	CITY COUNCIL	PASSED	Pass	16:0
10/17/2002	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
10/10/2002	0	CITY COUNCIL	ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR	Pass	
10/10/2002	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
10/8/2002	0	Committee on Streets and Services	HEARING NOTICES SENT		
10/8/2002	0	Committee on Streets and Services	REPORTED FAVORABLY		
10/8/2002	0	Committee on Streets and Services	HEARING HELD		
9/12/2002	0	CITY COUNCIL	Referred		
9/12/2002	0	CITY COUNCIL	Introduced	Pass	

Granting permission to Atul Amin, owner of the newsstand at the northeast corner of Fifteenth street and Arch street, to construct, use and maintain an electrical conduit with an electrical service line and a telecommunications conduit with a telephone service line in and under the north footway of Arch street 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 Atul Amin, 1983A Ambassador Street, Philadelphia, PA 19115, owner of the newsstand located on the northeast corner of Fifteenth street and Arch street, to construct, use and

maintain the following conduits and appurtenances in and under the north footway of Arch street:

(i) a one and one half inch (1½”) conduit with appurtenances, serving as an electric service connection approximately fifteen inches (15”) below the grade of the north footway of Arch street. The conduit begins at an existing PECO manhole located in the north footway approximately thirty-two feet (32’) east of the east curb line of Fifteenth street and approximately four feet (4’) north of the north curb line of Arch street. The conduit continues west under the footway for approximately six feet (6’) to a point approximately four feet (4’) north of the north curb line of Arch street and connects with the existing newsstand. The electrical service line is located within the conduit.

(ii) a one and one half inch (1½”) conduit and appurtenances, serving as a telephone service connection approximately seventeen inches (17”) below the grade of the footway. The conduit within the public right-of-way begins at the building façade of 1435 Arch street at a point approximately eighteen feet (18’) east of the east curb line of Fifteenth street and approximately eighteen feet (18’) north of the north curb line of Arch street. The conduit continues south under the footway approximately fourteen feet (14’) to a point approximately twenty-two feet (22’) east of the east curb line of Fifteenth street and approximately five feet (5’) north of the north curb line of Arch street and connects with the existing newsstand. The telephone service line is located within the conduit.

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 Atul Amin 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 Atul Amin 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 north footway of Arch street where the newsstand is located.

SECTION 2. Before exercising any rights and privileges under this Ordinance, Atul Amin shall enter into an agreement (“Agreement”) with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Atul Amin 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 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 damages 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 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;

(d) provide proof that telecommunication provider within the building 1435 Arch street has approved the location, design and connection of the conduit and telephone service line to the existing telecommunication facilities within the building and the newsstand;

(e) provide proof that the owner of the property 1435 Arch street has approved the location, design and connection to the telecommunication facilities within the property 1435 Arch street;

(f) 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;

(g) assume the costs and completely restore the public rights-of-way of Arch 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 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.

SECTION 4. The permission granted to Atul Amin 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 Atul Amin 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.