

## Legislation Text

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Authorizing Lawrence A. Goldfarb and Gerda Paumgarten of 630 W. Cliveden Street, Philadelphia Pa. 19119, owners of the property at 8605 Navajo street, a.k.a. 310 Rex avenue, to construct and maintain a privately owned water main, stormwater and sanitary sewers, and an electrical service conduit in the roadway of Rex avenue and Navajo street adjacent to the property 8605 Navajo street, a.k.a. 310 Rex avenue, under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to Lawrence A. Goldfarb and Gerda Paumgarten, owners of the property at 8605 Navajo street, a.k.a. 310 Rex avenue, to construct, use, own and maintain:

(a) an electrical conduit consisting of a 4" diameter PVC conduit with electrical service cable beginning at an existing PECO pole, carrying overhead electrical wires, located in the bed of Navajo street approximately two hundred and forty-three feet (243') north of the north curblines of Seminole street and eighteen feet (18') east of the east curblines of Rex avenue. The electrical service cable shall proceed down the aforementioned pole and into a 4" diameter PVC conduit. The conduit shall proceed easterly, beneath the bed of Navajo street, for approximately eighty-two feet (82') into the property at a point located approximately two hundred and sixty feet (260') north of the north curblines of Seminole street and ninety-eight feet (98') east of the east curblines of Rex avenue. The depth of the conduit beneath Navajo street shall be approximately three feet (3');

(b) a water line consisting of a 1-3/4" diameter copper service line beginning at a point approximately two hundred and eighteen feet (218') north of the north curblines of Seminole street and ten feet (10') west of the east curblines of Rex avenue, the 1-3/4" copper service line thence connecting to an existing 6" diameter water main at a depth of approximately four feet (4'). The water line shall thence proceed from this point in an easterly direction for approximately fifty feet (50') into the bed of Navajo street connecting to a meter pit located approximately two hundred and eighteen feet (218') north of the north curblines of Seminole street and forty feet (40') east of the east curblines of Rex avenue and from there shall run northeasterly for approximately one hundred and five feet (105') to a point approximately two hundred and eighty-five feet (285') north of the north curblines of Seminole street and one hundred and eighteen feet (118') east of the east curblines of Rex avenue from which point the water line shall then run easterly for approximately twenty-nine feet (29') into the property at a point located approximately two hundred and ninety-three feet (293') north of the north curblines of Seminole street and one hundred and forty-five feet (145') east of the east curblines of Rex avenue. The depth of the water line beneath Navajo street shall be approximately four feet (4');

(c) a sanitary sewer consisting of a 5" diameter cast iron pipe beginning at a point approximately one hundred and ninety-one feet (191') north of the north curblines of Seminole street and eighteen feet (18') west of the east curblines of Rex avenue, the 5" diameter sanitary sewer connects to an existing 10" diameter vitrified clay sewer at a depth of approximately sixteen feet (16'). The sanitary line shall proceed from this point in a northeasterly direction approximately one hundred and sixty-five feet (165') and into the bed of Navajo street to a point located approximately two hundred and eighty-eight feet (288') north of the north curblines of Seminole street and one hundred and nine feet (109') east of the east curblines of Rex avenue. The depth of the sanitary sewer beneath Navajo street shall vary from approximately sixteen feet (16') to seven feet (7'). The

sanitary sewer runs easterly for approximately thirty-eight feet (38') into the property at a point located approximately three hundred feet (300') north of the north curb line of Seminole street and one hundred and forty-five feet (145') east of the east curblineline of Rex avenue. The depth of the sanitary sewer beneath Navajo street shall vary from approximately seven feet (7') to four feet (4');

(d) a stormwater sewer consisting of a 6" diameter cast iron pipe beginning at a point approximately one hundred and eighty-five feet (185') north of the north curblineline of Seminole street and eighteen feet (18') west of the east curblineline of Rex avenue. The aforesaid stormwater sewer shall connect to an existing 42" diameter reinforced concrete sewer at a depth of approximately fourteen feet (14'); the stormwater sewer shall thence proceed northeasterly approximately one hundred and seventy feet (170') into the bed of Navajo street to a point located approximately two hundred and ninety-one feet (291') north of the north curblineline of Seminole street and one hundred and nine feet (109') east of the east curblineline of Rex avenue at a depth that shall vary from approximately fourteen feet (14') to seven feet (7'). The stormwater sewer shall thence run easterly for approximately thirty-eight feet (38') into the property at a point located approximately three hundred and two feet (302') north of the north curblineline of Seminole street and one hundred and forty-five feet (145') east of the east curblineline of Rex avenue. The depth of the sanitary sewer beneath Navajo street shall vary from approximately seven feet (7') to four feet (4').

SECTION 2. Before exercising any rights and privileges under this Ordinance, Lawrence A. Goldfarb and Gerda Paumgarten 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, Lawrence A. Goldfarb and Gerda Paumgarten shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the Law Department, to provide that Lawrence A. Goldfarb and Gerda Paumgarten 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 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;

(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 Law Department;

(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) Remove any or all of the facilities authorized by Section 1 of this Ordinance from the public right-of-

way pursuant to the applicable City specifications within sixty (60) days notice when any of the facilities are no longer used for the purpose authorized by this Ordinance;

(g) Acknowledge that the facilities authorized and constructed by Section 1 of this Ordinance are owned by, and are the sole maintenance responsibility of Lawrence A. Goldfarb and Gerda Paumgarten; and

(h) Submit documentation in a form acceptable to the City of Philadelphia establishing that the Philadelphia Water Department has approved the manner of connection of the private combination sanitary/stormwater sewer to the sewer owned and maintained by the City of Philadelphia.

SECTION 3. 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 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 Lawrence A. Goldfarb and Gerda Paumgarten for the purpose authorized by this Ordinance.

SECTION 5. The permission granted to Lawrence A. Goldfarb and Gerda Paumgarten 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 Lawrence A. Goldfarb and Gerda Paumgarten 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.