

Legislation Text

File #: 000719, **Version:** 0

Granting permission to Herman Hinton, owner of the newsstand located on the northwest corner of Nineteenth street and Fairmount avenue, to construct, use and maintain an electrical conduit and service line and a fiber optic conduit and phone service line in and under Nineteenth street and Fairmount avenue for the purpose of supplying electrical service and phone service to his newsstand, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Permission is hereby granted to Herman Hinton, 878 Uber street, Philadelphia, PA 19130, owner of the newsstand located on the northwest corner of Nineteenth street and Fairmount avenue to construct, use and maintain:

- i. an underground electrical conduit and service line in and under Nineteenth street and Fairmount avenue located in an area to be described by the Department of Street.
- ii. an underground fiber optic conduit and service lien from his newsstand located in an area to be further described by the Department of Street.

The construction and maintenance of the electric conduit, electric service line, fiber optic 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 the Department of Public Property.

No City department, agency, board or commission shall be required solely by virtue of this Ordinance to issue and permit, license, or approval that Herman Hinton must by law obtain prior to construction in and under public right-of-way, it being the express intent of this Ordinance not to supersede any other provision of law governing issuance of such permits, licenses or approvals.

This Ordinance specifically does not grant Herman Hinton 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 West side of Sixteenth street where the newsstand is located.

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

- (a) furnish the City with a bond with corporate surety in the amount and in a form satisfactory to the City Solicitor to insure the compliance with all terms and conditions of this Ordinance and of the Agreement and to protect and to indemnify the City from all damage claims for damages which may arise directly or indirectly as a result of the construction, use and maintenance of the electrical conduit and electrical service line and 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 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 newsstand;
- (d) provide proof that Bell Atlantic-PA, Inc. has approved the location, design, and connection of the fiber optic conduit and telephone service line to the existing Bell Atlantic-PA, Inc. facilities and the newsstand;
- (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, fiber optic conduit or telephone service line authorized by Section 1 of this Ordinance; and
- (f) 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 City Solicitor.

SECTION 3. The City Solicitor 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. 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.