

## Legislation Text

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Granting permission to William Schluth, 6401 Torresdale Avenue, Philadelphia, PA 19135, to construct, use, own and maintain a private combination sanitary/storm sewer main with five service connections under the east footway of the 6400 block of Van Dyke street to service 4727-4729 Levick street and 6461 Van Dyke street; all under certain terms and conditions.

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

SECTION 1. Permission is hereby granted to William Schluth, 6401 Torresdale Avenue, Philadelphia, PA 19135, owner of the properties 4727-4729 Levick street and 6461 Van Dyke street to construct, use, own and maintain:

(1) A cast iron combination sanitary/stormwater sewer main, running parallel to the east curb line of the 6400 block of Van Dyke street for a total length of approximately two hundred and twenty nine feet (229'), offset approximately three feet (3') west of the east right-of-way line of Van Dyke street. The main will vary from a minimum five inch (5") diameter with approximately thirty-six inches (36") of cover at the starting point. The starting point is located approximately three feet (3') west of the east right-of-way line of Van Dyke street and approximately two hundred and twenty feet (220') north of the north curb line of Levick street. The diameter will increase to a maximum of approximately eight inches (8") with approximately nine feet, six inches (9'-6") of cover at point where it will join an existing City of Philadelphia combined sewer. This joining point will be located at a point approximately nine feet (9') south of the north curb line of Levick street and approximately three feet (3') west of the east right-of-way line of Van Dyke street.

(2) A series of five (5) cast iron sanitary sewer lateral service connections, each four inches (4") in diameter, that run parallel and adjacent to five (5) cast iron stormwater lateral service connections that are five inches (5") in diameter. These connections will run along the properties fronting the 6400 block of Van Dyke street for a distance of approximately three feet (3'), at which point they will connect with the private cast iron combination sanitary/stormwater sewer set forth in Section 1(i). The centerline of each lateral pair is located at the following approximate offsets north of the north curb line of Levick street:

- a) thirty-three feet (33')
- b) seventy-three feet (73')
- c) one hundred and thirty-three feet (133')
- d) one hundred and seventy-three feet (173')
- e) two hundred and twenty-three feet (223').

SECTION 2. Before exercising any rights and privileges under this Ordinance, William Schluth 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, William Schluth shall enter into an agreement ("Agreement") with the appropriate City department(s), in form satisfactory to the City Solicitor, to

provide that William Schluth shall, *inter alia*:

(a) Furnish the City with a bond with a corporate surety in the amount and in form satisfactory to the City Solicitor 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 City Solicitor;

(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 William Schluth.

(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 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. 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 William Schluth for the purpose authorized by this Ordinance.

SECTION 5. The permission granted to William Schluth 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 William Schluth 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.