City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

Legislation Details (With Text)

File #:	130299	**Version:**	0	**Name:**	
Type:	Bill			**Status:**	ENACTED
File created:	4/18/2013			**In control:**	Committee on Streets and Services
On agenda:				**Final action:**	6/20/2013

Title: Authorizing, Nirlesh Desai, owner and operator of the newsstand located on the northeast corner of 17th and Chestnut Streets, to construct, use and maintain conduits in and under the northeast corner of 17th and Chestnut Streets for the purpose of supplying electrical service and telephone service to the newsstand, under certain terms and conditions.

Sponsors: Council President Clarke, Councilmember Greenlee

Indexes: NEWSSTAND

Code sections:

Attachments: 1. CertifiedCopy13029900.pdf

Date	Ver.	Action By	Action	Result	Tally
7/11/2013	0	MAYOR	SIGNED		
6/20/2013	0	CITY COUNCIL	READ AND PASSED	Pass	16:0
6/13/2013	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
6/13/2013	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
6/13/2013	0	CITY COUNCIL	READ AND ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
6/12/2013	0	Committee on Streets and Services	HEARING NOTICES SENT		
6/12/2013	0	Committee on Streets and Services	HEARING HELD		
6/12/2013	0	Committee on Streets and Services	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
4/18/2013	0	CITY COUNCIL	Introduced and Referred	Pass	

Authorizing, Nirlesh Desai, owner and operator of the newsstand located on the northeast corner of 17th and Chestnut Streets, to construct, use and maintain conduits in and under the northeast corner of 17th and Chestnut Streets 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 Nirlesh Desai, owner and operator of the newsstand located on the northeast corner of 17th and Chestnut Streets, to construct, use and maintain conduits in and under the northeast corner of 17th and Chestnut Streets for the purpose of supplying electrical service and telephone service to the newsstand.

SECTION 2. Before exercising any rights or privileges under this Ordinance, Owner must first obtain or have its contractor(s) obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions, including approval of the site plan. 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, Owner shall enter into an agreement ("Agreement") with the appropriate City department or departments, 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;

(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 and under the northeast corner of 17th and Chestnut Streets for the purpose of supplying electric 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 northeast corner of 17th and Chestnut Streets either publicly or privately owned, is necessary, Nirlesh Desai 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 and under the northeast corner of 17th and Chestnut Streets, 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 and under the northeast corner of 17th and Chestnut Streets 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 3. The City Solicitor 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 to Nirlesh Desai to construct, use and maintain conduits in and under the northeast corner of 17th and Chestnut Streets 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 Nirlesh Desai 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.

SECTION 5. 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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