

Legislation Text

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Authorizing Reka Patel, owner and operator of the newsstand located on the northwest corner of 30th Street and Market Street, to construct, use and maintain conduits in, under and across the northwest corner of 30th Street and Market Street, for the purpose of supplying electrical 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 Reka Patel, owner and operator of the newsstand located on the northwest corner of 30th Street and Market Street, to construct, use and maintain conduits for fiber optic facilities in, under and across the public rights-of-way at the northwest corner of 30th Street and Market Street, for the purpose of supplying electrical service to the newsstand.

SECTION 2. Before exercising any rights and privileges under this Ordinance, Reka Patel must first obtain or have her contractor(s) obtain all required permits, licenses and approvals from all appropriate departments, boards, agencies or commissions. No such department, board, agency or commission shall be required to issue any permit, license or approval solely because this Ordinance has been enacted, it being the express intent of this Ordinance not to supersede any other provisions of law governing the issuance of such permits, licenses or approvals. In addition, before exercising any rights and privileges under this Ordinance, Reka Patel 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 the amount required by the Streets Commissioner and in 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, under and across the northwest corner of 30th Street and Market Street for the purposes of supplying electrical service to the newsstand;
- c) comply with the provisions of The Philadelphia Code thereby securing all necessary permits, licenses, and approval from all appropriate departments, agencies, boards, 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 northwest corner of 30th Street and Market Street, either publicly or privately owned, is necessary, Reka Patel 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, under and across the northwest corner of 30th Street and Market Street for the purpose of supplying electrical service to the newsstand are constructed according to plans approved by the appropriate City departments;

- 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 Law Department;
- g) carry public liability and property damage insurance, co-naming the City of Philadelphia as an insured party, in such amounts as shall be reasonably satisfactory to the Law Department; and
- h) remove the conduits in, under and across the northwest corner of 30th Street and Market Street for the purpose of supplying electrical service to the newsstand within one hundred and eighty (180) days upon lawful written notice from the City of Philadelphia.

SECTION 3. The Law Department shall include in the Agreement such other terms and provisions as shall be deemed necessary to protect the interests of the City of Philadelphia.

SECTION 4. The permission granted to Reka Patel to construct, use and maintain an electrical service shall expire without any further action by the City of Philadelphia if Reka Patel has not entered into the Agreement and satisfied all requirements of the Agreement and the requirements that are listed in Section 2 and Section 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 this Ordinance becomes law.