



City of Philadelphia

Philadelphia, PA 19107

BILL NO. 050017

Introduced January 25, 2005

Councilmember Clarke

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Granting permission to Bharat Patel, owner of the newsstand at the southwest corner of Broad Street and Arch Street, to construct, use and maintain an electrical conduit with an electrical service line and a telecommunications conduit with a telephone service line in and under the public rights-of-way 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 Bharat Patel, owner of the newsstand located on the southwest corner of Broad Street and Arch Street to construct, use and maintain:

(a) a two inch (2") diameter PVC conduit. Starting at the eastside of the existing newsstand, located in the west footway of Broad Street, south of Arch Street, the conduit runs east beneath the footway and into the roadway for approximately seven feet (7') to a point located approximately twenty-four feet (24') south of the south curblineline of Arch Street and six feet (6') east of the west curblineline of Broad Street. The conduit runs north beneath the roadway for approximately fifty-six feet (56') to a point located approximately thirty-two feet (32') north of the south curblineline of Arch Street and six feet (6') east of the west curblineline of Broad Street. The conduit runs east beneath the roadway for approximately ten feet (10') to a point located approximately thirty-two feet (32') north of the south curblineline of Arch Street and sixteen feet (16') east of the west curblineline of Broad Street, terminating at the westside of an existing Peco manhole; and

(b) a two inch (2") diameter PVC conduit. Starting at the eastside of the existing newsstand, located in the east footway of Broad Street, south of Arch Street, the conduit runs east beneath the footway and into the roadway for approximately eight feet (8') to a point located approximately twenty-five feet (25') south of the south curblineline of

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Arch Street and seven feet (7') east of the west curbline of Broad Street. The conduit runs north beneath the roadway for approximately thirty-three feet (33') to a point located approximately eight feet (8') north of the south curbline of Arch Street and seven feet (7') east of the west curbline of Broad Street. The conduit runs east beneath the roadway for approximately thirteen feet (13') to a point located approximately eight feet (8') north of the south curbline of Arch Street and twenty feet (20') east of the west curbline of Broad Street, terminating at the westside of an existing Verizon manhole; and

(c) construction and maintenance of the electric conduit, electric service line, telecommunications conduit and telephone service line described in Sections 1(a) and 1(b) 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 Department of Public Property; and

(d) no City department, agency, board or commission shall be required solely by virtue of this Ordinance to issue any permit, license, or approval that Bharat Patel must by law obtain prior to construction in and under the public right-of-way, 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; and

(e) this Ordinance specifically does not grant Bharat Patel 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 an eight foot (8') minimum clear footway on both South Broad Street and Arch Street where the newsstand as approved by the City is located.

SECTION 2. Before exercising any rights and privileges under the Ordinance, Bharat Patel shall enter into an agreement ("Agreement") with the appropriate City department or departments, in a form satisfactory to the Law Department, to provide that Bharat Patel 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 of the Agreement, and to protect and to indemnify the City from all damage or claims for damages which may arise directly or indirectly as a result of the construction, use and maintenance of the electrical conduit, electrical service line, the telecommunications 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;

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(c) provide written 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 the newsstand;

(d) provide written proof that Verizon-PA Inc., has approved the location, design and connection of the conduit and telephone service line from the newsstand to existing Verizon facilities;

(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 and telephone service line authorized by Section 1 of this Ordinance;

(f) assume the costs and duties of completely restoring the public rights-of-way of Broad Street and Arch Street that are affected by the work authorized by Section 1 of this Ordinance pursuant to City of Philadelphia approved specifications;

(g) 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 Law Department.

SECTION 3. The Law Department 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 to construct, use and maintain an electrical conduit and service line and a telecommunications conduit and telephone service line shall expire without any further action by the City of Philadelphia if Bharat Patel has not entered into the Agreement and satisfied all requirements of the Agreement and the requirements that are listed in Section 2 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 the costs thereof, is paid into the City Treasury within sixty (60) days after this Ordinance becomes law.

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