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Title: Resolution granting unto University of Pittsburgh 3400 Forbes Avenue, Pittsburgh, PA 15260 their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, utilities at the right-of-ways of Aliquippa, Darragh and Terrace Streets in the 4th & 5th Ward, 6th & 8th Council District of the City of Pittsburgh.

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Date	Ver.	Action By	Action	Result
1/10/2007	1	Mayor	Signed by the Mayor	
12/27/2006	1	City Council	Passed Finally	Pass
12/19/2006	1	Committee on Public Works & Environmental Services	AFFIRMATIVELY RECOMMENDED	Pass
12/12/2006	1	City Council	Read and referred	

Presented by Mr. Koch

Resolution granting unto University of Pittsburgh 3400 Forbes Avenue, Pittsburgh, PA 15260 their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, utilities at the right-of-ways of Aliquippa, Darragh and Terrace Streets in the 4th & 5th Ward, 6th & 8th Council District of the City of Pittsburgh.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. That the University of Pittsburgh 3400 Forbes Avenue, Pittsburgh, PA 15260, their successors and assigns, are hereby granted the privilege to construct, maintain and use at their own cost and expense, the following:

Concrete Steam Trench 6' high by 8' wide containing a 20" steam line and a 6" condensate return line. Three of the vaults will extend onto the right-of-way of Darragh Street. This new steam trench will commence at Trees Hall, cross Aliquippa Street continue down Darragh Street, across Terrace Street, terminating on Darragh Street.

1) All that certain steam tunnel, through Aliquippa Street and Darragh Street, situate in the 4th Ward, City of Pittsburgh, Allegheny County, Pennsylvania, the centerline of which is more particularly bound and described as follows:

Beginning at a point at the intersection of the centerline of a steam tunnel and the northwesterly right of

way line of Aliquippa Street, 60.00 feet wide, said point being N 45° 00' 51" E a distance of 159.19 feet from a point at the intersection of the northwesterly right of way line of Aliquippa Street and the northeasterly right of way line of Robinson Street; thence from said point of beginning by the centerline of said steam tunnel, and through Aliquippa Street and Darragh Street, 50.00 feet wide, S 54° 07' 00" E a distance of 185.41 feet to a point in Darragh Street; thence continuing through Darragh Street S 09° 07' 00" E a distance 27.10 feet to a point; in lands now or formerly of the University of Pittsburgh; thence by a line through lands now or formerly of the University of Pittsburgh S 54° 05' 48" E a distance of 82.72 feet to a point; thence continuing by same S 77° 37' 10" E a distance of 12.36 feet to a point in said Darragh Street; thence by a line through said Darragh Street S 54° 06' 56" E a distance of 343.29 feet to a point; thence continuing by same S 48° 55' 07" E a distance of 135.65 feet to a point in lands now or formerly of said University of Pittsburgh; thence by a line through lands now or formerly of said University of Pittsburgh, and through Terrace Street, 50.00 feet wide, S 54° 46' 20" E a distance of 85.15 feet to a point in lands now or formerly of Presbyterian University Health System, Inc.; thence by a line through lands now or formerly of Presbyterian University Health System, Inc. S 68° 52' 48" E a distance of 17.45 feet to a point; thence continuing by same S 55° 41' 06" E a distance of 284.54 feet to a point at the terminus of said steam tunnel.

2) Telecom Duct Bank-Adjacent to steam trench; All that certain electric conduit, through Aliquippa Street, situate in the 4th Ward, City of Pittsburgh, Allegheny County, Pennsylvania, the centerline of which is more particularly bound and described as follows:

Beginning at a point at the intersection of the centerline of an electric conduit and the northwesterly right of way line of Aliquippa Street, 60.00 feet wide, said point being N 45° 00' 51" E a distance of 151.27 feet from a point at the intersection of the northwesterly right of way line of Aliquippa Street and the northeasterly right of way line of Robinson Street; thence from said point of beginning by the centerline of said electric conduit and through Aliquippa Street and Darragh Street, 50.00 feet wide, S 54° 54' 01" E a distance of 179.87 feet to a point in Darragh Street; thence continuing through Darragh Street S 06° 00' 54" E a distance of 15.93 feet to a point on the southwesterly right of way line of Darragh Street.

3) The primary electrical service feed to the Darragh Street Housing Project: All that certain electric conduit, through Terrace Street, situate in the 4th Ward, City of Pittsburgh, Allegheny County, Pennsylvania, the centerline of which is more particularly bound and described as follows:

Beginning at a point at Terrace Street, variable width, on the centerline of an electric conduit, said point being the following eight (8) courses and distances from a point at the intersection of the northwesterly right of way line of Aliquippa Street and the northeasterly right of way line of Robinson Street:

- N 45° 00' 51" E a distance of 159.19 feet
- S 54° 07' 00" E a distance of 185.41 feet
- S 09° 07' 00" E a distance of 27.10 feet
- S 54° 05' 48" E a distance of 82.72 feet
- S 77° 37' 10" E a distance of 12.36 feet
- S 54° 06' 56" E a distance of 343.29 feet
- S 48° 55' 07" E a distance of 135.65 feet

S 54° 46' 20" E a distance of 85.15 feet to the point of beginning; thence from said point of beginning by a line through Terrace Street N 38° 01' 05" E a distance of 281.54 feet to a point at the terminus of said electric conduit. The duct bank will consist of two (2) four inch (4") conduits with three inches (3") of concrete encasement. The duct bank will be approximately 17" wide in the 4th & 5th Ward, 6th & 8th Council District of the City of Pittsburgh.

The said encroachment shall conform to the provisions of their resolution and in accordance with the Plan identified as Accession D-600 on file in the Division of Surveys, Department of Public Works.

Section 2. The said Grantee prior to the beginning of the construction of said encroachment shall submit to the Director of the Department of Public Works of the City of Pittsburgh a complete set of plans, in triplicate, showing the location and all details of said construction. Said plans and said construction shall be subject to the approval and supervision of the Director of the Department of Public Works.

Section 3. The encroachment herein granted shall be subject and subordinate to the rights of the City of Pittsburgh and its powers and supervision over City streets, and also to Resolutions of the City of Pittsburgh relating thereto, and to the provisions of any general Resolutions which have been or may be hereafter passed relating to said construction, maintenance and its use on City streets and compensation for same.

Section 4. The said Grantee shall bear the full cost and expense of the repair of any street pavement damaged, repair of sewer, water lines and other surface and sub-surface structures which may be in any way damaged or disturbed by reason of the construction, maintenance, use and operation of said construction. All work, including the repaving and repairing of any portion of the street damaged, shall be done in the manner and at such times as the Director of the Department of Public Works may order and shall be subject to their approval and supervision.

Section 5. The rights and privileges granted by their Resolution are granted upon the express condition that the City of Pittsburgh, without liability, reserves the right to cause the removal of said construction upon giving to the said Grantee at least three (3) months written notice through the proper officers, pursuant to a resolution of Council, to the said the University of Pittsburgh 3400 Forbes Avenue, Pittsburgh, PA 15260, their successors and assigns, to that effect and that the said Grantee shall when so notified at the expiration of the said three (3) months forthwith remove said construction and replace street to its original condition at their own cost and expense.

Section 6. That the University of Pittsburgh 3400 Forbes Avenue, Pittsburgh, PA 15260, shall be responsible for and shall assume all liability, either of said University of Pittsburgh 3400 Forbes Avenue, Pittsburgh, PA 15260, or the City of Pittsburgh, for damages to persons or property by reason of the construction, maintenance and use of said encroachment and it is a condition of their grant that the City of Pittsburgh assumes no liability for damage to either persons, or property on account of their grant, and that the University of Pittsburgh 3400 Forbes Avenue, Pittsburgh, PA 15260, for themselves, his successors and assigns, shall, by accepting the terms of their Resolution, hereby indemnify, save harmless and defend the City of Pittsburgh from any and all damages and claims for damages arising by reason of said construction, maintenance and use.

That the University of Pittsburgh 3400 Forbes Avenue, Pittsburgh, PA 15260, shall maintain in effect during the entire period of their license the following insurance for the protection of the City of Pittsburgh, all premiums being at the expense of the licensee, which insurance shall be non-cancelable except upon thirty (30) days written notice to said City and which insurance shall cover and name said City as an additional insured:

Public Liability	\$ 100,000.00 -	\$ 300,000.00
Property Damage	\$ 50,000.00	

Prior to commencement of their license and as required by said City, from time to time licensee shall submit proof of the above insurance in the form of a certificate, duly attested by the proper officers or authorized representatives of a responsible insurance company.

Section 7. The foregoing rights and privileges are granted subject to the following conditions, to wit: Their Resolution shall become null and void unless within 120 days after its approval the said University of Pittsburgh 3400 Forbes Avenue, Pittsburgh, PA

15260, their successors and assigns, shall file with the Department of Public Works their certificate of acceptance of the provisions thereof, said certificate to be executed by University of Pittsburgh 3400 Forbes Avenue, Pittsburgh, PA 15260.