

No. 1980-201

AN ACT

SB 456

Authorizing the Department of General Services, with the approval of the Department of Environmental Resources, to lease to the City of Philadelphia certain lands subject to certain conditions within the bed of the Delaware River in the fifth ward of the City of Philadelphia, Pennsylvania.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The Commonwealth of Pennsylvania owns the lands within the bed of the Delaware River between the bulkhead and pierhead lines and a point north of the north line of Market Street produced and a point north of the north line of Race Street produced in the fifth ward of the City of Philadelphia, which lands consist of a portion of Penn's Landing (Stage II). Penn's Landing in the City of Philadelphia is the historic site on the bank of the Delaware River at which William Penn disembarked to found the colonial Province of Pennsylvania. The City of Philadelphia desires to eliminate the blight and deterioration which now exist in this historic area and undertake the redevelopment of this site for the substantial benefit of the people of the City of Philadelphia and the surrounding areas. The Commonwealth has agreed to assist the City of Philadelphia in the renewal of this historic area by leasing a portion of the bed of the Delaware River in Penn's Landing (Stage II) to the City of Philadelphia as hereinafter provided.

Section 2. The Department of General Services, with the concurrence of the Department of Environmental Resources, acting on behalf of the Commonwealth of Pennsylvania, for a consideration of \$1, is hereby authorized to lease for a period of 99 years to the City of Philadelphia lands within the bed of the Delaware River in the City of Philadelphia, lying between the bulkhead and pierhead lines of the Delaware River, as approved by the United States War Department on January 20, 1891 and reestablished September 10, 1940, and between a point north of the north line of Market Street produced, and a point north of the north line of Race Street produced, in the fifth ward of the City of Philadelphia, containing 16.3804 acres, more or less, and more fully described as follows:

All that certain tract or parcel of land situate in the fifth ward of the City of Philadelphia, Pennsylvania, as described as follows:

Beginning at a point on the easterly side of Delaware Avenue (variable width), also the bulkhead line as established by the Secretary of War on January 20, 1891 and reestablished September 10, 1940, located north 14 degrees 03 minutes 50 seconds east at the distance of

147 feet 0 inches from an angle point, which angle point is also the point of intersection of the said easterly side of Delaware Avenue with the northerly side of Market Street (100 feet wide) produced: thence extending north 14 degrees 03 minutes 50 seconds east along the said easterly side of Delaware Avenue, also the said bulkhead line, 1289 feet 5 1/8 inches; thence south 79 degrees 30 minutes 25 seconds east to a point on the pierhead line as established by the Secretary of War on January 20, 1891 and reestablished September 10, 1940; thence extending southwardly along the said pierhead line the following courses and distances: (1) south 14 degrees 51 minutes 14 seconds west 763 feet 8 inches; (2) south 11 degrees 13 minutes 56 seconds west 579 feet 10 1/4 inches to a point; thence north 09 degrees 53 minutes 40 seconds east the distance of 60 feet 1 5/8 inches to a point; thence north 80 degrees 06 minutes 20 seconds west the distance of 182 feet 7 3/8 inches to a point on the easterly side of Delaware Avenue, also the said bulkhead line, the first mentioned point and place of beginning. Containing an area of 16.3804 acres, more or less.

Section 3. The lease hereby contemplated shall be approved by the Department of Justice and shall be executed by the Department of General Services, with the approval of the Department of Environmental Resources, in the name of the Commonwealth of Pennsylvania. The lease shall grant the lessee, City of Philadelphia, the right to sublease the above described premises for the purpose of development for residential, office, commercial, condominium, or other uses, and the lease shall specifically include the following condition:

“Under and subject, nevertheless, to the condition that if the said lessee, City of Philadelphia, should sublease or otherwise transfer the above described premises, other than to a department or agency of the city or to the Commonwealth of Pennsylvania or a department or agency of the Commonwealth, the proceeds received by the said lessee, City of Philadelphia, upon such sublease or transfer shall be received, held and applied as follows:

First, to reimburse said lessee, City of Philadelphia, for the costs and expenses of said sublease or transfer, including, without limitation, appraisal fees, title insurance charges, marketing costs, attorney's fees and other costs and expenses, similar and dissimilar;

Second, to reimburse said lessee, City of Philadelphia, or any department or agency thereof, for the cost of any improvements now or hereafter erected on the above described premises, including, without limitation, the cost of any piers, wharves, bulkheading, water and sewer lines and connections and other improvements, similar or dissimilar and the fair market value of any rights to develop the space over the above described premises; and

Third, the balance of said proceeds shall be paid 75% to the said lessor, Commonwealth of Pennsylvania, and 25% to the said lessee, City of Philadelphia, in consideration of their respective interests in the above described premises pursuant to said lease.”

Section 4. The Department of General Services, with the approval of the Department of Justice, is hereby authorized to execute on behalf of the Commonwealth of Pennsylvania any declaration or other document necessary to submit the above described premises and any improvements thereon to the provisions of the Uniform Condominium Act, 68 Pa.C.S. § 3301 et seq., as a leasehold condominium.

Section 5. This act shall take effect immediately.

APPROVED—The 9th day of December, A. D. 1980.

DICK THORNBURGH