

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1674 Session of  
2003

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INTRODUCED BY LEDERER, JUNE 23, 2003

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 23, 2003

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AN ACT

1 Authorizing the Department of General Services, with the  
2 approval of the Governor, to grant and convey to Beach Street  
3 and Dyott Corporations certain tracts of land located in the  
4 bed of the Delaware River in the City and County of  
5 Philadelphia.

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

8 Section 1. Legislative findings.

9 It is hereby determined and declared as a matter of  
10 legislative finding:

11 (1) From the early 19th century through World War II,  
12 Cramp Shipyard on the Delaware River was one of the most  
13 productive commercial and naval shipbuilding sites in the  
14 United States of America.

15 (2) In 1946, the United States of America acquired Cramp  
16 Shipyard from the Cramp Shipbuilding Company.

17 (3) The shipyard was turned over in 1962 to the  
18 Philadelphia Industrial Development Corporation, also known  
19 as the PIDC, by the Federal Government.

1           (4) Despite significant efforts by PIDC much of the area  
2 which was formerly Cramp Shipyard was never developed.

3           (5) In section 38 of the Water Resources Development Act  
4 of 1988 (Public Law 100-676, 33 U.S.C. § 59j-1), the United  
5 States Government removed the Federal navigational servitude  
6 in the area of the Cramp Shipyard between the "bulkhead line"  
7 and the "pierhead line." This was done in order to remove the  
8 Federal "cloud" on title.

9           (6) The Commonwealth owns the land under the Delaware  
10 River between the "bulkhead line" and the "pierhead line" and  
11 the riparian rights associated with that land.

12          (7) Further development of this area has been hampered  
13 by a lack of financing due to concerns about the Commonwealth  
14 ownership of riparian rights and riverbed land as well as the  
15 significant costs of environmental remediation necessary at  
16 the site.

17          (8) Transfer of the Commonwealth's interest in the land  
18 between the "bulkhead line" and the "pierhead line" to the  
19 Beach Street Corporation and the Dyott Corporation, current  
20 owners of the land on the fastland side of the "bulkhead  
21 line," will, in concert with the previous Federal release of  
22 navigational servitude, allow for financing to remediate and  
23 develop the property.

24          (9) This development will redress the blight and  
25 deterioration in the area, result in remediation of  
26 environmental contamination at the site, and retain and  
27 create jobs with attendant tax revenues for the Commonwealth.

28 Section 2. Conveyance to Beach Street Corporation.

29          The Department of General Services, with the approval of the  
30 Governor, is authorized and directed on behalf of the

1 Commonwealth of Pennsylvania to release, quitclaim, grant and  
2 convey to Beach Street Corp., a Pennsylvania corporation, its  
3 successors and assigns, for a consideration equal to fair market  
4 value as determined by an independent appraisal service paid for  
5 by the grantee and chosen by the Secretary of General Services,  
6 that tract of land situated in the bed of the Delaware River, in  
7 the city and county of Philadelphia, Pennsylvania, between the  
8 bulkhead and pierhead lines, established by the Secretary of War  
9 on September 10, 1940, in the city and county of Philadelphia,  
10 Pennsylvania, consisting of all the muds and land currently or  
11 previously under the waters of the Delaware River and contained  
12 within the metes and bounds description set forth in paragraph  
13 (1) below and all riparian rights appertaining thereto, which  
14 tract of land is adjacent to, and has a common boundary with,  
15 the lands presently owned by the said Beach Street Corp.

16 (1) Beginning at a point on the northerly pierhead line  
17 on the Delaware River where the same is intersected by the  
18 dividing line between parcel A and parcel B as shown on a  
19 plan entitled "Parcels A, B and C, Overall Plan" prepared by  
20 Plum & Associates, Project No. 92-066 dated September 14,  
21 1992, and from said beginning point running thence

22 (i) along the dividing line between parcel A and  
23 parcel B as shown on the above referenced plan, north 25  
24 degrees 43 minutes 08 seconds west a distance of 100 feet  
25 0 inches to a rebar set; thence

26 (ii) continuing along the dividing line between  
27 parcel A and parcel B, north 48 degrees 25 minutes 37  
28 seconds west a distance of 113 feet 6 inches to a rebar  
29 set; thence

30 (iii) continuing along the dividing line between

1 parcel A and parcel B, north 50 degrees 38 minutes 49  
2 seconds west a distance of 318 feet 5/8 inches to a  
3 point; thence

4 (iv) crossing through parcel A and running along the  
5 northerly bulkhead line of the Delaware River as approved  
6 by the Secretary of War on September 10, 1940, north 64  
7 degrees 18 minutes 09 seconds east a distance of 166 feet  
8 5 1/2 inches to a point; thence

9 (v) continuing along the northerly bulkhead line of  
10 the Delaware River, south 48 degrees 30 minutes 57  
11 seconds east a distance of 53 feet 5-5/8 inches to a  
12 point; thence

13 (vi) continuing along the northerly bulkhead line of  
14 the Delaware River, north 64 degrees 40 minutes 52  
15 seconds east a distance of 936 feet 8-5/8 to a point;  
16 thence

17 (vii) continuing along the northerly bulkhead line  
18 of the Delaware River, north 32 degrees 24 minutes 26  
19 seconds west a distance of 149 feet 2-1/4 inches to a  
20 point; thence

21 (viii) continuing along the northerly bulkhead line  
22 of the Delaware River, north 64 degrees 04 minutes 09  
23 seconds east a distance of 296 feet 3-3/4 inches to a  
24 point; thence

25 (ix) along the easterly line of parcel A as shown on  
26 the above referenced plan, south 25 degrees 02 minutes 08  
27 seconds east a distance of 586 feet 6-3/8 inches to a  
28 point on the pierhead line of the Delaware River; thence

29 (x) along the northerly pierhead line of the  
30 Delaware River, south 64 degrees 16 minutes 59 seconds

1 west a distance of 1217 feet 11-1/4 inches to the point  
2 and place of beginning.

3 (2) The deed of conveyance shall be approved as provided  
4 by law and shall be executed by the Secretary of General  
5 Services in the name of the Commonwealth of Pennsylvania.

6 (3) Eighteen months after the effective date of the  
7 transfer under this section, the grantee shall be rebated a  
8 sum by the Commonwealth equal to 50% of the reasonable costs  
9 of environmental remediation of the tract incurred within one  
10 year from the effective date of the transfer; however, no  
11 such rebate shall exceed a sum determined by the fair market  
12 value minus \$1.

13 Section 3. Conveyance to Dyott Corp.

14 The Department of General Services, with the approval of the  
15 Governor, is authorized and directed on behalf of the  
16 Commonwealth of Pennsylvania, to release, quitclaim, grant and  
17 convey to Dyott Corp., a Pennsylvania Corporation, its  
18 successors and assigns, for a consideration equal to fair market  
19 value as determined by an independent appraisal service paid for  
20 by the grantee and chosen by the Secretary of General Services,  
21 that tract of land situated in the bed of the Delaware River, in  
22 the city and county of Philadelphia, Pennsylvania, between the  
23 bulkhead and pierhead lines, established by the Secretary of War  
24 on September 10, 1940, in the city and county of Philadelphia,  
25 Pennsylvania, consisting of all the muds and land currently or  
26 previously under the waters of the Delaware River and contained  
27 within the metes and bounds description set forth in paragraph  
28 (1) and all riparian rights appertaining thereto, which tract of  
29 land is adjacent to, and has a common boundary with, the lands  
30 presently owned by the said Dyott Corp.

1           (1) Beginning at a point on the northerly pierhead line  
2 of the Delaware River where the same is intersected by the  
3 easterly street line of Dyott Street (100 feet wide R.O.W) as  
4 shown on a plan entitled "Parcels A, B & C, Overall Plan"  
5 prepared by Plum & Associates, Project No. 92-066 dated  
6 September 14, 1992, and from said beginning point running  
7 thence

8           (i) along the easterly street line of Dyott Street  
9 north 30 degrees 02 minutes 52 seconds west a distance of  
10 494 feet 9-3/8 inches to a point; thence

11          (ii) crossing through parcel B and running along the  
12 northerly bulkhead line of the Delaware River as approved  
13 by the Secretary of War on September 10, 1940, north 64  
14 degrees 18 minutes 09 seconds east a distance of 663 feet  
15 4-1/2 inches to a point; thence

16          (iii) along the dividing line between parcel B and  
17 parcel A as shown on the above referenced plan, south 50  
18 degrees 38 minutes 49 seconds east a distance of 318 feet  
19 5/8 inches to a rebar set; thence

20          (iv) continuing along the dividing line between  
21 parcel B and parcel A, south 48 degrees 25 minutes 37  
22 seconds east a distance of 113 feet 6 inches to a rebar  
23 set; thence

24          (v) continuing along the dividing line between  
25 parcel B and parcel A, south 25 degrees 43 minutes 08  
26 seconds east a distance of 100 feet 0 inches to a point;  
27 thence

28          (vi) along the northerly pierhead line of the  
29 Delaware River, south 64 degrees 16 minutes 52 seconds  
30 west a distance of 803 feet 10-3/4 inches to a point and

1 place of beginning.

2 (2) The deed of conveyance shall be approved as provided  
3 by law and shall be executed by the Secretary of General  
4 Services in the name of the Commonwealth of Pennsylvania.

5 (3) Eighteen months after the effective date of the  
6 transfer under this section, the grantee shall be rebated a  
7 sum by the Commonwealth equal to 50% of the reasonable costs  
8 of environmental remediation of the tract incurred within one  
9 year from the effective date of the transfer; however, no  
10 such rebate shall exceed a sum determined by the fair market  
11 value minus \$1.

12 Section 4. Costs and fees.

13 Costs and fees incidental to these conveyances shall be borne  
14 by each grantee.

15 Section 5. Effective date.

16 This act shall take effect immediately.