

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1674 Session of  
2003

INTRODUCED BY LEDERER, JUNE 23, 2003

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 18, 2003

## 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

1 as the PIDC, by the Federal Government.

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

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

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

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

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

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

29 Section 2. Conveyance to Beach Street Corporation.

30 The Department of General Services, with the approval of the

1 Governor, is authorized and directed on behalf of the  
2 Commonwealth of Pennsylvania to release, quitclaim, grant and  
3 convey to Beach Street Corp., a Pennsylvania corporation, its  
4 successors and assigns, for a consideration ~~equal to fair market~~ <—  
5 ~~value as determined by an independent appraisal service paid for~~  
6 ~~by the grantee and chosen by the Secretary of General Services,~~  
7 OF \$71,150, that tract of land situated in the bed of the <—  
8 Delaware River, in the city and county of Philadelphia,  
9 Pennsylvania, between the bulkhead and pierhead lines,  
10 established by the Secretary of War on September 10, 1940, in  
11 the city and county of Philadelphia, Pennsylvania, consisting of  
12 all the muds and land currently or previously under the waters  
13 of the Delaware River and contained within the metes and bounds  
14 description set forth in paragraph (1) below and all riparian  
15 rights appertaining thereto, which tract of land is adjacent to,  
16 and has a common boundary with, the lands presently owned by the  
17 said Beach Street Corp.

18 (1) Beginning at a point on the northerly pierhead line  
19 on the Delaware River where the same is intersected by the  
20 dividing line between parcel A and parcel B as shown on a  
21 plan entitled "Parcels A, B and C, Overall Plan" prepared by  
22 Plum & Associates, Project No. 92-066 dated September 14,  
23 1992, and from said beginning point running thence

24 (i) along the dividing line between parcel A and  
25 parcel B as shown on the above referenced plan, north 25  
26 degrees 43 minutes 08 seconds west a distance of 100 feet  
27 0 inches to a rebar set; thence

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

1 set; thence

2 (iii) continuing along the dividing line between  
3 parcel A and parcel B, north 50 degrees 38 minutes 49  
4 seconds west a distance of 318 feet 5/8 inches to a  
5 point; thence

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

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

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

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

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

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

(x) along the northerly pierhead line of the Delaware River, south 64 degrees 16 minutes 59 seconds west a distance of 1217 feet 11-1/4 inches to the point and place of beginning.

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

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

### Section 3. Conveyance to Dyott Corp.

The Department of General Services, with the approval of the Governor, is authorized and directed on behalf of the Commonwealth of Pennsylvania, to release, quitclaim, grant and convey to Dyott Corp., a Pennsylvania Corporation, its successors and assigns, for a consideration ~~equal to fair market value as determined by an independent appraisal service paid for by the grantee and chosen by the Secretary of General Services,~~ OF \$28,850, that tract of land situated in the bed of the Delaware River, in the city and county of Philadelphia, Pennsylvania, between the bulkhead and pierhead lines, established by the Secretary of War on September 10, 1940, in the city and county of Philadelphia, Pennsylvania, consisting of all the muds and land currently or previously under the waters of the Delaware River and contained within the metes and bounds description set forth in paragraph (1) and all riparian rights

1 appertaining thereto, which tract of land is adjacent to, and  
2 has a common boundary with, the lands presently owned by the  
3 said Dyott Corp.

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

11 (i) along the easterly street line of Dyott Street  
12 north 30 degrees 02 minutes 52 seconds west a distance of  
13 494 feet 9-3/8 inches to a point; thence

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

19 (iii) along the dividing line between parcel B and  
20 parcel A as shown on the above referenced plan, south 50  
21 degrees 38 minutes 49 seconds east a distance of 318 feet  
22 5/8 inches to a rebar set; thence

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

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

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

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

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

15   Section 4.   Costs and fees.

16          Costs and fees incidental to these conveyances shall be borne  
17          by each grantee.

18   Section 5.   Effective date.

19          This act shall take effect immediately.