

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 676 Session of 2007

INTRODUCED BY W. KELLER, MARCH 19, 2007

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 2, 2008

AN ACT

1 Authorizing and directing the Department of General Services,
2 with the approval of the Governor, to grant and convey to the
3 Philadelphia Regional Port Authority certain lands situate in
4 the 39th Ward of the City of Philadelphia.

5 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS: <—

6 (1) THE COMMONWEALTH IN THE ACT OF FEBRUARY 10, 1863
7 (P.L.24, NO.28), ENTITLED "AN ACT CEDING TO THE UNITED STATES
8 OF AMERICA THE RIGHT OF EXCLUSIVE LEGISLATION OVER LEAGUE
9 ISLAND, IN THE DELAWARE RIVER, IN THE COUNTY OF
10 PHILADELPHIA," CONSENTED TO THE PURCHASE AND ACQUISITION OF
11 THE TITLE BY THE UNITED STATES OF THE CERTAIN ISLAND LOCATED
12 IN THE DELAWARE RIVER, SITUATED IN THE 39TH WARD IN THE CITY
13 OF PHILADELPHIA, PHILADELPHIA COUNTY, KNOWN AS "LEAGUE
14 ISLAND," AND GRANTED LEGISLATIVE AND JURISDICTION OVER ALL OF
15 THE INLAND CHANNEL OR WATERWAY, UNTO THE LOW WATER MARK ON
16 THE NORTHERLY SHORE THEREOF.

17 (2) THE UNITED STATES, THROUGH THE DEPARTMENT OF THE
18 NAVY AND BY QUIT CLAIM DEED, DISPOSED OF ITS INTEREST AND

1 TITLE TO THE PROPERTY KNOWN AS THE FORMER UNITED STATES NAVY  
2 BASE SITUATED IN THE 39TH WARD IN THE CITY OF PHILADELPHIA,  
3 PHILADELPHIA COUNTY TO THE PHILADELPHIA INDUSTRIAL  
4 DEVELOPMENT CORPORATION, AND A PORTION OF THAT PROPERTY IS  
5 KNOWN AS "LEAGUE ISLAND."

6 (3) IN 2004 THE COMMONWEALTH, THROUGH THE DEPARTMENT OF  
7 GENERAL SERVICES BY QUIT CLAIM DEED, DISPOSED OF ITS  
8 INTERESTS AND TITLE TO THE PROPERTY COMMONLY KNOWN AS PARCEL  
9 9A AND A PORTION OF THE FORMER NAVAL BASE TO THE PHILADELPHIA  
10 REGIONAL PORT AUTHORITY.

11 (4) PART OF THE CONVEYANCE OF THE DEPARTMENT OF THE  
12 NAVY'S TITLE AND INTERESTS TO THE PROPERTY KNOWN AS THE  
13 FORMER UNITED STATES NAVY BASE SITUATED IN THE 39TH WARD IN  
14 THE CITY OF PHILADELPHIA, PHILADELPHIA COUNTY TO THE  
15 PENNSYLVANIA AUTHORITY FOR INDUSTRIAL DEVELOPMENT WAS FOR THE  
16 OPEN WATER BETWEEN WHAT WAS THE CONSOLIDATED RAIL CORPORATION  
17 PORTION OF THE NAVAL BASE AND WHAT WAS KNOWN AS "LEAGUE  
18 ISLAND."

19 (5) THE COMMONWEALTH STILL MAINTAINS ITS TITLE AND  
20 INTERESTS IN PROPERTY AREAS OF THIS OPEN WATER, BETWEEN WHAT  
21 WAS THE CONSOLIDATED RAIL CORPORATION PORTION OF THE NAVAL  
22 BASE AND WHAT WAS KNOWN AS "LEAGUE ISLAND."

23 (6) THE GENERAL ASSEMBLY INTENDS TO CONVEY THE RIGHTS  
24 AND INTERESTS TO THE PHILADELPHIA REGIONAL PORT AUTHORITY FOR  
25 THE PROPERTY AREAS OF THIS OPEN WATER BETWEEN WHAT WAS THE  
26 CONSOLIDATED RAIL CORPORATION PORTION OF THE NAVAL BASE AND  
27 WHAT WAS KNOWN AS "LEAGUE ISLAND."

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

30 Section 1. Land in the City of Philadelphia.

1 (a) Authorization.--The Department of General Services, with  
2 the approval of the Governor, is hereby authorized and directed  
3 on behalf of the Commonwealth of Pennsylvania to grant and  
4 convey to the Philadelphia Regional Port Authority, for \$1,  
5 certain lands situate in the 39th Ward of the City of  
6 Philadelphia described in subsection (b).

7 (b) Description.--The lands to be conveyed pursuant to  
8 subsection (a) consist of 305 acres more particularly described  
9 as follows:

10 ALL THAT CERTAIN land located in the City of Philadelphia,  
11 Commonwealth of Pennsylvania, that is river-bed that was made  
12 fast land by having fill placed upon it, a general description  
13 based upon paper survey as follows to wit:

14 Beginning at a point near the Bulkhead Line of the Delaware  
15 River, as established by the Secretary of War, September 10,  
16 1940, a common corner for lands now or formerly of Consolidated  
17 Rail Corporation, and Parcel 9, the said point being measured  
18 the nine (9) following courses and distances from the  
19 intersection of the easterly side of Broad Street (at 300 feet  
20 wide) with the southwesterly side of Pattison Avenue (at 120  
21 feet wide):

- 22 1. Southwesterly along the easterly side of Broad Street,  
23 2,527.57 feet to a point;
- 24 2. Southeasterly at right angles to said Broad Street, 37  
25 feet to a drill hole set, a corner for the said lands  
26 now or formerly of Consolidated Rail Corporation;  
27 (courses 3 through 8 along the southerly side of lands  
28 now or formerly of Consolidated Rail Corporation);
- 29 3. South 75 degrees 30 minutes 00 seconds East, 3.00 feet  
30 to a drill hole set;

- 1 4. South 76 degrees 31 minutes 21 seconds East 229.54 feet  
2 to an iron pin set;
- 3 5. South 68 degrees 33 minutes 21 seconds East, 284.65 feet  
4 to an iron pin set;
- 5 6. South 63 degrees 50 minutes 26 seconds East, 341 feet to  
6 an iron pin set;
- 7 7. Southeasterly by a curve to the left having a radius of  
8 2,287.44 feet, and an arc length of 730.03 feet to an  
9 iron pin set, said point being distant by a chord of  
10 South 72 degrees 59 minutes 00 seconds East 726.93 feet  
11 from the last described point;
- 12 8. South 82 degrees 07 minutes 34 seconds East 1,741.91  
13 feet to a point; and
- 14 9. South 76 degrees 03 minutes 40 seconds East, 6093.91  
15 feet to the said point of Beginning;

16 Thence from said point of Beginning, the twenty five (25)  
17 following described courses and distances:

- 18 1. South 76 degrees 3 minutes 40 seconds East, 50 feet to  
19 the point and place of Beginning;
- 20 2. South 40 degrees 23 minutes 05 seconds West, 1,627.95  
21 feet along the Bulkhead line of the Delaware River;
- 22 3. South 58 degrees 07 minutes 17 seconds West, 1,737.34  
23 feet along the Bulkhead line of the Delaware River;
- 24 4. South 78 degrees 26 minutes 04 seconds West, 1,099.52  
25 feet along the Bulkhead line of the Delaware River;
- 26 5. South 78 degrees 27 minutes 42 seconds West, 2,645  
27 feet along the Bulkhead line of the Delaware River;
- 28 6. North 86 degrees 01 minutes 55 seconds West, 300 feet  
29 along the Bulkhead line of the Delaware River;
- 30 7. North 10 degrees 18 minutes 40 seconds West, 960 feet

1 to the Bulkhead Line of the Delaware River;  
2 8. North 72 degrees 11 minutes 20 seconds East, 1,650 feet;  
3 9. North 12 degrees 11 minutes 20 seconds East, 150 feet,  
4 10. North 48 degrees 41 minutes 20 seconds East, 1,005 feet;  
5 11. North 81 degrees 33 minutes 40 seconds West, 1,580 feet;  
6 12. North 76 degrees 33 minutes 40 seconds West, 1,040 feet;  
7 13. North 72 degrees 33 minutes 40 seconds West, 2,375 feet;  
8 14. North 89 degrees 18 minutes 40 seconds West, 500 feet;  
9 15. North 83 degrees 48 minutes 40 seconds West, 475 feet;  
10 16. North 13 degrees 11 minutes 20 seconds East, 550 feet;  
11 17. North 87 degrees 41 minutes 20 seconds East, 420 feet  
12 18. South 65 degrees 18 minutes 40 seconds East, 2,170 feet;  
13 19. South 66 degrees 48 minutes 40 seconds East, 2,120 feet;  
14 20. South 82 degrees 18 minutes 40 seconds East, 910 feet;  
15 21. South 75 degrees 03 minutes 40 seconds East, 920 feet;  
16 22. South 84 degrees 33 minutes 40 seconds East, 1,470 feet;  
17 23. South 66 degrees 33 minutes 40 seconds East, 340 feet;  
18 24. North 73 degrees 56 minutes 20 seconds East, 470 feet;  
19 25. North 60 degrees 56 minutes 20 seconds East, 1,240 feet;  
20 Containing 305 acres of land.

21 (c) Easements.--The conveyance shall be made under and  
22 subject to all lawful and enforceable easements, servitudes and  
23 rights of others, including but not confined to streets,  
24 roadways and rights of any telephone, telegraph, water,  
25 electric, gas or pipeline companies, as well as under and  
26 subject to any lawful and enforceable estates or tenancies  
27 vested in third persons appearing of record, for any portion of  
28 the land or improvements erected thereon.

29 (d) Deed.--

30 (1) The deed of conveyance shall contain a clause that

1 the lands conveyed herein shall be used only for maritime  
2 purposes by the grantee, or its successor in interest. Should  
3 the grantee, or its successor in interest, allow the lands  
4 conveyed to be used for any other purpose or attempt to  
5 convey or transfer the lands, the title shall immediately  
6 revert to and revest in the grantor. The term "maritime  
7 purposes" shall mean activities directly related to the  
8 handling of cargo for import or export or the transport of  
9 passengers through the Port of Philadelphia but the term  
10 shall not mean activities related to gambling or gaming.

11 (2) The deed of conveyance shall contain a clause that  
12 if the Philadelphia Regional Port Authority or its successor  
13 in interest cease to exist, the lands conveyed herein shall  
14 immediately revert to and revest in the grantor, unless a  
15 successor authority has been formed to continue the  
16 Commonwealth's governance of regional port activities along  
17 the Delaware River.

18 (E) LAND USE RESTRICTION.--ALL DEEDS OR LEASES AUTHORIZED OR ←  
19 REFERRED TO UNDER THIS SECTION SHALL BE MADE UNDER AND SUBJECT  
20 TO THE CONDITION, WHICH SHALL BE CONTAINED IN THE DEED OR LEASE  
21 DOCUMENTS, THAT NO PORTION OF THE PARCELS SHALL BE USED AS A  
22 LICENSED FACILITY AS DEFINED IN 4 PA.C.S. § 1103 (RELATING TO  
23 DEFINITIONS) OR ANY OTHER SIMILAR TYPE OF FACILITY AUTHORIZED  
24 UNDER THE LAWS OF THIS COMMONWEALTH. THIS CONDITION SHALL BE A  
25 COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE  
26 DEED OR LEASE OR SUBLESSEES AND THEIR RESPECTIVE SUCCESSORS AND  
27 ASSIGNS. SHOULD ANY PORTION OF ANY PARCEL AUTHORIZED FOR  
28 CONVEYANCE UNDER THIS SECTION BE USED IN VIOLATION OF THIS  
29 SUBSECTION, THE TITLE SHALL IMMEDIATELY REVERT TO AND REVEST IN  
30 THE GRANTOR.

1       ~~(e)~~ (F) Deed execution.--The deed of conveyance authorized       <—  
2 by this section shall be approved as provided by law and shall  
3 be executed by the Secretary of General Services in the name of  
4 the Commonwealth of Pennsylvania.

5       ~~(f)~~ (G) Costs and fees.--Costs and fees incidental to this       <—  
6 conveyance shall be borne by the grantee.

7 Section 2. Effective date.

8       This act shall take effect immediately.