

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1332 Session of  
2007

INTRODUCED BY M. O'BRIEN, MAY 24, 2007

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 24, 2007

AN ACT

1 Authorizing and directing the Department of General Services,  
2 with the concurrence of the Department of Environmental  
3 Protection, to convey to VTE Philadelphia, L.P., land within  
4 the bed of the Delaware River within the City of  
5 Philadelphia.

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

8 Section 1. Lands within the Delaware River bed.

9 (a) Authorization.--The Commonwealth of Pennsylvania owns  
10 the lands within the bed of the Delaware River, a portion of  
11 which lands are located in the 5th Ward of the City of  
12 Philadelphia and includes lands commonly known as Pier 35 1/2  
13 North. The Department of General Services, with the concurrence  
14 of the Department of Environmental Protection, acting on behalf  
15 of the Commonwealth, is hereby authorized and directed to convey  
16 to VTE Philadelphia, L.P., (hereafter "grantee") a tract of land  
17 within the bed of the Delaware River in the City of Philadelphia  
18 described in subsection (b).

19 (b) Description.--The land to be conveyed is more

1 particularly described as follows:

2 ALL THAT CERTAIN piece of ground situate in the 5th Ward of the  
3 City of Philadelphia, described according to a Boundary and  
4 Topographic Survey made for Pier 35 1/2, LLC by Control Point  
5 Associates, Inc. dated February 3, 2005, as revised December 19,  
6 2005, to wit:

7 BEGINNING at a point on the Southeasterly side of Penn Street  
8 (sixty feet wide) measured South forty-three degrees thirty  
9 minutes West along the said Southeasterly side of Penn Street  
10 crossing Cohocksink Creek a distance of one hundred ninety-nine  
11 feet one and one-half inches from the Southwesterly side of  
12 Poplar Street (fifty feet wide); thence South forty-seven  
13 degrees two minutes East, partly along the Southwesterly side of  
14 aforementioned Creek, 194.573 feet to a point in the Bulkhead  
15 line of the Delaware River, established January 5, 1894,  
16 approved by the Secretary of War September 10, 1940 to the true  
17 point and place of beginning; thence South sixty-seven degrees  
18 fifty-four minutes East, partly along the Southerly side of  
19 aforementioned Creek, 125.667 feet to a point; thence South  
20 forty-six degrees four minutes forty seconds East still along  
21 the Southwesterly side of aforementioned Creek, 361.500 feet to  
22 a point on the Northerly line of Fairmount Avenue produced;  
23 thence North seventy-one degrees forty minutes West along the  
24 said Northerly line of Fairmount Avenue produced, 527.937 feet  
25 to a point in the said Bulkhead line of the Delaware River;  
26 thence North forty-three degrees seventeen minutes six seconds  
27 East 181.316 feet to a point; the true point and place of  
28 beginning.

29 Being the area between the Bulkhead line and the Pierhead line  
30 of the Delaware River and being part of 709-717 Penn Street,

1 which is also known as Pier 35 1/2 North.

2 (c) Preparation and execution of documents.--The agreement  
3 of sale, deed and any other documents hereby contemplated shall  
4 be approved as to form and legality by the Attorney General and  
5 Office of General Counsel and shall be executed by the  
6 Department of General Services, with the concurrence of the  
7 Department of Environmental Protection, which approvals shall  
8 not be unreasonably withheld, in the name of the Commonwealth.

9 (d) Land use restriction.--The conveyance authorized or  
10 referred to under this section shall be made under and subject  
11 to the condition, which shall be contained in the deed, that no  
12 portion of the parcels shall be used as a licensed facility as  
13 defined in 4 Pa.C.S. § 1103 (relating to definitions) or any  
14 other similar type of facility authorized under the laws of this  
15 Commonwealth. This condition shall be a covenant running with  
16 the land and shall be binding upon the grantee and their  
17 respective successors and assigns. Should any portion of any  
18 parcel authorized to be conveyed under this section be used in  
19 violation of this subsection, the property shall revert to the  
20 Commonwealth immediately.

21 (e) Consideration.--The Department of General Services shall  
22 convey the land within the bed of the Delaware River as  
23 described in subsection (b) for its fair market value as such  
24 value shall be determined by an independent appraiser. The  
25 grantee shall pay for the appraisal.

26 (f) Costs and fees.--Costs and fees incidental to the  
27 conveyance authorized under this section shall be borne by the  
28 grantee.

29 (g) Sunset provision.--In the event that a community benefit  
30 agreement between the grantee and the Northern Liberties

1 Neighborhood Association is not executed within 18 months  
2 following the effective date of this section, the authority  
3 contained in this section shall be void.  
4 Section 2. Effective date.  
5 This act shall take effect immediately.