

AMENDMENTS TO SENATE BILL NO. 817

Sponsor: REPRESENTATIVE SAYLOR

Printer's No. 1249

1 Amend Bill, page 1, line 9, by striking out ""

2 Amend Bill, page 1, line 4, by inserting after "County."

3 ; and authorizing the Department of General Services, with the
4 concurrence of the Department of Environmental Protection, to
5 lease to K4 Philadelphia, LLC, or its nominee, land within
6 the bed of the Delaware River in the City of Philadelphia.

7 Amend Bill, page 2, by inserting between lines 4 and 5

8 Section 2. Land within the Delaware River bed and 1341 South
9 Christopher Columbus Boulevard, City of Philadelphia.

10 (a) Authorization.--The Commonwealth owns the lands within
11 the bed of the Delaware River, a portion of which is located in
12 the 1st Ward of the City of Philadelphia, and includes lands
13 commonly known as 1341 South Christopher Columbus Boulevard,
14 Pier No. 55 and Pier 57, and referred to collectively as the
15 "Properties," all of which are more fully described in
16 subsection (b). The Department of General Services, with the
17 concurrence of the Department of Environmental Protection,
18 acting on behalf of the Commonwealth, is authorized to lease,
19 for rent or consideration, to K4 Philadelphia, LLC, or its
20 nominee (hereinafter "lessee") for an initial term of 99 years,
21 land within the bed of the Delaware River in the City of
22 Philadelphia, and to extend the period for all or any portion of
23 the leased premises for an additional term of up to 99 years.

24 (b) Property description.--The Properties to be leased are
25 more particularly described as follows:

26 (1) PIER 55 IMPROVEMENT AREA

27 ALL THAT CERTAIN parcel or tract of land, situate in the 1st
28 Ward of the City of Philadelphia, Commonwealth of Pennsylvania,
29 bounded and described as follows:

30 BEGINNING at an internal point, the said point being measured
31 the following eleven (11) courses and distances from the point
32 formed by the intersection of the Easterly side of Christopher
33 Columbus Boulevard (formerly Delaware Avenue) (150 feet wide
34 right of way, on city plan, legally open) with the Northerly
35 side of Tasker Street (50 feet wide, on city plan, legally
36 open):

1 Along the said Easterly side of Christopher Columbus
2 Boulevard North 14° 39' 39" East 1.100.603 feet to a point;
3 thence
4 i) South 75° 14' 21" East 260.125 feet to a point;
5 thence
6 ii) North 14° 39' 39" East, passing over a mag nail
7 at 233.000 feet, 638.917 feet to a mag nail; thence
8 iii) South 10° 01' 00" East 42.167 feet to a mag
9 nail; thence
10 iv) North 79° 54' 00" East 65.379 feet to a point;
11 thence
12 v) South 09° 55' 48" East 125.011 feet to a point;
13 thence
14 vi) South 14° 10' 50" West 94.558 feet to a point;
15 thence
16 vii) South 16° 50' 45" East 74.521 feet to a point;
17 thence
18 viii) South 32° 53' 11" East 55.989 feet to a point;
19 thence
20 ix) South 70° 01' 47" East 72.491 feet to a point;
21 thence
22 x) North 76° 59' 44" East 161.484 feet to the point
23 and place of beginning.
24 xi) Thence from said point of beginning North 13°
25 00' 16" West 26.320 feet to a point; thence
26 xii) North 79° 56' 28" West 58.913 feet to a point;
27 thence
28 xiii) North 70° 01' 47" West 20.351 feet to a
29 point; thence
30 xiv) North 11° 43' 14" West 2.583 feet to a point;
31 thence
32 xv) South 75° 20' 21" East 4.139 feet to a point;
33 thence
34 xvi) North 76° 47' 02" East 121.312 feet to a point;
35 thence
36 xvii) South 75° 14' 53" East 375.478 feet to a
37 point; thence
38 xviii) South 8° 27' 40" East 49.713 feet to a
39 point; thence
40 xix) South 14° 45' 07" West 62.459 feet to a point;
41 thence
42 xx) South 75° 14' 53" East 7.986 feet to a point;
43 thence
44 xxi) South 14° 45' 07" West 29.303 feet to a point;
45 thence
46 xxii) North 75° 14' 53" West 391.472 feet to a
47 point; thence
48 xxiii) North 13° 00' 16" West 65.448 feet to the
49 aforesaid point and place of beginning.
50 CONTAINING WITHIN SAID BOUNDS 58,081.7 SQUARE FEET (58,279.3
51 US SQUARE FEET) OR 1.3334 ACRE MORE OR LESS.

1 (2) PIER 55 ACCESS IMPROVEMENT AREA.

2 ALL THAT CERTAIN PARCEL or tract of land, situate in the 1st
3 Ward of the City of Philadelphia, Commonwealth of Pennsylvania,
4 bounded and described as follows:

5 BEGINNING at an internal point, the said point being measured
6 the following eleven (11) courses and distances from the point
7 formed by the intersection of the Easterly side of Christopher
8 Columbus Boulevard (formerly Delaware Avenue) (150 feet wide
9 right of way, on city plan, legally open) with the Northerly
10 side of Tasker Street (50 feet wide, on city plan, legally
11 open):

12 A. Along the said Easterly side of Christopher Columbus
13 Boulevard North 14° 39' 39" East 1,100.603 feet to a point;
14 thence

15 B. South 75° 14' 21" East 260.125 feet to a point; thence

16 C. North 14° 39' 39" East, passing over a mag nail at
17 233.000 feet, 638.917 feet to a mag nail; thence

18 D. South 10° 03' 00" East 42.167 feet to a mag nail;
19 thence

20 E. North 79° 54' 00" East 65.379 feet to a point; thence

21 F. South 09° 55' 48" East 125.011 feet to a point; thence

22 G. South 14° 10' 50" West 94.558 feet to a point; thence

23 H. South 16° 50' 45" East 74.521 feet to a point; thence

24 I. South 32° 53' 11" East 55.989 feet to a point; thence

25 J. South 70° 01' 47" East 72.491 feet to a point; thence

26 K. North 76° 59' 44" East 88.852 feet to the point and
27 place of beginning.

28 L. Thence from said point of beginning North 11° 43' 14"
29 West 60.490 feet to a point; thence

30 M. South 70° 01' 47" East 20.351 feet to a point; thence

31 N. South 79° 56' 28" East 58.913 feet to a point; thence

32 O. South 13° 00' 16" East 56.320 feet to a point; thence

33 P. South 76° 59' 44" West 73.304 feet to a point; thence

34 Q. North 11° 43' 14" West 30.008 feet to the aforesaid
35 point and place of beginning.

36 CONTAINING WITHIN SAID BOUNDS 5,220.1 SQUARE FEET (5,238.5
37 US SQUARE FEET) OR 0.1198 ACRE MORE OR LESS.

38 (3) PIER 57 IMPROVEMENT AREA.

39 ALL THAT CERTAIN parcel or tract of land, situate in the 1st
40 Ward of the City of Philadelphia, Commonwealth of Pennsylvania,
41 bounded and described as follows:

42 BEGINNING at an internal point, the said point being measured
43 the following eight (8) courses and distances from the point
44 formed by the intersection of the Easterly side of Christopher
45 Columbus Boulevard (formerly Delaware Avenue) (150 feet wide
46 right of way, on city plan, legally open) with the Northerly
47 side of Tasker Street (50 feet wide, on city plan, legally
48 open):

49 i) Along the said Easterly side of Christopher
50 Columbus Boulevard North 14° 39' 39" East 1,038.156 feet
51 to a point; thence

1 ii) South 64° 29' 30" East 259.793 feet to a point;
2 thence
3 iii) North 14° 46' 39" East 51.260 feet to a point;
4 thence
5 iv) South 75° 13' 21" East 529.755 feet to a point;
6 thence
7 v) South 06° 04' 42" West 39.423 feet to a point;
8 thence
9 vi) South 14° 42' 08" East 37.638 feet to a point;
10 thence
11 vii) South 75° 13' 21" East 52.564 feet to a point;
12 thence
13 viii) North 11° 43' 14" West 9.428 feet to the point
14 and place of beginning.
15 ix) Thence from said point of beginning North 11°
16 43' 14" West 148.576 feet to a point; thence
17 x) South 75° 14' 54" East 416.521 feet to a point;
18 thence
19 xi) South 30° 14' 41" East 33.884 feet to a point;
20 thence
21 xii) South 14° 45' 07" West 109.039 feet to a point;
22 thence
23 xiii) 5. North 75° 14' 53" West 374.250 feet to
24 the aforesaid point and place of beginning.

25 CONTAINING WITHIN SAID BOUNDS 53,891.9 SQUARE FEET (54,075.3 US
26 SQUARE FEET) OR 1.2372 ACRE MORE OR LESS.

27 (c) Lease agreement.--The Department of General Services,
28 with the approval of the Attorney General and the concurrence of
29 the Department of Environmental Protection, acting on behalf of
30 the Commonwealth, is hereby authorized to enter into a lease of
31 the Properties to the lessee (the "Lease") for a term of 99
32 years, with an option in favor of the lessee to extend such term
33 for all or any portion of the Properties for up to 99 years. The
34 Lease shall provide rent or consideration payable to the
35 Commonwealth upon the execution of the Lease, in an amount to be
36 determined by the Secretary of General Services, and shall
37 include such other terms and conditions as the Department of
38 General Services shall establish, with the concurrence of the
39 Department of Environmental Protection. The Lease shall grant
40 the lessee the right to sublease, and to permit the further
41 subsubleasing, subsubsubleasing and so on, of all or any portion
42 of the Properties for residential, office, commercial, retail,
43 condominium, hotel, marina or other public uses, or uses as may
44 be permitted in accordance with applicable law, including, but
45 not limited to, municipal land use regulations.

46 (d) Nondisturbance agreement.--The Department of General
47 Services, with the concurrence of the Department of
48 Environmental Protection, acting on behalf of the Commonwealth,
49 is hereby authorized to enter into one or more nondisturbance
50 agreements with any sublessee of all or any portion of the
51 Properties pursuant to which Commonwealth shall agree that, if

1 the Commonwealth succeeds to the interest of the sublessor under
2 the sublessee's sublease, the Commonwealth may not terminate
3 that sublease unless the sublessee is in default.

4 (e) Improvement.--The Department of General Services, with
5 approval of the Attorney General, is hereby authorized to
6 permit, on behalf of the Commonwealth, any declaration or other
7 documents necessary to submit the Properties or any portion of
8 the Properties and any improvements on the Properties to the
9 provisions of 68 Pa.C.S. Pt. II Subpt. B (relating to
10 condominiums) as a leasehold condominium. Development of the
11 parcels authorized to be leased under this section shall be
12 consistent with public and maritime purposes.

13 (f) Free public access.--

14 (1) The lease agreement shall contain the following
15 terms and conditions:

16 (i) The lessee, the sublessees and their respective
17 successors and assigns, shall provide and maintain at
18 least the following free public access to the riverfront,
19 for fishing and other recreational activities and free
20 public parking in connection with the access:

21 (A) A minimum of 10 public parking spaces
22 available at all times located proximate to the
23 public walkway near the water edge and signage
24 indicating the public parking.

25 (B) Public walkways on the riverfront, including
26 water edge promenades along the entire water edger of
27 the properties and adjacent to the water, providing
28 free public access to the water and allowing for
29 passive and active recreational activities year-round
30 and signage indicating the walkways are open to the
31 general public.

32 (C) Public access to the Delaware River in
33 accordance with the Delaware River Waterfront
34 Corporation Plan that is consistent with the
35 Waterfront Setback requirements specified in section
36 14-216(6)(g) of the Philadelphia Code (enacted into
37 law by an Ordinance enacting Bill No. 050465, passed
38 by the City Council on June 16, 2005, and signed by
39 the Mayor on July 8, 2005), or in accordance with
40 such other plan and such other municipal ordinance as
41 may govern public access in the future.

42 (D) Should the lessee, a sublessee or any of
43 their respective successors or assigns wish to modify
44 the public access and parking required by the lease
45 agreement, it must obtain the prior written approval
46 of the Department of Environmental Protection and the
47 Department of General Services, which approval shall
48 not be unreasonably withheld. The public access and
49 parking shall be completed and open to the public no
50 later than the date the first tenant or resident
51 occupies the leasehold. Past actions by the lessee

1 may be the basis for a determination to modify the
2 obligations under this subsection.

3 (E) The conditions specified in this
4 subparagraph shall be covenants that run with the
5 land and shall be binding upon the lessee, any
6 sublessee and their respective successors and
7 assigns. Should the lessee, any sublessee or any of
8 their respective successors or assigns permit the
9 leasehold premises or any portion of the leasehold
10 premises, to be used in a manner inconsistent with
11 these conditions, all rights and interests in the
12 lease shall terminate immediately.

13 (ii) (Reserved).

14 (2) (Reserved).

15 (g) Land use restriction.--All leases authorized or
16 referred to under this section shall include the condition
17 that no portion of the parcels shall be used as a licensed
18 facility, as defined in 4 Pa.C.S. § 1103 (relating to
19 definitions), or any other similar type of facility
20 authorized under the laws of this Commonwealth. This
21 condition shall be a covenant running with the land and shall
22 be binding upon the lessee and sublessees and their
23 respective successors and assigns. Should any portion of any
24 parcel authorized to be leased under this section be used in
25 violation of this subsection, the lease shall terminate
26 immediately.

27 (h) Other required measures.--Nothing in this section
28 may affect or otherwise limit the requirements of the
29 provisions of the act of November 26, 1978 (P.L.1375,
30 No.325), known as the Dam Safety and Encroachments Act, which
31 may require further measures to provide for public access and
32 use of the land and adjacent water.

33 (i) Conditions binding.--The conditions imposed under
34 this section shall be covenants that run with the land and
35 shall be binding upon the lessee, any sublessee and their
36 respective successors and assigns. Should the lessee, any
37 sublessee or any of their respective successors or assigns
38 permit the parcels authorized to be leased under this
39 section, or any portion of the parcels, to be used in a
40 manner inconsistent with the conditions contained in this
41 section, all rights and interests in the lease authorized
42 under this section shall terminate immediately.

43 (j) Costs and fees.--Costs and fees incidental to the
44 lease authorized under this section shall be borne by the
45 lessee, including the costs incurred by the Department of
46 General Services and the Department of Environmental
47 Protection in preparation, execution and review of the lease,
48 nondisturbance agreements and related documents.

49 (k) Expiration.--In the event that the lease authorized
50 by this section does not occur within three years following
51 the effective date of this section, the authority contained

1 in this section shall be void.

2 Amend Bill, page 2, line 5, by striking out "2" and inserting

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