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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 696      Session of  
2003

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INTRODUCED BY KELLER, ADOLPH, LEDERER, RAYMOND, DONATUCCI,  
TIGUE, RIEGER, COSTA, OLIVER, DIVEN, McGEEHAN, YUDICHAK,  
YOUNGBLOOD, CAWLEY, JOSEPHS, MELIO, JAMES, MICOZZIE, CRUZ,  
CIVERA, WATERS, WASHINGTON, TANGRETTI, HORSEY, MYERS,  
RUFFING, BARRAR, McILHINNEY, ROEBUCK, READSHAW, GERGELY,  
WOJNAROSKI, WALKO, KOTIK, PISTELLA, PETRARCA, SAINATO,  
ROBERTS, GANNON, BUNT, FICHTER, DeLUCA, ALLEN, SOLOBAY,  
STEIL, YEWIC, FLICK, BISHOP, CORRIGAN, TRAVAGLIO AND  
LAUGHLIN, MARCH 6, 2003

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, DECEMBER 19, 2003

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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; AND AUTHORIZING <—  
5 THE DEPARTMENT OF GENERAL SERVICES, WITH CONCURRENCE OF THE  
6 DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO LEASE TO ISLE OF  
7 CAPRI ASSOCIATES LAND WITHIN THE BED OF THE DELAWARE RIVER IN  
8 THE CITY OF PHILADELPHIA.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Land in the City of Philadelphia.

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

(b) Description.--The lands to be conveyed pursuant to subsection (a) consists of 47.204 acres more particularly described as follows:

ALL THAT CERTAIN tract, piece or parcel of land situate in the 39th Ward of the City of Philadelphia, Commonwealth of Pennsylvania, as shown on a plan prepared by VanDemark & Lynch, Inc., Surveyors, Planners, and Engineers, of Wilmington, Delaware, dated March 13, 2000 and described as follows to wit:

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

(1) Southwesterly along the easterly side of Broad Street, 2,527.57 feet to a point;

(2) Southeasterly at right angles to said Broad Street, 37.00 feet to a drill hole set, a corner for the said lands now or formerly of Consolidated Rail Corporation; (courses 3 through 8 along the southerly side of lands now or formerly of Consolidated Rail Corporation)

(3) South 75 degrees 30 minutes 00 seconds East, 3.00 feet to a drill hole set;

(4) South 76 degrees 31 minutes 21 seconds East, 229.54 feet to an iron pin set;

(5) South 68 degrees 33 minutes 21 seconds East, 284.65 feet to an iron pin set;

1 (6) South 63 degrees 50 minutes 26 seconds East, 341.02  
2 feet to an iron pin set;  
3 (7) Southeasterly by a curve to the left having a  
4 radius of 2,287.44 feet, and an arc length  
5 of 730.03 feet to an iron pin set, said point  
6 being distant by a chord of South 72 degrees  
7 59 minutes 00 seconds East, 726.93 feet from  
8 last described point;  
9 (8) South 82 degrees 07 minutes 34 seconds East, 1,741.91  
10 feet to a point; and  
11 (9) South 76 degrees 03 minutes 40 seconds East, 6,143.91  
12 feet to the said point of Beginning;  
13 THENCE from the said point of Beginning, extending from the  
14 said Bulkhead Line of the Delaware River, South 76 degrees 03  
15 minutes 40 seconds East, 690.69 feet to a point on the Pierhead  
16 Line of the Delaware River as established by the Secretary of  
17 War, September 10, 1940;  
18 THENCE, along the said Pierhead Line of the Delaware River,  
19 the four (4) following described courses and distances:  
20 (1) South 32 degrees 13 minutes 41 seconds West,  
21 2,200.66 feet to a point;  
22 (2) South 49 degrees 25 minutes 45 seconds West,  
23 837.54 feet to a point;  
24 (3) South 57 degrees 56 minutes 20 seconds West,  
25 914.92 feet to a point; and  
26 (4) North 34 degrees 19 minutes 56 seconds West,  
27 1,090.88 feet to a point on the aforesaid  
28 Bulkhead Line, a corner for Parcel 9;  
29 THENCE, along the said Bulkhead Line of the Delaware River,  
30 being the dividing line between Parcel 9 and Parcel 9A, the two

1 following described courses and distances:

2 (1) North 58 degrees 07 minutes 17 seconds East,  
3 1,737.34 feet to a point; and

4 (2) North 40 degrees 23 minutes 05 seconds East,  
5 1,627.95 feet to the point and place of  
6 Beginning;

7 CONTAINING within said metes and bounds, 47.204 acres of land  
8 being the same, more or less.

9 (c) Easements.--The conveyance shall be made under and  
10 subject to all lawful and enforceable easements, servitudes and  
11 rights of others, including but not confined to streets,  
12 roadways and rights of any telephone, telegraph, water,  
13 electric, gas or pipeline companies, as well as under and  
14 subject to any lawful and enforceable estates or tenancies  
15 vested in third persons appearing of record, for any portion of  
16 the land or improvements erected thereon.

17 (d) Deed.--

18 (1) The deed of conveyance shall contain a clause that  
19 the lands conveyed herein shall be used only for maritime  
20 purposes by the grantee, or its successor in interest. Should  
21 the grantee, or its successor in interest, allow the lands  
22 conveyed to be used for any other purpose or attempt to  
23 convey or transfer the lands, the title shall immediately  
24 revert to and revest in the grantor. The term "maritime  
25 purposes" shall mean activities directly related to the  
26 handling of cargo for import or export or the transport of  
27 passengers through the Port of Philadelphia but the term  
28 shall not mean activities related to gambling or gaming.

29 (2) The deed of conveyance shall contain a clause that  
30 if the Philadelphia Regional Port Authority or its successor

1 in interest cease to exist, the lands conveyed herein shall  
2 immediately revert to and revest in the grantor, unless a  
3 successor authority has been formed to continue the  
4 Commonwealth's governance of regional port activities along  
5 the Delaware River.

6 (e) Deed execution.--The deed of conveyance authorized by  
7 this section shall be approved as provided by law and shall be  
8 executed by the Secretary of General Services in the name of the  
9 Commonwealth of Pennsylvania.

10 (f) Costs and fees.--Costs and fees incidental to this  
11 conveyance shall be borne by the grantee.

12 SECTION 2. LAND WITHIN THE DELAWARE RIVER BED. <—

13 (A) AUTHORIZATION.--THE COMMONWEALTH OWNS THE LANDS WITHIN  
14 THE BED OF THE DELAWARE RIVER, A PORTION OF WHICH LANDS ARE  
15 LOCATED IN THE 5TH WARD OF THE CITY OF PHILADELPHIA, AND  
16 INCLUDES LANDS COMMONLY KNOWN AS PIERS NO. 36 NORTH, NO. 37  
17 NORTH, NO. 38 NORTH, AND NO. 39 NORTH. THE DEPARTMENT OF GENERAL  
18 SERVICES, WITH THE CONCURRENCE OF THE DEPARTMENT OF  
19 ENVIRONMENTAL PROTECTION, ACTING ON BEHALF OF THE COMMONWEALTH,  
20 IS HEREBY AUTHORIZED TO LEASE TO THE ISLE OF CAPRI ASSOCIATES  
21 FOR AN INITIAL TERM OF UP TO 99 YEARS, LAND WITHIN THE BED OF  
22 THE DELAWARE RIVER IN THE CITY OF PHILADELPHIA, AND TO EXTEND  
23 THE PERIOD FOR ALL OR ANY PORTION OF THE LEASED PREMISES FOR AN  
24 ADDITIONAL TERM OF UP TO 99 YEARS.

25 (B) DESCRIPTION.--THE LAND TO BE LEASED IS MORE PARTICULARLY  
26 DESCRIBED AS FOLLOWS:

27 ALL THAT CERTAIN LOT OR PIECE OF LAND SITUATE IN THE 5TH WARD  
28 OF THE CITY OF PHILADELPHIA MORE PARTICULARLY BOUND AND  
29 DESCRIBED ACCORDING TO A PLAN OF ALTA/ACSM LAND TITLE SURVEY OF  
30 TABAS RIVERFRONT PROPERTY PREPARED BY PENNONI ASSOCIATES INC.

1 AND DATED JUNE 10, 1994, AS FOLLOWS TO WIT:

2 BEGINNING AT A POINT, SAID POINT BEING NORTH 40 DEGREES 00

3 MINUTES 13 SECONDS EAST A DISTANCE OF 140.223 FEET FROM THE

4 INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF DELAWARE AVENUE

5 (WIDTH VARIES) AND THE SOUTHEASTERLY RIGHT-OF-WAY OF PENN STREET

6 (60 FEET WIDE), NORTH 40 DEGREES 00 MINUTES 13 SECONDS EAST, A

7 DISTANCE OF 624.260 FEET TO A POINT; THENCE (2) LEAVING THE

8 SOUTHEASTERLY RIGHT-OF-WAY OF PENN STREET (60 FEET WIDE) AND

9 PASSING THROUGH THE CENTER OF A 10 FEET WIDE ALLEY, SOUTH 49

10 DEGREES 59 MINUTES 47 SECONDS EAST A DISTANCE OF 723.219 FEET TO

11 A PIERHEAD LINE IN THE DELAWARE RIVER, ESTABLISHED JANUARY 5,

12 1894, APPROVED BY THE SECRETARY OF WAR SEPTEMBER 10, 1940;

13 THENCE (3) ALONG THE PIERHEAD LINE IN THE DELAWARE RIVER

14 ESTABLISHED JANUARY 5, 1894, APPROVED BY THE SECRETARY OF WAR

15 SEPTEMBER 10, 1940, SOUTH 44 DEGREES 43 MINUTES 16 SECONDS WEST

16 A DISTANCE OF 426.580 FEET TO A POINT; THENCE (4) ALONG THE

17 SAME, SOUTH 25 DEGREES 35 MINUTES 34 SECONDS WEST A DISTANCE OF

18 136.878 FEET TO A POINT ON THE NORTHERLY LINE OF FAIRMONT AVENUE

19 PRODUCED; THENCE (5) ALONG THE NORTHERLY LINE OF FAIRMONT AVENUE

20 PRODUCED, NORTH 75 DEGREES 01 MINUTES 01 SECOND WEST A DISTANCE

21 OF 55.471 FEET TO A POINT; THENCE (6) LEAVING THE NORTHERLY LINE

22 OF FAIRMONT AVENUE PRODUCED, ALONG THE SOUTHERLY SIDE OF

23 COHOCKSINK CREEK, NORTH 49 DEGREES 23 MINUTES 29 SECONDS WEST A

24 DISTANCE OF 361.500 FEET TO A POINT; THENCE (7) ALONG THE SAME,

25 NORTH 71 DEGREES 14 MINUTES 28 SECONDS WEST A DISTANCE OF

26 125.677 FEET TO A POINT; THENCE (8) ALONG THE SAME NORTH 50

27 DEGREES 20 MINUTES 49 SECONDS WEST A DISTANCE OF 194.573 FEET TO

28 THE POINT OF BEGINNING BEING KNOWN AS NOS. 877-923 PENN STREET

29 (PIERS 36 TO 39 NORTH). EXCEPTING, HOWEVER, SUCH PORTION OF SAID

30 DESCRIBED PARCEL SITUATE TO THE WEST OF THE BULKHEAD LINE OF THE

1 DELAWARE RIVER ESTABLISHED JANUARY 5, 1894, AND APPROVED BY THE  
2 SECRETARY OF WAR SEPTEMBER 10, 1940.

3 (C) LEASE AGREEMENT.--THE LEASE AND ANY OTHER DOCUMENTS  
4 HEREBY CONTEMPLATED SHALL BE APPROVED BY THE ATTORNEY GENERAL  
5 AND SHALL BE EXECUTED BY THE DEPARTMENT OF GENERAL SERVICES,  
6 WITH THE APPROVAL OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,  
7 IN THE NAME OF THE COMMONWEALTH. THE LEASE SHALL GRANT THE  
8 LESSEE THE RIGHT TO ASSIGN THE LEASE OR SUBLEASE OR PERMIT THE  
9 SUBLEASE OF THE ABOVE-DESCRIBED PREMISES FOR THE PURPOSES OF  
10 DEVELOPMENT FOR RESIDENTIAL, OFFICE, COMMERCIAL, CONDOMINIUM,  
11 HOTEL, MARINA OR OTHER USES.

12 (D) SUBLEASE.--THE DEPARTMENT OF GENERAL SERVICES, WITH THE  
13 CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,  
14 ACTING ON BEHALF OF THE COMMONWEALTH OF PENNSYLVANIA, IS ALSO  
15 SPECIFICALLY AUTHORIZED TO ENTER INTO ONE OR MORE NONDISTURBANCE  
16 AGREEMENTS WITH ANY SUBLESSEE OF THE PREMISES DESCRIBED IN THIS  
17 ACT PURSUANT TO WHICH THE COMMONWEALTH WILL AGREE THAT, IF THE  
18 COMMONWEALTH SUCCEEDS TO THE INTEREST OF THE SUBLESSOR UNDER THE  
19 SUBLEASE, IT WILL NOT TERMINATE THE SUBLEASE UNLESS THE  
20 SUBLESSEE IS IN DEFAULT.

21 (E) IMPROVEMENTS.--THE DEPARTMENT OF GENERAL SERVICES, WITH  
22 THE APPROVAL OF THE ATTORNEY GENERAL, IS HEREBY AUTHORIZED TO  
23 EXECUTE, ON BEHALF OF THE COMMONWEALTH OF PENNSYLVANIA, ANY  
24 DECLARATION OR OTHER DOCUMENT NECESSARY TO SUBMIT THESE PREMISES  
25 OR ANY PORTION THEREOF AND ANY IMPROVEMENTS THEREON TO THE  
26 PROVISIONS OF 68 PA.C.S. PT. II SUBPT. B (RELATING TO  
27 CONDOMINIUMS) AS A LEASEHOLD CONDOMINIUM.

28 (F) CONSIDERATION.--THE DEPARTMENT OF GENERAL SERVICES SHALL  
29 LEASE TO THE ISLE OF CAPRI ASSOCIATES THE LAND WITHIN THE BED OF  
30 THE DELAWARE RIVER AS DESCRIBED IN SUBSECTION (B) UPON SUCH

1 TERMS AND CONDITIONS AND FOR SUCH CONSIDERATION AS IT SHALL,  
2 WITH THE CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL  
3 PROTECTION, ESTABLISH THROUGH THE LEASE AGREEMENTS.

4 Section 2 3. Effective date.

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5 This act shall take effect immediately.