

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 676 Session of 2007

INTRODUCED BY W. KELLER AND CALTAGIRONE, MARCH 19, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 16, 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; AND PROVIDING FOR ←
5 COMMONWEALTH OWNERSHIP OF SUBMERGED LANDS.

6 The General Assembly finds and declares as follows:

7 (1) The Commonwealth in the act of February 10, 1863
8 (P.L.24, No.28), entitled "An act ceding to the United States
9 of America the right of exclusive legislation over League
10 Island, in the Delaware river, in the county of
11 Philadelphia," consented to the purchase and acquisition of
12 the title by the United States of the certain island located
13 in the Delaware River, situated in the 39th Ward in the City
14 of Philadelphia, Philadelphia County, known as "League
15 Island," and granted legislative and jurisdiction over all of
16 the inland channel or waterway, unto the low water mark on
17 the northerly shore thereof.

18 (2) The United States, through the Department of the

1 Navy and by Quit Claim Deed, disposed of its interest and
2 title to the property known as the former United States Navy
3 Base situated in the 39th Ward in the City of Philadelphia,
4 Philadelphia County to the Philadelphia Industrial
5 Development Corporation, and a portion of that property is
6 known as "League Island."

7 (3) In 2004 the Commonwealth, through the Department of
8 General Services by Quit Claim Deed, disposed of its
9 interests and title to the property commonly known as Parcel
10 9A and a portion of the former naval base to the Philadelphia
11 Regional Port Authority.

12 (4) Part of the conveyance of the Department of the
13 Navy's title and interests to the property known as the
14 former United States Navy Base situated in the 39th Ward in
15 the City of Philadelphia, Philadelphia County to the
16 Pennsylvania Authority for Industrial Development was for the
17 open water between what was the Consolidated Rail Corporation
18 portion of the naval base and what was known as "League
19 Island."

20 (5) The Commonwealth still maintains its title and
21 interests in property areas of this open water, between what
22 was the Consolidated Rail Corporation portion of the naval
23 base and what was known as "League Island."

24 (6) The General Assembly intends to convey the rights
25 and interests to the Philadelphia Regional Port Authority for
26 the property areas of this open water between what was the
27 Consolidated Rail Corporation portion of the naval base and
28 what was known as "League Island."

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

1 ~~Section 1. Land in the City of Philadelphia.~~ <—

2 SECTION 1. LAND CONSISTING OF 16.89 ACRES IN THE CITY OF <—
3 PHILADELPHIA.

4 (A) AUTHORIZATION.--THE DEPARTMENT OF GENERAL SERVICES, WITH
5 THE APPROVAL OF THE GOVERNOR, IS HEREBY AUTHORIZED AND DIRECTED
6 ON BEHALF OF THE COMMONWEALTH OF PENNSYLVANIA TO GRANT AND
7 CONVEY TO THE PHILADELPHIA REGIONAL PORT AUTHORITY, FOR \$1,
8 CERTAIN LANDS SITUATE IN THE 39TH WARD OF THE CITY OF
9 PHILADELPHIA DESCRIBED IN SUBSECTION (B).

10 (B) DESCRIPTION.--THE LANDS TO BE CONVEYED PURSUANT TO
11 SUBSECTION (A) CONSIST OF 16.89 ACRES MORE OR PARTICULARLY
12 DESCRIBED AS FOLLOWS:

13 ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE IN THE
14 39TH WARD OF THE CITY OF PHILADELPHIA, COMMONWEALTH OF
15 PENNSYLVANIA, DESCRIBED AS FOLLOWS TO WIT:

16 PARCEL NO. 1

17 BEGINNING AT A POINT ON THE BULKHEAD LINE OF THE DELAWARE RIVER,
18 APPROVED BY THE SECRETARY OF WAR, SEPTEMBER 10, 1940, SAID POINT
19 BEING LOCATED THE TWO (2) FOLLOWING COURSES AND DISTANCES FROM
20 THE INTERSECTION OF THE SOUTHERLY SIDE OF PACKER AVENUE (148
21 FEET WIDE) AND THE SAID EASTERLY SIDE OF CHRISTOPHER COLUMBUS
22 BOULEVARD (250 FEET WIDE); (1) THENCE EXTENDING S 14 DEGREES 30
23 MINUTES 00.0 SECONDS W ALONG THE EASTERLY SIDE OF CHRISTOPHER
24 COLUMBUS BOULEVARD (FORMERLY DELAWARE AVENUE), THE DISTANCE OF
25 3,601.940 FEET TO A POINT; (2) THENCE EXTENDING S 75 DEGREES 30
26 MINUTES 00.0 SECONDS E ALONG A LINE THE DISTANCE OF 580.759 FEET
27 TO SAID POINT OF BEGINNING.

28 (1) THENCE EXTENDING FROM SAID POINT OF BEGINNING S 75
29 DEGREES 30 MINUTES 00.0 SECONDS E THE DISTANCE OF 438.331
30 FEET TO A POINT ON THE PIERHEAD LINE OF THE DELAWARE

1 RIVER APPROVED BY THE SECRETARY OF WAR, SEPTEMBER 10,
2 1940;

3 (2) THENCE CONTINUING ALONG SAID LINE S 75 DEGREES 30
4 MINUTES 00.0 SECONDS E THE DISTANCE OF 100.000 FEET TO A
5 POINT;

6 (3) THENCE EXTENDING ALONG A LINE S 29 DEGREES 01 MINUTE 18
7 SECONDS W THE DISTANCE OF 567.735 FEET TO A POINT;

8 (4) THENCE EXTENDING ALONG A LINE N 75 DEGREES 58 MINUTES
9 58.9 SECONDS W THE DISTANCE OF 100.000 FEET TO A POINT ON
10 THE PIERHEAD LINE OF THE DELAWARE RIVER APPROVED BY THE
11 SECRETARY OF WAR, SEPTEMBER 10, 1940;

12 (5) THENCE CONTINUING ALONG SAID LINE N 75 DEGREES 58
13 MINUTES 58.9 00.0 SECONDS W THE DISTANCE OF 565.227 FEET
14 TO A POINT ON THE BULKHEAD LINE OF THE DELAWARE RIVER,
15 APPROVED BY THE SECRETARY OF WAR, SEPTEMBER 10, 1940;

16 (6) THENCE EXTENDING ALONG SAID BULKHEAD LINE OF THE
17 DELAWARE RIVER, APPROVED BY THE SECRETARY OF WAR,
18 SEPTEMBER 10, 1940 N 40 DEGREES 23 MINUTES 05 SECONDS E
19 THE DISTANCE OF 617.039 FEET TO THE POINT OF BEGINNING.

20 CONTAINING WITHIN SAID METES AND BOUNDS, 7.62 ACRES OF LAND
21 BEING THE SAME, MORE OR LESS.

22 PARCEL NO. 2

23 BEGINNING AT A POINT ON THE BULKHEAD LINE OF THE DELAWARE RIVER,
24 APPROVED BY THE SECRETARY OF WAR, SEPTEMBER 10, 1940, SAID POINT
25 BEING LOCATED THE THREE (3) FOLLOWING COURSES AND DISTANCES FROM
26 THE INTERSECTION OF THE SOUTHERLY SIDE OF PACKER AVENUE (148
27 FEET WIDE) AND THE SAID EASTERLY SIDE OF CHRISTOPHER COLUMBUS
28 BOULEVARD 250 FEET WIDE; (1) THENCE EXTENDING S 14 DEGREES 30
29 MINUTES 00.0 SECONDS W ALONG THE EASTERLY SIDE OF CHRISTOPHER
30 COLUMBUS BOULEVARD (FORMERLY DELAWARE AVENUE), THE DISTANCE OF

1 3,601.940 FEET TO A POINT; (2) THENCE EXTENDING S 75 DEGREES 30
2 MINUTES 00.0 SECONDS E ALONG A LINE THE DISTANCE OF 580.759 FEET
3 TO A POINT ON THE BULKHEAD LINE OF THE DELAWARE RIVER, APPROVED
4 BY THE SECRETARY OF WAR, SEPTEMBER 10, 1940; (3) THENCE
5 EXTENDING ALONG SAID BULKHEAD LINE OF THE DELAWARE RIVER,
6 APPROVED BY THE SECRETARY OF WAR, SEPTEMBER 10, 1940 S 40
7 DEGREES 23 MINUTES 05 SECONDS W THE DISTANCE OF 617.039 FEET TO
8 THE SAID POINT OF BEGINNING;

9 (1) THENCE EXTENDING FROM SAID POINT OF BEGINNING ALONG A
10 LINE S 75 DEGREES 58 MINUTES 58.9 SECONDS E THE DISTANCE
11 OF 565.227 FEET TO A POINT ON THE PIERHEAD LINE OF THE
12 DELAWARE RIVER APPROVED BY THE SECRETARY OF WAR,
13 SEPTEMBER 10, 1940;

14 (2) THENCE, CONTINUING ALONG SAID LINE S 75 DEGREES 58
15 MINUTES 58.9 SECONDS E THE DISTANCE OF 100.000 FEET TO A
16 POINT;

17 (3) THENCE EXTENDING ALONG A LINE S 28 DEGREES 57 MINUTES 13
18 SECONDS W THE DISTANCE OF 573.207 FEET TO A POINT;

19 (4) THENCE EXTENDING ALONG A LINE N 76 DEGREES 03 MINUTES 40
20 SECONDS W THE DISTANCE OF 100.000 FEET TO A POINT ON THE
21 PIERHEAD LINE OF THE DELAWARE RIVER APPROVED BY THE
22 SECRETARY OF WAR, SEPTEMBER 10, 1940;

23 (5) THENCE CONTINUING ALONG SAID LINE N 76 DEGREES 03
24 MINUTES 40 SECONDS W THE DISTANCE OF 691.822 FEET TO A
25 POINT ON THE BULKHEAD LINE OF THE DELAWARE RIVER,
26 APPROVED BY THE SECRETARY OF WAR, SEPTEMBER 10, 1940;

27 (6) THENCE EXTENDING ALONG SAID BULKHEAD LINE OF THE
28 DELAWARE RIVER, APPROVED BY THE SECRETARY OF WAR,
29 SEPTEMBER 10, 1940 N 40 DEGREES 23 MINUTES 05 SECONDS E
30 THE DISTANCE OF 618.514 FEET TO THE POINT OF BEGINNING.

1 CONTAINING WITHIN SAID METES AND BOUNDS, 9.27 ACRES OF LAND
2 BEING THE SAME, MORE OR LESS.

3 (C) EASEMENTS.--THE CONVEYANCE SHALL BE MADE UNDER AND
4 SUBJECT TO ALL LAWFUL AND ENFORCEABLE EASEMENTS, SERVITUDES AND
5 RIGHTS OF OTHERS, INCLUDING BUT NOT CONFINED TO STREETS,
6 ROADWAYS AND RIGHTS OF ANY TELEPHONE, TELEGRAPH, WATER,
7 ELECTRIC, GAS OR PIPELINE COMPANIES, AS WELL AS UNDER AND
8 SUBJECT TO ANY LAWFUL AND ENFORCEABLE ESTATES OR TENANCIES
9 VESTED IN THIRD PERSONS APPEARING OF RECORD, FOR ANY PORTION OF
10 THE LAND OR IMPROVEMENTS ERECTED THEREON.

11 (D) DEED.--

12 (1) THE DEED OF CONVEYANCE SHALL CONTAIN A CLAUSE THAT
13 THE LANDS CONVEYED IN THIS SECTION SHALL BE USED ONLY FOR
14 MARITIME PURPOSES BY THE GRANTEE, OR ITS SUCCESSOR IN
15 INTEREST OR ITS LESSEES, CONCESSIONAIRES, LICENSEES OR
16 ASSIGNEES PERMITTED BY THE COMMONWEALTH. SHOULD THE GRANTEE,
17 OR ITS SUCCESSORS IN INTEREST, ALLOW THE LANDS CONVEYED TO BE
18 USED FOR ANY OTHER PURPOSE OR ATTEMPT TO CONVEY OR TRANSFER
19 THE LANDS, THE TITLE SHALL IMMEDIATELY REVERT TO AND REVEST
20 IN THE GRANTOR. THE TERM "MARITIME PURPOSES" SHALL MEAN
21 ACTIVITIES RELATED TO THE HANDLING, IMPORT, EXPORT AND OR
22 TRANSPORT OF CARGO OR THE TRANSPORT OF PASSENGERS WITHIN AND
23 THROUGH THE PORT OF PHILADELPHIA BUT THE TERM SHALL NOT MEAN
24 ACTIVITIES RELATED TO GAMBLING OR GAMING.

25 (2) THE DEED OF CONVEYANCE SHALL CONTAIN A CLAUSE THAT
26 IF THE PHILADELPHIA REGIONAL PORT AUTHORITY OR ITS SUCCESSORS
27 IN INTEREST CEASES TO EXIST, THE LANDS CONVEYED IN THIS
28 SECTION SHALL IMMEDIATELY REVERT TO AND REVEST IN THE
29 GRANTOR, UNLESS A SUCCESSOR AUTHORITY HAS BEEN FORMED TO
30 CONTINUE THE COMMONWEALTH'S GOVERNANCE OF REGIONAL PORT

1 ACTIVITIES ALONG THE DELAWARE RIVER.

2 (E) DEED EXECUTION.--THE DEED OF CONVEYANCE AUTHORIZED BY
3 THIS SECTION SHALL BE APPROVED AS PROVIDED BY LAW AND SHALL BE
4 EXECUTED BY THE SECRETARY OF GENERAL SERVICES IN THE NAME OF THE
5 COMMONWEALTH OF PENNSYLVANIA.

6 (F) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THIS
7 CONVEYANCE SHALL BE BORNE BY THE GRANTEE.

8 SECTION 2. LAND CONSISTING OF 305 ACRES IN THE CITY OF
9 PHILADELPHIA.

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

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

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

23 Beginning at a point near the Bulkhead Line of the Delaware
24 River, as established by the Secretary of War, September 10,
25 1940, a common corner for lands now or formerly of Consolidated
26 Rail Corporation, and Parcel 9, the said point being measured
27 the nine (9) following courses and distances from the
28 intersection of the easterly side of Broad Street (at 300 feet
29 wide) with the southwesterly side of Pattison Avenue (at 120
30 feet wide):

- 1 1. Southwesterly along the easterly side of Broad Street,
2 2,527.57 feet to a point;
- 3 2. Southeasterly at right angles to said Broad Street, 37
4 feet to a drill hole set, a corner for the said lands
5 now or formerly of Consolidated Rail Corporation;
6 (courses 3 through 8 along the southerly side of lands
7 now or formerly of Consolidated Rail Corporation);
- 8 3. South 75 degrees 30 minutes 00 seconds East, 3.00 feet
9 to a drill hole set;
- 10 4. South 76 degrees 31 minutes 21 seconds East 229.54 feet
11 to an iron pin set;
- 12 5. South 68 degrees 33 minutes 21 seconds East, 284.65 feet
13 to an iron pin set;
- 14 6. South 63 degrees 50 minutes 26 seconds East, 341 feet to
15 an iron pin set;
- 16 7. Southeasterly by a curve to the left having a radius of
17 2,287.44 feet, and an arc length of 730.03 feet to an
18 iron pin set, said point being distant by a chord of
19 South 72 degrees 59 minutes 00 seconds East 726.93 feet
20 from the last described point;
- 21 8. South 82 degrees 07 minutes 34 seconds East 1,741.91
22 feet to a point; and
- 23 9. South 76 degrees 03 minutes 40 seconds East, 6093.91
24 feet to the said point of Beginning;

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

- 27 1. South 76 degrees 3 minutes 40 seconds East, 50 feet to
28 the point and place of Beginning;
- 29 2. South 40 degrees 23 minutes 05 seconds West, 1,627.95
30 feet along the Bulkhead line of the Delaware River;

1 3. South 58 degrees 07 minutes 17 seconds West, 1,737.34
2 feet along the Bulkhead line of the Delaware River;
3 4. South 78 degrees 26 minutes 04 seconds West, 1,099.52
4 feet along the Bulkhead line of the Delaware River;
5 5. South 78 degrees 27 minutes 42 seconds West, 2,645
6 feet along the Bulkhead line of the Delaware River;
7 6. North 86 degrees 01 minutes 55 seconds West, 300 feet
8 along the Bulkhead line of the Delaware River;
9 7. North 10 degrees 18 minutes 40 seconds West, 960 feet
10 to the Bulkhead Line of the Delaware River;
11 8. North 72 degrees 11 minutes 20 seconds East, 1,650 feet;
12 9. North 12 degrees 11 minutes 20 seconds East, 150 feet,
13 10. North 48 degrees 41 minutes 20 seconds East, 1,005 feet;
14 11. North 81 degrees 33 minutes 40 seconds West, 1,580 feet;
15 12. North 76 degrees 33 minutes 40 seconds West, 1,040 feet;
16 13. North 72 degrees 33 minutes 40 seconds West, 2,375 feet;
17 14. North 89 degrees 18 minutes 40 seconds West, 500 feet;
18 15. North 83 degrees 48 minutes 40 seconds West, 475 feet;
19 16. North 13 degrees 11 minutes 20 seconds East, 550 feet;
20 17. North 87 degrees 41 minutes 20 seconds East, 420 feet
21 18. South 65 degrees 18 minutes 40 seconds East, 2,170 feet;
22 19. South 66 degrees 48 minutes 40 seconds East, 2,120 feet;
23 20. South 82 degrees 18 minutes 40 seconds East, 910 feet;
24 21. South 75 degrees 03 minutes 40 seconds East, 920 feet;
25 22. South 84 degrees 33 minutes 40 seconds East, 1,470 feet;
26 23. South 66 degrees 33 minutes 40 seconds East, 340 feet;
27 24. North 73 degrees 56 minutes 20 seconds East, 470 feet;
28 25. North 60 degrees 56 minutes 20 seconds East, 1,240 feet;
29 Containing 305 acres of land.

30 (c) Easements.--The conveyance shall be made under and

1 subject to all lawful and enforceable easements, servitudes and
2 rights of others, including but not confined to streets,
3 roadways and rights of any telephone, telegraph, water,
4 electric, gas or pipeline companies, as well as under and
5 subject to any lawful and enforceable estates or tenancies
6 vested in third persons appearing of record, for any portion of
7 the land or improvements erected thereon.

8 (d) Deed.--

9 (1) The deed of conveyance shall contain a clause that
10 the lands conveyed herein shall be used only for maritime
11 purposes by the grantee, or its successor in interest. Should
12 the grantee, or its successor in interest, allow the lands
13 conveyed to be used for any other purpose or attempt to
14 convey or transfer the lands, the title shall immediately
15 revert to and revest in the grantor. The term "maritime
16 purposes" shall mean activities directly related to the
17 handling of cargo for import or export or the transport of
18 passengers through the Port of Philadelphia but the term
19 shall not mean activities related to gambling or gaming.

20 (2) The deed of conveyance shall contain a clause that
21 if the Philadelphia Regional Port Authority or its successor
22 in interest cease to exist, the lands conveyed herein shall
23 immediately revert to and revest in the grantor, unless a
24 successor authority has been formed to continue the
25 Commonwealth's governance of regional port activities along
26 the Delaware River.

27 (e) Land use restriction.--All deeds or leases authorized or
28 referred to under this section shall be made under and subject
29 to the condition, which shall be contained in the deed or lease
30 documents, that no portion of the parcels shall be used as a

1 licensed facility as defined in 4 Pa.C.S. § 1103 (relating to
2 definitions) or any other similar type of facility authorized
3 under the laws of this Commonwealth. This condition shall be a
4 covenant running with the land and shall be binding upon the
5 deed or lease or sublessees and their respective successors and
6 assigns. Should any portion of any parcel authorized for
7 conveyance under this section be used in violation of this
8 subsection, the title shall immediately revert to and re-vest in
9 the grantor.

10 (f) Deed execution.--The deed of conveyance authorized by
11 this section shall be approved as provided by law and shall be
12 executed by the Secretary of General Services in the name of the
13 Commonwealth of Pennsylvania.

14 (g) Costs and fees.--Costs and fees incidental to this
15 conveyance shall be borne by the grantee.

16 Section 2 3. Effective date.

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17 This act shall take effect immediately.