

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 666 Session of 2009

INTRODUCED BY W. KELLER, M. O'BRIEN, BARBIN, CARROLL, CLYMER, CRUZ, DALLY, GEORGE, GRUCELA, HARKINS, HARRIS, JOSEPHS, KIRKLAND, KORTZ, KOTIK, KULA, MAHONEY, MARSHALL, MUSTIO, READSHAW, SABATINA, SIPTROTH, K. SMITH, SOLOBAY, J. TAYLOR, CREIGHTON AND YUDICHAK, MARCH 17, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 17, 2009

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 Authority for Industrial Development certain  
4 lands situate in the 39th Ward of the City of Philadelphia;  
5 and authorizing and directing the Department of General  
6 Services, with the approval of the Governor, to grant and  
7 convey to the Philadelphia Regional Port Authority certain  
8 submerged lands situate in the 39th Ward of the City of  
9 Philadelphia.

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

12 Section 1. Conveyance in 39th Ward, City of Philadelphia.

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

19 (b) Description.--The lands to be conveyed pursuant to  
20 subsection (a) consist of 52.78 acres more particularly

1 described as follows:

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

7 Beginning at a point measured the sixteen (16) following  
8 courses and distances from the intersection of the easterly  
9 side of Broad Street (at 300 feet wide) with the  
10 southwesterly side of Pattison Avenue (at 120 feet wide):  
11 1. Southwesterly along the easterly side of Broad Street,  
12 2,527.57 feet to a point;  
13 2. Southeasterly at right angles to said Broad Street, 37  
14 feet to a drill hole set, a corner for the said lands now  
15 or formerly of Consolidated Rail Corporation; (courses 3  
16 through 8 along the southerly side of lands now or  
17 formerly of Consolidated Rail Corporation);  
18 3. South 75 degrees 30 minutes 00 seconds East, 3.00 feet to  
19 a drill hole set;  
20 4. South 76 degrees 31 minutes 21 seconds East 229.54 feet  
21 to an iron pin set;  
22 5. South 68 degrees 33 minutes 21 seconds East, 284.65 feet  
23 to an iron pin set;  
24 6. South 63 degrees 50 minutes 26 seconds East, 341 feet to  
25 an iron pin set;  
26 7. Southeasterly by a curve to the left having a radius of  
27 2,287.44 feet, and an arc length of 730.03 feet to an  
28 iron pin set, said point being distant by a chord of  
29 South 72 degrees 59 minutes 00 seconds East, 726.93 feet  
30 from last described point;

1 8. South 82 degrees 07 minutes 34 seconds East 1,741.91  
2 feet;  
3 9. South 76 degrees 03 minutes 40 seconds East, 6093.91  
4 feet;  
5 10. South 60 degrees 56 minutes 20 seconds West, 1,240.00  
6 feet  
7 11. South 73 degrees 56 minutes 20 seconds West, 470.00  
8 feet;  
9 12. North 66 degrees 33 minutes 40 seconds West, 340.00  
10 feet;  
11 13. North 84 degrees 33 minutes 40 seconds West, 1,470.00  
12 feet;  
13 14. North 75 degrees 03 minutes 40 seconds West, 920.00  
14 feet;  
15 15. North 82 degrees 18 minutes 40 seconds West, 910.00  
16 feet;  
17 16. North 66 degrees 48 minutes 40 seconds West, 414.28 feet  
18 to the place of beginning.  
19 Thence from the said point of Beginning, the nine (9)  
20 following described courses and distances;  
21 1. South 00 degrees 00 minutes 00 seconds West 618.53 feet;  
22 2. North 67 degrees 26 minutes 48 seconds West, 1,040.00  
23 feet;  
24 3. North 62 degrees 56 minutes 04 seconds West, 2,375.00  
25 feet;  
26 4. North 78 degrees 41 minutes 48 seconds West, 500.00 feet;  
27 5. North 82 degrees 35 minutes 18 seconds West, 475.00 feet;  
28 6. North 13 degrees 11 minutes 20 seconds East, 550.00 feet;  
29 7. North 87 degrees 40 minutes 20 seconds East, 386.51 feet;  
30 8. South 65 degrees 18 minutes 40 seconds East, 2,154.00

1 feet;

2 9. South 66 degrees 48 minutes 40 seconds East, 1705.72 feet  
3 to the point of beginning.

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

12 (d) Deed.--The deed of conveyance shall contain a clause  
13 requiring that promptly after receipt of the deed of conveyance  
14 the Philadelphia Authority for Industrial Development shall  
15 convey for the consideration of one dollar portions of, or  
16 rights in, the lands conveyed herein to any entity claiming an  
17 interest therein, including but not confined to fee ownership,  
18 easements, rights of way or other estates or tenancies,  
19 resulting from a prior grant or conveyance by the Philadelphia  
20 Authority for Industrial Development to such entity based upon  
21 any conveyance from the United States to the Philadelphia  
22 Authority for Industrial Development.

23 (e) Deed execution.--The deed of conveyance authorized by  
24 this section shall be approved as provided by law and shall be  
25 executed by the Secretary of General Services in the name of the  
26 Commonwealth of Pennsylvania.

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

29 Section 2. Submerged land in the City of Philadelphia.

30 (a) Authorization.--The Department of General Services, with

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

6 (b) Description.--The lands to be conveyed under subsection  
7 (a) consist of 196.10 acres more particularly described as  
8 follows:

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

14 Beginning at a point near the Bulkhead Line of the  
15 Delaware River, as established by the Secretary of War,  
16 September 10, 1940, a common corner for lands now or formerly  
17 of Consolidated Rail Corporation, and Parcel 9, the said  
18 point being measured the nine (9) following courses and  
19 distances from the intersection of the easterly side of Broad  
20 Street (at 300 feet wide) with the southwesterly side of  
21 Pattison Avenue (at 120 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 now  
26 or formerly of Consolidated Rail Corporation; (courses 3  
27 through 8 along the southerly side of lands now or  
28 formerly of Consolidated Rail Corporation);
- 29 3. South 75 degrees 30 minutes 00 seconds East, 3.00 feet to  
30 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 last described point;  
12 8. South 82 degrees 07 minutes 34 seconds East 1,741.91 feet  
13 to a point; and  
14 9. South 76 degrees 03 minutes 40 seconds East, 6093.91 feet  
15 to the said point of Beginning;  
16 Thence from the said point of Beginning, the nineteen  
17 (19) following described courses and distances;  
18 1. South 76 degrees 03 minutes 40 seconds East, 50.00 feet;  
19 2. South 40 degrees 23 minutes 05 seconds West, 1,627.95  
20 feet;  
21 3. South 58 degrees 07 minutes 17 seconds West, 1,737.34  
22 feet;  
23 4. South 78 degrees 26 minutes 04 seconds West, 1,099.52  
24 feet;  
25 5. South 78 degrees 27 minutes 42 seconds West, 2,645.60  
26 feet;  
27 6. North 86 degrees 01 minutes 55 seconds West, 340.00 feet;  
28 7. North 00 degrees 56 minutes 51 seconds West, 960.00 feet;  
29 8. North 82 degrees 02 minutes 26 seconds East, 1,650.00  
30 feet;

1       9.   North 12 degrees 11 minutes 20 seconds East, 150.00 feet;  
2       10.   North 58 degrees 52 minutes 22 seconds East, 1,005.00  
3           feet;  
4       11.   North 72 degrees 03 minutes 16 seconds West, 1,580.00  
5           feet;  
6       12.   North 00 degrees 00 minutes 00 seconds East 618.53 feet;  
7       13.   South 66 degrees 48 minutes 40 seconds East, 414.28  
8           feet;  
9       14.   South 82 degrees 18 minutes 40 seconds East, 910.00  
10           feet;  
11       15.   South 75 degrees 03 minutes 40 seconds East, 920.00  
12           feet;  
13       16.   South 84 degrees 33 minutes 40 seconds East, 1,470.00  
14           feet;  
15       17.   South 66 degrees 33 minutes 40 seconds East, 340.00  
16           feet;  
17       18.   North 73 degrees 56 minutes 20 seconds East, 470.00  
18           feet;  
19       19.   North 60 degrees 56 minutes 20 seconds East, 1,240.00  
20           feet; to the point of beginning.

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 with an  
3 exception allowing the Philadelphia Regional Port Authority  
4 to lease, license or grant easements to the Philadelphia  
5 Authority for Industrial Development to allow the  
6 Philadelphia Authority for Industrial Development or its  
7 agents to fulfill obligations that it may have made in  
8 reliance on any conveyance from the United States to the  
9 Philadelphia Authority for Industrial Development. Should the  
10 grantee, or its successor in interest, allow the lands  
11 conveyed to be used for any other purpose or attempt to  
12 convey or transfer the lands, the title shall immediately  
13 revert to and revest in the grantor. The term "maritime  
14 purposes" shall mean activities directly related to the  
15 handling of cargo for import or export or the transport of  
16 passengers through the Port of Philadelphia but the term  
17 shall not mean activities related to gambling or gaming.

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

25 (e) Land use restriction.--All deeds or leases authorized or  
26 referred to under this section shall be made under and subject  
27 to the condition, which shall be contained in the deed or lease  
28 documents, that no portion of the parcels shall be used as a  
29 licensed facility as defined in 4 Pa.C.S. § 1103 (relating to  
30 definitions) or any other similar type of facility authorized



1 under the laws of this Commonwealth. This condition shall be a  
2 covenant running with the land and shall be binding upon the  
3 deed or lease or sublessees and their respective successors and  
4 assigns. Should any portion of any parcel authorized for  
5 conveyance under this section be used in violation of this  
6 subsection, the title shall immediately revert to and revest in  
7 the grantor.

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

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

14 Section 3. Effective date.

15 This act shall take effect immediately.