

City of Philadelphia



(Bill No. 070794)

AN ORDINANCE

Authorizing the Commissioner of Public Property, on behalf of the City, to enter into a lease agreement between the City and the Philadelphia Authority for Industrial Development (“PAID”) providing for the leasing to PAID of a certain City owned building located at 2529-33 West Lehigh Avenue for further sublease to the Philadelphia Public Access Corporation, a nonprofit corporation to be incorporated by the City, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Commissioner of Public Property, on behalf of the City of Philadelphia, is hereby authorized to enter into a lease agreement (the “Lease”) between the City and the Philadelphia Authority for Industrial Development (“PAID”) providing for the leasing to PAID of a certain City owned building on the north side of West Lehigh Avenue located at 2529-33 West Lehigh Avenue, for further sublease to the Philadelphia Public Access Corporation, a nonprofit corporation to be incorporated by the City under Pennsylvania law. The terms of the Lease shall be substantially in accordance with the Term Sheet attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The City Solicitor is hereby authorized to prepare and approve all instruments and documents necessary to effectuate this Ordinance, containing such terms and conditions as the City Solicitor shall deem necessary and proper to protect the interests of the City and to carry out the purpose of this Ordinance.

City of Philadelphia

BILL NO. 070794 continued

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EXHIBIT A

TERM SHEET

Building: The City-owned building formerly occupied by the Widener Branch of the Free Library of Philadelphia, located at 2529-33 West Lehigh Ave, Philadelphia, PA, 19132.

Tenant: The Philadelphia Authority for Industrial Development

Subtenant: The Philadelphia Public Access Corporation, to be incorporated by the City as a Pennsylvania nonprofit corporation prior to the execution and effective date of the lease.

Subtenant Uses: Construction and operation of a public access television production and cablecast facility and related office space.

**Building Size
And Description:** The building has one story with a mezzanine plus a basement and contains a gross area of approximately 7,000 square feet.

**Subtenant Space
Requirement:** The subtenant will sublease and occupy the entire building, with the exception of a small area of the building, as determined by the City, that the City will have the right to use to provide services to area residents.

**Term and
Renewals:** The Base Term will not exceed 8 years, with one or more renewal terms, in the discretion of the City, not to exceed 15 years each.

**Subtenant
Occupancy Date:** Anticipated occupancy in January, 2008.

Rent: \$1 per year.

**Subtenant
Improvements
and Maintenance:** Subject to "City Repairs and Maintenance" below, the subtenant will: (i) accept the building in "as is" condition; (ii) be responsible for all building repairs and improvements, including, but not limited to, heating and air conditioning systems, security and fire alarm systems, and all improvements necessary to construct and

City of Philadelphia

BILL NO. 070794 continued

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operate a public access television production and cablecast facility and related office space in the building; (iii) be responsible for building maintenance. The subtenant will be required to pay for building improvements, repairs, and maintenance from monetary support provided to the subtenant by the City's cable franchisees pursuant to their franchise agreements or from funds provided by members of the Public Access Corporation or other supporters of Public Access television.

City Repairs
and Maintenance:

The City will remove interior sculptures, restore interior surfaces at the points where sculptures were anchored, deliver the building in pre-construction condition, and maintain the exterior of the building (inclusive of the roof) after it has been restored by the subtenant.

Utilities, Taxes,
Insurance:

The City will pay the monthly costs of natural gas, electricity, and water for the building for the first 5 years of the lease term, after which the subtenant will be responsible for such costs. The subtenant will be responsible for the cost of all other utilities, for paying all taxes, and for obtaining and paying for all required insurance.

Termination
And Reversion:

The City will have the right to terminate the lease and occupy the building, with appropriate notice (i) if for any reason (including, but not limited to, change in applicable law), the aggregate amount of the monetary and in-kind support for public access television provided by the cable franchisees of the City comes to be less than the total amount of such support provided in the cable franchise agreements between the City and its cable franchisees, as amended, that are in effect on the commencement date of the lease, and the City determines that available funds and in-kind support are insufficient to sustain the use of the building for Public Access; (ii) the subtenant uses the building for other than the subtenant uses provided above without the City's prior approval; (iii) the subtenant does not complete the subtenant improvements in accordance with the lease; (iv) the subtenant for any reason ceases to exist as a nonprofit corporate entity under Pennsylvania law; (v) the subtenant becomes incapable, as determined by City in its discretion, of operating and managing public access cable television and/or the production and cablecast facility to be constructed in the building; or (vi) the subtenant is in material

City of Philadelphia

BILL NO. 070794 continued

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breach of other terms of the lease. In the event the lease is terminated, the City shall have the right to lease the building, with all improvements, to an entity designated by the City to operate a public access television facility.

Miscellaneous: The subtenant may not, without City approval: remove or alter any architectural elements of the building, alter or install signs or banners on the facade of the building, or sub-lease all or any part of the building.

City of Philadelphia

BILL NO. 070794 continued

Certified Copy

City of Philadelphia

BILL NO. 070794 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 25, 2007. The Bill was Signed by the Mayor on November 9, 2007.



Patricia Rafferty
Chief Clerk of the City Council