

City of Philadelphia



(Bill No. 010334)

AN ORDINANCE

Authorizing the Commissioner of Public Property and the Director of Commerce, on behalf of The City of Philadelphia (the "City"), to enter into a Ground Lease Agreement (the "Phillies Ground Lease") with the Philadelphia Authority for Industrial Development ("PAID") providing for the leasing by the City to PAID of certain parcels of land owned by the City, and further providing for the subleasing of said lands from PAID to The Phillies, a Pennsylvania limited partnership or its successor as holder of the Major League Baseball franchise for the City or a controlled affiliate thereof (the "Phillies"); authorizing the Director of Finance and other officials of the City to take all actions necessary to accomplish the intent and purpose of this Ordinance and the Phillies Ground Lease; and authorizing approval of all of the terms of the aforementioned Phillies Ground Lease and other documents and amendments related thereto by the Director of Finance and the City Solicitor.

WHEREAS, The City of Philadelphia ("City") has determined that the health, safety, and general welfare and economic development, stability and prosperity of the people of the City and the Commonwealth of Pennsylvania (the "Commonwealth") are directly dependent upon the continued encouragement, promotion, attraction, development, stimulation, growth and expansion of business, commerce and tourism within the boundaries of the City; and

WHEREAS, the City has determined that the attraction and retention of major league professional sports franchises encourages, fosters and stimulates the greater health, safety and general welfare, and the economic development and prosperity of the people of the City and the Commonwealth, keeps the City and the Commonwealth competitive and viable in the attraction, retention and further growth of the City's tourism, convention and other businesses, provides recreational, educational, cultural, entertainment and other opportunities for the people of the City and the Commonwealth, and generally serves as a valuable asset to the City, the Commonwealth and their respective citizens, merchants, business interests and sports fans; and

WHEREAS, the City has determined that the interests of the public will best be served by securing the agreement of The Phillies, a Pennsylvania limited partnership or its successor as holder of the Major League Baseball franchise for the City or a controlled affiliate (the "Phillies") to continue to play its home professional baseball games in a new baseball park to be located in the City in an expanded and redeveloped sports complex in and adjacent to the existing sports complex on Pattison avenue east of Broad street (the "Sports Complex"); and

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WHEREAS, the development of a new baseball park and related improvements, infrastructure, accessory uses and amenities is appropriate in the City, which, because of its size, is capable of retaining and supporting major professional sports teams such as the Phillies, as well as attracting and promoting other sports, musical, recreational and cultural events, and attracting business and tourism to the City as a result of such development of the Phillies ballpark project, and will be an important and integral factor in the continued encouragement, promotion, attraction, stimulation, development, growth and expansion of business, commerce and tourism in the City for the benefit, health and welfare of the people of the City and the Commonwealth; and

WHEREAS, the development of the Phillies ballpark project on public property in the City will provide significant benefits to the general public and will require the investment and expenditure of substantial private funds; including funds to be provided by the Phillies; and

WHEREAS, the Commonwealth of Pennsylvania General Assembly (the "General Assembly") has by statute further determined that assisting municipalities and local authorities in the financing of the construction of stadiums to be leased to professional sports organizations under certain terms and conditions is an appropriate public purpose; and

WHEREAS, the City has, pursuant to Bill 000722-A, approved certain leases providing for the development, financing, construction and operation of a new, modern, high-quality baseball park within the City; and

WHEREAS, in cooperation with the City, Philadelphia Authority for Industrial Development ("PAID") has undertaken as a project the design, development, construction, financing and operation of such a ballpark; and

WHEREAS, pursuant to and as authorized by Bill 000722-A, PAID and the Phillies will enter into a sublease and development agreement for the Phillies ballpark project ("Phillies Sublease and Development Agreement") containing substantially the terms and conditions approved pursuant to Bill 000722-A; and

WHEREAS, PAID has agreed to undertake the foregoing projects as a public facility pursuant to its statutory powers; now, therefore,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Commissioner of Public Property and the Director of Commerce, on behalf of the City, are hereby authorized to enter into a Ground Lease Agreement (the "Phillies Ground Lease") with PAID substantially in the form of Exhibit "A" attached hereto and hereby made a part hereof, providing for the leasing by the City to PAID of the Phillies Broad & Pattison Land (defined below). The term "Phillies Broad & Pattison

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Land" shall mean certain parcels of land as further described in Exhibit "B" attached hereto and hereby made a part hereof. The Director of Finance is hereby authorized to consent to the subleasing of the Phillies Broad & Pattison Land to the Phillies under and pursuant to that certain Sublease and Development Agreement by and between PAID and the Phillies authorized and approved under Bill 000722-A.

SECTION 2. The Director of Finance and all other proper officials of the City are hereby authorized to execute all documents and to take all actions, including the execution of the Phillies Ground Lease, as may be necessary, in order to accomplish the intent and purpose of this Ordinance and of the Phillies Ground Lease and are further authorized to amend the Phillies Ground Lease and any other documents in any manner consistent with the terms of this Ordinance. The City Solicitor is hereby authorized to include in the Phillies Ground Lease such other terms and provisions as he shall deem necessary or appropriate in connection with the development, redevelopment, construction or operation of parking lots or other improvements related to a new ballpark on the premises leased pursuant to City Council Bill 000722-A, and to make any other changes consistent with the terms of this Ordinance.

SECTION 3. The City Solicitor shall file copies of the executed Phillies Ground Lease and all amendments thereto with the Clerk of City Council.

SECTION 4. The Clerk of City Council shall keep on file for public inspection all Exhibits referred to in this Ordinance.

This Ordinance shall take effect immediately.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 7, 2001. The Bill was Signed by the Mayor on August 2, 2001.



Marie B. Hauser
Chief Clerk of the City Council