



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

RESOLUTION NO. 041052

Introduced December 2, 2004

Councilmembers Krajewski and Kenney

**Referred to the
Committee on Law and Government**

RESOLUTION

Proposing an amendment to the Philadelphia Home Rule Charter relating to rights over or in real estate by providing that Council may direct the City to replace any City-owned building closed because of condemnation by a government entity.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. § 13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment to the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

ARTICLE VIII PROVISIONS OF GENERAL APPLICATION

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CHAPTER 2 CONTRACTS, PROCUREMENT, PROPERTY AND RECORDS

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§ 8-205. Sale of Real Estate, [and] Grants of Rights of Way or Other Rights over or in Real Estate[.], *and Condemnation of City-Owned Buildings.*

City of Philadelphia

RESOLUTION NO. 041052 continued

(1) A department, board or commission shall not sell or exchange any real estate belonging to the City or grant any license, easement, right of way, or other interest over or in such real estate without specific authority from the Council so to do. In deeds of land made by the City, appropriate restrictions may be imposed, including a restriction requiring that the design and location of structures to be altered or erected thereon be first approved by the Art Commission.

(2) Whenever any City-owned building is closed by reason of condemnation, under the eminent domain powers of a government entity, Council may, by ordinance, direct the City to replace it with a similar building having the same use, within a reasonable time and within reasonable proximity to the condemned building. Such replacement shall be made in accordance with the provisions of this charter on the acquisition of grounds and buildings. Such ordinance shall be binding.

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Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.