

City of Philadelphia



(Bill No. 040556)

AN ORDINANCE

Authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to purchase from the School District of Philadelphia a certain parcel of land located on the grounds of the Mayfair Elementary School, 3001 Princeton Avenue, and to lease that parcel to the Mayfair Community Development Corporation, 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 (“City”), is hereby authorized to purchase for nominal consideration from the School District of Philadelphia (“School District”) fee simple determinable title to a certain parcel of land and improvements thereon situated on the grounds of the Mayfair Elementary School, 3001 Princeton Avenue, and more particularly described in Exhibit “A” (the “Property”), under and subject to the conditions and restrictions set forth in Exhibit “B” or such other conditions and restrictions as may be agreed to by the City and School District (“School District Conditions”).

SECTION 2. The Commissioner of Public Property, on behalf of the City of Philadelphia, is hereby authorized to lease the Property for nominal consideration to the Mayfair Community Development Corporation (the “Mayfair CDC”), for a term of twenty-five years, subject to the School District Conditions, for the purpose of constructing and operating a community center on the Property. The lease may provide that the City will pay the reasonable costs of utilities for the community center and that the Mayfair CDC will maintain and repair the Property and any improvements thereon, and will hold the City harmless from any liability relating to the construction or operation of any such facility and any use of and activities on the Property, and will carry such insurance as is acceptable to the City Solicitor.

SECTION 3. The City Solicitor is hereby authorized to review and to approve the lease and all other instruments and documents necessary to effectuate this Ordinance, which instruments and documents shall contain such terms and conditions as the City Solicitor shall deem necessary and proper to protect the interests of the City.

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EXHIBIT "A" LEGAL DESCRIPTION

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements thereon erected, situated in the 64th Ward of the City of Philadelphia and described according to a Survey and Plan of Property (FF-668) made by Robert C. Goodman, Assistant Surveyor and Regulator of the Fifth Survey District, dated February 5, 2004.

BEGINNING at the point on the southwesterly side of St. Vincent Street (60' wide, legally open) at the distance of 481.250' northwestwardly from the northeasterly side of Hawthorne Street (70' wide, legally open); **THENCE** extending S.37°41'53"W., the distance of 378.500' to a point; **THENCE** extending N.52°18'07"W., the distance of 73.750' to a point; **THENCE** extending N.37°41'53"W., the distance of 378.500' to a point on the said southwesterly side of St. Vincent Street; **THENCE** extending along the said southwesterly side of St. Vincent Street S.52°18'07"W., the distance of 73.750' to the first mentioned point and place of beginning.

AREA of PARCEL: 27,914 Square Feet or 0.64082 Acres.

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EXHIBIT "B" **RESTRICTIONS ON PURCHASE OF THE PROPERTY**

1. Title to the ground shall vest in the City only so long as the ground and ingress and egress thereto and any improvements constructed thereon by the City and any subsequent buyer or Lessee are used for public purposes consistent with the public recreational use of the adjoining playground;

2. Whenever said site ceases to be used for public recreational purposes for longer than six consecutive months, or any cumulative six months within any twenty-four month period, the conveyance shall become null and void, and title to said ground and any improvements constructed thereon, by the City or any subsequent Lessee, Successor-In-Interest, or Third-Party, shall absolutely revert without any necessity for suit or reentry to the School District of Philadelphia, its successors or assigns, discharged of any lien, judgment, right, title or interest of the City of Philadelphia, any Lessee or any Third Party;

3. Any Lessee, Third-Party, or Successor-In-Interest receives written authorization from the City of Philadelphia to release the said property from any existing leases which the School District may have with the City of Philadelphia;

4. The City of Philadelphia, any Lessee, Third-Party, or Successor-In-Interest shall be obligated to maintain said property at its sole cost and expense subsequent to conveyance until such time, if any, as title to the ground and any improvements constructed thereon revert to the School District of Philadelphia as provided for herein; and

5. Title to the ground shall be or has been conveyed UNDER AND SUBJECT to the ongoing and perpetual right, as permitted by law, of the Mayfair School to use the site and any improvements constructed thereon at no cost during hours when the Mayfair School is open for any purpose, as aforesaid.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 21, 2004. The Bill was Signed by the Mayor on July 1, 2004.



Patricia Rafferty
Chief Clerk of the City Council