

# City of Philadelphia



(Bill No. 060012)

## AN ORDINANCE

Authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to acquire fee simple title to, and all other real property interests in, approximately 2.75 acres of real estate known as 3000 and 3030 E. Castor Avenue, under certain terms and conditions.

**WHEREAS**, the Philadelphia Facilities Management Corporation (“PFMC”) and the Philadelphia Gas Works (“PGW”) desire that the City of Philadelphia acquire, for PGW’s use and on its behalf, certain property located at 3000 and 3030 E. Castor Avenue (the “Property”) which is located on the south side of Castor Avenue, adjacent to PGW’s Port Richmond facility and within the “natural footprint” of PGW’s Port Richmond plant; and

**WHEREAS**, the Property was used as a copper smelting facility from 1935 to 1997; and

**WHEREAS**, the Property, together with certain adjacent parcels, was the subject of a U.S. Environmental Protection Agency (“EPA”) remediation, under which the EPA performed a short-term cleanup on the Property, and removed and shipped off-site for treatment and/or disposal approximately 25,000 tons of contaminated soil and debris from the Property; and

**WHEREAS**, as part of the acquisition of the Property, the EPA will provide an assignment of the EPA Prospective Purchaser Agreement relating to 3000 E. Castor Avenue and a comfort letter with respect to 3030 E. Castor Avenue, pursuant to which the City and PGW will be protected from EPA claims relating to existing environmental contamination at the Property; and

**WHEREAS**, ownership of the Property by the City, on behalf of PGW, will enhance security at the PGW Port Richmond Plant; and

**WHEREAS**, Section VIII(3) of the Agreement dated December 29, 1972 between the City of Philadelphia and Philadelphia Facilities Management Corporation, in its capacity as operator and manager of the City-owned Philadelphia Gas Works (Bill No. 455, as amended), requires all acquisitions, sales and leases of real estate proposed by or for PGW to be submitted to the Philadelphia Gas Commission for its action and approval, and to City Council for its approval by ordinance; and

**WHEREAS**, The Philadelphia Gas Commission at a meeting duly held on December 13, 2005, recommended City Council approval of an amendment to PGW’s Fiscal Year 2006 Capital Budget to provide the necessary spending authority for

# City of Philadelphia

BILL NO. 060012 continued

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acquisition of the Property, approved the acquisition of the Property and recommended approval of the acquisition by City Council, subject to certain terms and conditions as set forth in the Resolution And Order dated December 22, 2005; now therefore

*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 acquire fee simple title to, and all other real property interests in, approximately 2.75 acres of property known as 3000 and 3030 E. Castor Avenue, provided that, as a condition of such authorization, the City shall obtain from the U.S. Environmental Protection Agency (“EPA”): (a) an assignment of the EPA Prospective Purchaser Agreement relating to 3000 E. Castor Avenue and (b) a comfort letter with respect to 3030 E. Castor Avenue.

SECTION 2. The City Solicitor is hereby authorized to review and to approve all 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 of Philadelphia and to carry out the purposes of this Ordinance.

# City of Philadelphia

BILL NO. 060012 continued

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# City of Philadelphia

BILL NO. 060012 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on April 20, 2006. The Bill was Signed by the Mayor on May 4, 2006.



Patricia Rafferty  
Chief Clerk of the City Council