



City of Philadelphia

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

**BILL NO. 070462
(As Amended, 6/5/07)**

Introduced May 24, 2007

Councilmember Clarke

**Referred to the
Joint Committees on Public Property & Public Works and Parks, Recreation
& Cultural Affairs**

AN ORDINANCE

Authorizing the President of the Fairmount Park Commission, the Executive Director of Fairmount Park, and the Commissioner of Public Property, on behalf of the City of Philadelphia, to enter into a Master Ground Lease with the Philadelphia Authority for Industrial Development ("PAID") providing for the leasing by the City to PAID of certain land and the improvements owned by the City, and under which PAID will be required to enter into a Ground Sublease between PAID and The Barnes Foundation, pursuant to which PAID will sublease the land and improvements to the Foundation for the development, construction and operation of an art education facility; authorizing City officials to take all actions necessary to accomplish the intent and purpose of this Ordinance; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA ORDAINS:

SECTION 1. The Council of the City of Philadelphia finds the following:

A. The educational mission of The Barnes Foundation ("Foundation") and its art galleries and collection of art works assembled by Dr. Albert C. Barnes are internationally famous for their promotion of art appreciation and arboriculture, and for their unique qualities;

B. The City of Philadelphia ("City") and citizens of the City will enjoy exceptional cultural and economical benefits by providing a site on which the Foundation can develop, construct and operate an art education facility, including art galleries to display those works of art assembled by Dr. Albert C. Barnes that are currently on display in the public galleries of the Lower Merion art education facility of the Foundation ("Barnes Collection"); and

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C. Location of the Foundation's art education facility, including art galleries, and the Barnes Collection, in the City will greatly enhance the City's cultural resources, promote the City's international renown for its art education opportunities, and attract visitors to the City from around the nation and the world.

SECTION 2. The President of the Fairmount Park Commission, the Executive Director of Fairmount Park, and the Commissioner of Public Property, on behalf of the City, are authorized to enter into a Master Ground Lease ("Master Lease") with the Philadelphia Authority for Industrial Development ("PAID"), which provides for the leasing by the City to PAID of land and improvements owned by the City ("Premises"), and under which PAID is authorized and directed to enter into a ground sublease ("Sublease") with the Foundation. The Premises are more particularly described in the Sublease.

SECTION 3. The Master Lease must be substantially in the form set forth in Exhibit A to this Ordinance. The Sublease must be substantially in the form set forth in Attachment 1 to the Master Lease. The City Solicitor is authorized to include in the Master Lease, and to cause PAID to include in the Sublease, other provisions the City Solicitor deems necessary or appropriate to protect the interests of the City and to make any other changes consistent with this Ordinance.

SECTION 4. The Chief Clerk of City Council shall keep on file and make available to the public for inspection during regular office hours the exhibit referred to in this Ordinance.

SECTION 5. The President of the Fairmount Park Commission, the Executive Director of Fairmount Park, the Commissioner of Public Property, the City Solicitor, and all other officials of the City, are authorized to execute all documents, including the Lease Recognition Agreement which is Exhibit H to the Sublease, and to take all actions in order to accomplish the intent and purpose of this Ordinance.