

City of Philadelphia



(Bill No. 030742)

AN ORDINANCE

Authorizing the Commissioners of Fairmount Park and the Commissioner of Public Property, on behalf of the City of Philadelphia, to transfer two certain lots or pieces of ground situate in the vicinity of McNulty and Townsend Roads to the Philadelphia Authority for Industrial Development (PAID) in exchange for two certain lots or pieces of ground of equal or greater value owned by PAID situate in the vicinity of McNulty and Townsend Roads, in the Sixty-sixth Ward of the City of Philadelphia, under certain terms and conditions.

WHEREAS, The City of Philadelphia ("City") is the owner of two certain parcels of land situate in the vicinity of McNulty and Townsend roads (the "City Parcels"); and

WHEREAS, The City Parcels are part of a larger property owned by the City and are under the jurisdiction of the Fairmount Park Commission; and

WHEREAS, The Philadelphia Authority for Industrial Development (PAID) is the owner of two certain parcels of industrial land situate in the vicinity of McNulty and Townsend roads, adjacent to the City Parcels; and

WHEREAS, PAID desires to acquire the City Parcels for the expansion and further industrial development of its property; and

WHEREAS, PAID is willing to convey to the City properties of equal or greater value situate on the southwest side of McNulty road (PAID Parcels) in exchange for the City Parcels; and

WHEREAS, The acquisition by the City and Fairmount Park of the PAID Parcels would result in a net increase in the acreage of Fairmount Park and would greatly improve public access to the Park; and

WHEREAS, The Commissioners of Fairmount Park, at their meeting of April 9, 2003, approved this exchange of properties between the City and PAID; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Commissioners of Fairmount Park and the Commissioner of Public Property, on behalf of the City of Philadelphia, are hereby authorized to exchange the plots of land owned by the City and described in Exhibits "A" and "B," attached hereto and made a part hereof and containing approximately one and twenty-five

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thousand eight hundred thirty-three hundredth-thousandths acres, for the plots of land owned by the Philadelphia Authority for Industrial Development (PAID) and described in Exhibit "C" and "D," attached hereto and made a part hereof, and containing approximately three and twenty-eight thousand five hundred five hundredth-thousandths acres.

SECTION 2. Title to both properties to be exchanged shall be good and marketable, free and clear except for existing utility easements of record, and such as will be insured by any responsible title insurance company in the City of Philadelphia.

SECTION 3. All charges, commissions, taxes, and fees assessed or charged in connection with the exchange of said properties including, but not limited to, title insurance and charges and realty transfer taxes shall be borne solely by PAID.

SECTION 4. 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 interest of the City and to carry out the purposes of the Philadelphia Industrial and Commercial Development Agreement and this Ordinance.

SECTION 5. The Chief Clerk of City Council shall keep on file and make available for inspection by the public all exhibits incorporated in this Ordinance.

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EXHIBIT "A"

ALL THAT CERTAIN interior lot or piece of ground situate in the Sixty-sixth Ward of the City of Philadelphia and described in accordance with a Plan of Property (V44-871) made by John B. Halicks, Assistant Surveyor and Regulator of the fourth Survey District, dated May 5, 2003 as follows, to wit:

BEGINNING at an interior point, which interior point is located by the following five (5) courses and distances, from a point of tangency, said point of tangency being the southeasterly end of a curve connecting the southwesterly side of McNulty road (sixty feet wide) with the southeasterly side of Townsend road (seventy feet wide) having the radius of twenty-five feet and the arc distance of thirty-nine and two hundred seventy one-thousandths feet: 1) south forty-five degrees fifty-six minutes thirty seconds east, along the southwesterly side of the said McNulty road, the distance of one hundred eighteen and one hundred seventy-three one-thousandths feet to a point of curvature; 2) southeastwardly and northeastwardly, along the southwesterly and southeasterly sides of the said McNulty road, on the arc of a circle curving to the left, having the radius of three hundred feet and the arc distance of three hundred six feet to a point of tangency; 3) north seventy-five degrees thirty-seven minutes zero seconds east, along the southeasterly side of the said McNulty road also partly crossing the head of a certain sixty foot wide drainage Right-of-Way, the distance of four hundred forty-eight and two hundred thirty-two one-thousandths feet to the point; 4) south fourteen degrees twenty-three minutes zero seconds east, the distance of three hundred eighty feet to a point; and 5) north seventy-five degrees thirty-seven minutes zero seconds east, the distance of one hundred eighty and twenty one-thousandths feet to the interior point of beginning; thence extending north seventy-five degrees thirty-seventy minutes zero seconds east, the distance of one hundred eighty-one and two hundred twenty one-thousandths feet to a point; thence extending south twenty degrees twenty-two minutes thirty-five seconds east, the distance of two hundred forty and three hundred ninety-eight one-thousandths feet to a point; thence extending south seventy-five degrees thirty-seven minutes zero seconds west, the distance of two hundred six and three hundred nineteen one-thousandths feet to a point; thence extending north fourteen degrees twenty-three minutes zero seconds west, the distance of two hundred thirty-nine and eighty-four one-thousandths feet to the first mentioned interior point and place of beginning.

BEING parcel "C" an existing Buffer Strip (reserved for Public Purposes) as shown on above-mentioned plan.

CONTAINING an area of forty-six thousand three hundred twenty-seven square feet or one and six thousand three hundred fifty-two one hundredth-thousandths acres.

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EXHIBIT "B"

ALL THAT CERTAIN interior lot or piece of ground situate in the Sixty-sixth Ward of the City of Philadelphia and described in accordance with a Plan of Property (V44-871) made by John B. Halicks, Assistant Surveyor and Regulator of the Fourth Survey District, dated May 5, 2003 as follows, to wit:

BEGINNING at an interior point, which interior point is located by the following four (4) courses and distances, from a point of tangency, said point of tangency being the southeasterly end of a curve connecting the southwesterly side of McNulty road (sixty feet wide) with the southeasterly side of Townsend road (seventy feet wide) having the radius of twenty-five feet and the arc distance of thirty-nine and two hundred seventy one-thousandths feet: 1) south forty-five degrees fifty-six minutes thirty seconds east, along the southwesterly side of the said McNulty road, the distance of one hundred eighteen and one hundred seventy-three one-thousandths feet to a point of curvature; 2) southeastwardly and northeastwardly, along the southwesterly and southeasterly sides of said McNulty road, on the arc of a circle curving to the left, having the radius of three hundred feet and the arc distance of three hundred six feet to a point of tangency; 3) north seventy-five degrees thirty-seven minutes zero seconds east, along the southeasterly side of the said McNulty road also partly crossing the head of a certain sixty foot wide drainage Right-of-Way, the distance of eight hundred fifty-seven and five hundred fifteen one-thousandths feet to the point; and 4) south fourteen degrees twenty-three minutes zero seconds east, along the southwesterly side of a Proposed Area for Public Purposes, the distance of three hundred eighty feet to the interior point of beginning; thence extending south fourteen degrees twenty-three minutes zero seconds east, the distance of two hundred thirty-nine and eighty-four one-thousandths feet to a point; thence extending south seventy-five degrees thirty-seven minutes zero seconds west, the distance of twenty-two and nine hundred forty-four one-thousandths feet to a point on the northeasterly side of an existing Buffer Strip (reserved for Public Purposes); thence extending north twenty degrees twenty-two minutes thirty-five seconds west, along the northeasterly side of the aforementioned Buffer Strip, the distance of two hundred forty and three hundred ninety-eight one-thousandths feet to a point; thence extending north seventy-five degrees thirty-seven minutes zero seconds east, the distance of forty-eight and forty-three one-thousandths feet to the first mentioned interior point and place of beginning.

BEING parcel "D" as shown on above mentioned plan.

CONTAINING an area of eight thousand four hundred eighty-six square feet or nineteen thousand four hundred eighty-one one hundredth-thousandths acre.

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EXHIBIT "C"

ALL THAT CERTAIN interior lot or piece of ground situate in the Sixty-sixth Ward of the City of Philadelphia and described in accordance with a Plan of Property (V44-871) made by John B. Halicks, Assistant Surveyor and Regulator of the Fourth Survey District, dated May 5, 2003 as follows, to wit:

BEGINNING at an interior point, which interior point is located by the following four (4) courses and distances, from a point of tangency, said point of tangency being the southeasterly end of a curve connecting the southwesterly side of McNulty road (sixty feet wide) with the southeasterly side of Townsend road (seventy feet wide) having the radius of twenty-five feet and the arc distance of thirty-nine and two hundred seventy one-thousandths feet: 1) south forty-five degrees fifty-six minutes thirty seconds east, along the southwesterly side of the said McNulty road, the distance of one hundred eighteen and one hundred seventy-three one-thousandths feet to a point of curvature; 2) southeastwardly and northeastwardly, along the southwesterly and southeasterly sides of the said McNulty road, on the arc of a circle curving to the left, having the radius of three hundred feet and the arc distance of three hundred six feet to a point of tangency; 3) north seventy-five degrees thirty-seven minutes zero seconds east, along the southeasterly side of the said McNulty road also partly crossing the head of a certain sixty foot wide drainage Right-of-Way, the distance of three hundred ninety-eight and two hundred thirty-two one-thousandths feet to a point; and 4) south fourteen degrees twenty-three minutes zero seconds east, partly along the northeasterly side of the aforementioned Right-of-Way, the distance of three hundred seventy-nine and four hundred twelve one-thousandths feet to the interior point of beginning; thence extending south fourteen degrees twenty-three minutes zero seconds east, the distance of two hundred thirty-nine and six hundred seventy-two one-thousandths feet to a point; thence extending north seventy-five degrees thirty-seven minutes zero seconds east, the distance of two hundred thirty and twenty one-thousandths feet to a point; thence extending south fifty-five degrees two minutes fifty-three seconds west, the distance of three hundred feet to a point; thence extending north thirty-eight degrees fifty-one minutes five seconds west, the distance of three hundred seventy-nine and one hundred eighteen one-thousandths feet to a point; thence extending north seventy-five degrees thirty-seven minutes zero seconds east, the distance of two hundred seven and eight hundred eighty-one one-thousandths feet to the first mentioned interior point and place of beginning.

BEING parcel "E," a Proposed Area for Public Purposes, as shown on the above mentioned plan.

CONTAINING an area of fifty-four thousand eighty-three square feet or one and twenty-four thousand one hundred fifty-eight one hundredth-thousandths acres.

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EXHIBIT "D"

ALL THAT CERTAIN lot or piece of ground situate in the Sixty-sixth Ward of the City of Philadelphia and described in accordance with a Plan of Property (V44-871) made by John B. Halicks, Assistant Surveyor and Regulator of the Fourth Survey District, dated May 5, 2003 as follows, to wit:

BEGINNING at a point on the southeasterly side of McNulty road (sixty feet wide), which point is located by the following three (3) courses and distances, along the southwesterly and southeasterly sides of the said McNulty road, from a point of tangency, said point of tangency being the southeasterly end of a curve connecting the southwesterly side of the said McNulty road with the southeasterly side of Townsend road (seventy feet wide) having the radius of twenty-five feet and the arc distance of thirty-nine and two hundred seventy one-thousandths feet: 1) south forty-five degrees fifty-six minutes thirty seconds east, the distance of one hundred eighteen and one hundred seventy-three one-thousandths feet to a point of curvature; 2) southeastwardly and northeastwardly, on the arc of a circle curving to the left, having the radius of three hundred feet and the arc distance of three hundred six feet to a point of tangency; and 3) north seventy-five degrees thirty-seven minutes zero seconds east, partly crossing the head of a certain sixty foot wide drainage Right-of-Way, the distance of eight hundred fifty-seven and five hundred fifteen one-thousandths feet to the point of beginning; thence extending north seventy-five degrees thirty-seven minutes zero seconds east, along the southeasterly side of the said McNulty road also partly crossing the head of a certain one hundred foot wide drainage Right-of-Way, the distance of two hundred thirty-four and two hundred forty-six one-thousandths feet to a point on the center line of the aforementioned Right-of-Way; thence extending south fourteen degrees twenty-three minutes zero seconds east, along the center of the aforementioned Right-of-Way, the distance of three hundred eighty feet to a point in the bed of the aforementioned Right-of-Way; thence extending south seventy-five degrees thirty-seven minutes zero seconds west, partly re-crossing the southwesterly half of the aforementioned Right-of-Way, the distance of two hundred thirty-four and two hundred forty-six one-thousandths feet to a point; thence extending north fourteen degrees twenty-three minutes zero seconds west, the distance of three hundred eighty feet to a point on the southeasterly side of the said McNulty road, being the first mentioned point and place of beginning.

BEING parcel "F," a Proposed Area for Public Purposes, as shown on above mentioned plan.

CONTAINING an area of eighty-nine thousand fourteen square feet or two and four thousand three hundred forty-seven one hundredth-thousandths acres.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 18, 2003. The Bill was Signed by the Mayor on December 31, 2003.



Patricia Rafferty
Chief Clerk of the City Council