

# City of Philadelphia



(Bill No. 220366)

## AN ORDINANCE

Authorizing the Commissioner of the Department of Parks and Recreation, on behalf of the City, to execute a lease with CP 2023, a Pennsylvania nonprofit corporation, under which CP 2023 would design, construct, operate, maintain, and repair a museum building on the southerly side of Benjamin Franklin Parkway between the Vine Street Expressway, 21st Street, and 22nd Street, to display works of art by Alexander Calder and the Calder family of artists, all at no cost or expense to the City; and exempting the lease from the requirements of Philadelphia Code Chapter 15-100 regarding parks and outdoor spaces; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

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

A. The land along Benjamin Franklin Parkway between the Vine Street Expressway, 21st Street, and 22nd Street (the “Premises”), is parkland managed by the Department of Park and Recreation.

B. For decades, the Premises has been underused as parkland because the site is too small for recreational activities, because it is situated between busy roadways, and because it does not have amenities to serve recreational users.

C. Under Pennsylvania law, a museum is a permissible use of park land.

D. The Calder family of artists has a unique connection to Philadelphia as the artists who, over successive generations, created the magnificent sculptures adorning City Hall, the glorious Swann Fountain in Logan Square, and monumental works featured in the Philadelphia Museum of Art.

E. A new museum building exhibiting the works of Alexander Calder and Calder family artists, with surrounding landscape improvements and outdoor sculptures, will greatly enhance the attractiveness of the Premises.

F. Benjamin Franklin Parkway is Philadelphia’s premiere cultural corridor and is internationally famous.

G. The new museum will further enhance the stature of Benjamin Franklin Parkway and attract visitors from around the City, the United States, and the world.

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H. Although the museum building will occupy what is now outdoor public parkland, the proposed use of the Premises for a museum is especially appropriate, and the greatly improved museum grounds and outdoor sculpture will remain open to the public.

I. For the reasons stated above, Council has determined that a lease to CP 2023 for a new museum building on the Premises merits an exception from the requirements of Philadelphia Code Chapter 15-100 regarding parks and outdoor spaces.

SECTION 2. The Commissioner of the Department of Parks and Recreation, on behalf of the City of Philadelphia, is authorized to execute a lease with CP 2023, a Pennsylvania nonprofit corporation, under which CP 2023 will design, construct, operate, maintain, and repair a museum building on the southerly side of Benjamin Franklin Parkway between the Vine Street Expressway, 21st Street, and 22nd Street, to display works of art by Alexander Calder and the Calder family of artists, all at no cost or expense to the City.

SECTION 3. The lease authorized by this Ordinance must be substantially in the form set forth in Exhibit A to this Ordinance. The Chief Clerk of Council shall keep a copy of Exhibit A on file in the clerk's office.

SECTION 4. The lease authorized by this Ordinance is exempt from the requirements of Philadelphia Code Chapter 15-100 regarding parks and outdoor spaces.

SECTION 5. The City Solicitor is authorized to make changes to the Lease as the City Solicitor determines are most effective to protect the City's interests and that are consistent with this Ordinance.

SECTION 6. This ordinance is effective immediately.

[Note: Exhibits to this Bill are on file in the Office of the Chief Clerk.]

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 23, 2022. The Bill was Signed by the Mayor on July 6, 2022.



Michael A. Decker  
Chief Clerk of the City Council