

City of Philadelphia



(Bill No. 080084)

AN ORDINANCE

Authorizing the President of the Fairmount Park Commission, the Executive Director of Fairmount Park, and the Public Property Commissioner, on behalf of the City of Philadelphia, to enter into a lease with the Philadelphia Authority for Industrial Development (“PAID”), to lease City-owned land south of Shelmire Avenue adjacent to the campus of the Fox Chase Cancer Center, Inc. (“Fox Chase”) to PAID, under which PAID will enter into a sublease with the Fairmount Park Conservancy (“Conservancy”), a Pennsylvania nonprofit corporation, under which the Conservancy would enter into a sub-sublease and other agreements with Fox Chase, pursuant to which Fox Chase will construct, maintain, and operate cancer research and treatment facilities on the property; and authorizing the President of the Fairmount Park Commission, the Executive Director of Fairmount Park, the Public Property Commissioner, and the City Solicitor to enter into additional agreements and take all other actions necessary to complete the transaction contemplated by this Ordinance; all under certain provisions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The City Council of the City of Philadelphia finds that,

A. Fox Chase Cancer Center, Inc. (“Fox Chase”) is a world renowned hospital for cancer patients and facility for research into the causes, treatment, and possible cures, of cancer;

B. Fox Chase is vital to the economic well being of the City as a significant employer of Philadelphia citizens, a foundation for the stability and prosperity of the neighborhood surrounding it, and a prestigious institution bringing renown to the entire health care industry in the City;

C. In order to remain at the forefront of cancer treatment and research, Fox Chase desires to expand its campus to develop new treatment and research facilities;

D. Fox Chase is limited in its options to expand its campus because it is surrounded by residential neighborhoods and Jeannes Hospital, and as a practical matter City-owned land adjacent to Fox Chase’s existing campus is the only area into which Fox Chase can expand;

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E. Fox Chase would probably locate its new facilities outside the City and might also relocate its existing facilities outside the City if it cannot expand on land immediately adjacent to its existing campus;

F. Fox Chase's relocation from the City would have significant deleterious effects on the City because of the resulting loss of jobs for City citizens, the economic impact on the surrounding neighborhood, and the loss of a leader in the health care industry in the City;

G. The City will benefit in several substantial ways if Fox Chase can expand into City-owned land next to Fox Chase's existing campus because the expansion will create thousands of both temporary and permanent jobs, expand the City's tax base, and keep Fox Chase at the forefront of cancer treatment and research;

H. The Fairmount Park Commission has approved a resolution authorizing agreements to permit Fox Chase to lease land currently part of Burholme Park on terms and conditions that preserve Burholme Park as an outstanding recreational, scenic, and historic amenity and that ensure the City will acquire use of additional recreational land to substitute for land used by Fox Chase;

I. The terms of the agreements with Fox Chase authorized by the Fairmount Park Commission would not impair the use of or intrude upon Ryerss Mansion or its surrounding grounds or upon existing ballfields in Burholme Park, and they would provide funds for the improvement and maintenance of Ryerss Mansion, its grounds, and Burholme Park facilities;

J. It is no longer practicable or possible, and it will not serve the public interest, to use all the City's land comprising Burholme Park for park purposes because that exclusive use would preclude Fox Chase from expanding its campus and will likely compel Fox Chase to relocate its existing campus and future facilities outside the City of Philadelphia;

K. It will greatly serve the interests of the citizens of Philadelphia if certain City-owned land adjoining Fox Chase's existing campus can be used by Fox Chase to expand its cancer treatment and research facilities; and

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L. It may be necessary or appropriate to obtain a declaratory judgment or order from the Court of Common Pleas, Orphans' Court Division, approving the agreements contemplated by this Ordinance.

SECTION 2. The President of the Fairmount Park Commission, the Executive Director of Fairmount Park, and the Public Property Commissioner, are authorized to enter into a lease ("Master Lease") with the Philadelphia Authority for Industrial Development ("PAID") to lease City-owned land south of Shelmire Avenue and adjacent to the existing campus of Fox Chase Cancer Center, Inc. ("Fox Chase") to PAID, under which PAID would be required to execute a sublease ("Sublease") with the Fairmount Park Conservancy ("Conservancy"), under which the Conservancy would be required to enter into a sub-sublease ("Sub-Sublease") with Fox Chase, under which Fox Chase would construct, maintain, and operate cancer research and treatment facilities.

SECTION 3. The Sub-Sublease must be substantially in the form set forth in Exhibit A to this Ordinance. The City Solicitor is authorized to include in the Master Lease and in the Sublease provisions the City Solicitor deems necessary or appropriate to protect the interests of the City and that are consistent with the Sub-Sublease as set forth in Exhibit A.

SECTION 4. The Commission President, the Executive Director, the Public Property Commissioner, together with the City Solicitor and other City officials, are authorized to take all actions necessary and desirable to complete the Master Lease, Sublease, and Sub-Sublease, including but not limited to petitioning the Court of Common Pleas, Orphans' Court Division, for all approvals that may be required by Pennsylvania law and executing additional agreements consistent with this Ordinance.

SECTION 5. The Master Lease and the Sublease must obligate the Conservancy to hold rent and other payments it receives from Fox Chase in trust, or to contribute the funds to charitable trust endowments, for the improvement and maintenance of Burholme

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Park, including but not limited to the Ryerss Museum and library, and other park and open recreational facilities under the jurisdiction of the Commission for the health and enjoyment of the people of the City of Philadelphia.

SECTION 6. The City Solicitor is authorized to include in the Master Lease and other related agreements all provisions the City Solicitor deems necessary and appropriate to protect the interests of the City and are consistent with this Ordinance.

[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 March 6, 2008. The Bill was Signed by the Mayor on March 12, 2008.



Patricia Rafferty
Chief Clerk of the City Council