

City of Philadelphia



(Bill No. 050515)

AN ORDINANCE

Authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to enter into a sublease and/or lease agreement under which the City will sublease and/or lease to CBS Broadcasting, Inc., a certain portion of the building commonly known as One Parkway Building, located at 1515 Arch Street, for the purpose of installing, constructing, erecting, operating, maintaining, repairing and replacing thereon and therein a tower and related wiring, cabling, equipment and appurtenances for use in connection with the broadcast of television and/or radio signals and the broadcast and reception of microwave and radio signals to and from a facility to be constructed on land located at the northwest corner of 15th and Arch Streets, all under certain terms and conditions.

WHEREAS, Northwest 15th Street Associates (the "Developer") has acquired air rights and certain subterranean rights to a certain parcel of land owned by the Philadelphia Parking Authority and located on the northwest corner of 15th and Arch Streets (the "Project Site"), and intends to construct thereon a building for lease (the "Project Lease") to CBS Broadcasting, Inc. ("CBS"), for use by CBS as a broadcast facility with appurtenant office space (the "Broadcast Facility");

WHEREAS, due to the technical needs of the Broadcast Facility, CBS desires to sublease and/or lease (the "Agreement") from the City of Philadelphia (the "City") a portion of the building (the "Premises") commonly known as One Parkway Building, located at 1515 Arch Street ("OPB"), located adjacent to the Project Site, for the purpose of installing, constructing, erecting, operating, maintaining, repairing and replacing thereon and therein a tower (the "Tower") and related wiring, cabling, equipment and appurtenances (collectively, the "Tower Improvements"), for use in the broadcast of CBS's television and/or radio signals from the Broadcast Facility, and the broadcast and reception of microwave and radio signals, which Agreement shall include a right of access through OPB for the purpose of CBS accessing the Premises and the Tower Improvements for the aforesaid purposes;

WHEREAS, the Philadelphia Authority for Industrial Development ("PAID") is the owner of OPB, of which the Premises is a part, pursuant that certain Turnkey Installment Sale Agreement dated November 26, 1996, between PAID and One Parkway, Inc., and PAID and the City entered into that certain Lease dated November 1, 1996, and effective November 26, 1996 (the "City Lease"), pursuant to which PAID leased OPB to the City for a term of thirty (30) years, and Paragraphs 8.4(a)(i) and 8.4(a)(ii)(A) of the City Lease permit the City to grant subleases, easements, licenses, rights-of-way and other rights or privileges in the nature of easements with respect to any property included in OPB, subject to the terms thereof; and

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WHEREAS, in consideration of the rights granted to CBS in the Agreement, the City shall have the right under the Agreement to use portions of the Tower not used by CBS for the City's wireless communications purposes.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Commissioner of Public Property is hereby authorized to enter into the Agreement, substantially in the form attached hereto as Exhibit "A", pursuant to which the City will sublease or lease the Premises to CBS for the purpose of installing, constructing, erecting, operating, maintaining, repairing and replacing thereon and therein the Tower Improvements for use in the broadcast of CBS's television and/or radio signals from the Broadcast Facility, and for the broadcast and reception of microwave and radio signals, which Agreement shall include a right of access through OPB for the purpose of CBS accessing the Premises and the Tower Improvements for the aforesaid purposes, in consideration of which the City shall have the right under the Agreement to use portions of the Tower not used by CBS for the City's wireless communications purposes.

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 interest of the City and to carry out the purposes of this Ordinance.

SECTION 3. The Chief Clerk of City Council shall keep on file and make available for inspection by the public all exhibits incorporated in this Ordinance.

SECTION 4 In addition to the authorization set forth in Section 1, the Commissioner of Public Property is hereby authorized, in the alternative, to enter into an agreement pursuant to which the City will sublease the Premises to the Philadelphia Authority for Industrial Development ("PAID") for the purpose of PAID sub-subleasing the Premises to CBS for the purposes set forth in section 1, which agreement shall be substantially in the form of Exhibit "A," with such changes as the City Solicitor deems necessary to conform the document to the terms of this authorization.

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EXHIBIT "A" **Sublease**

[To be Inserted]

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 16, 2005. The Bill was Signed by the Mayor on July 8, 2005.



Patricia Rafferty
Chief Clerk of the City Council