

# City of Philadelphia



*Philadelphia, October 17, 2005*

**CERTIFICATION:** This is to certify that Bill No. 050660 was presented to the Mayor on the twenty-ninth day of September, 2005, and was not returned to the Council with his signature at a meeting held October 17, 2005 (being more than ten days after it had been presented to him).

**THEREFORE,** Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

A handwritten signature in black ink that reads "Patricia Rafferty". The signature is written in a cursive, flowing style.

Patricia Rafferty  
Chief Clerk of the City Council

(Bill No. 050660)

## AN ORDINANCE

Approving the third amendment of the redevelopment proposal for the 44th and Aspen Urban Renewal Area, being the area generally bounded by Lancaster Avenue, Belmont Avenue, Pennsgrove Street, 42nd Street, Westminster Avenue, Holly Street, Aspen Street, 40th Street, Haverford Avenue, 44th Street, Fairmount Avenue and 47th Street, including the third amendment to the urban renewal plan and the first amended relocation plan, which provides, inter alia, for the additional land acquisition of approximately three hundred seventy four (374) properties for residential and related uses, the additional land acquisition of approximately three (3) properties for commercial and related uses, the expansion of the eastern border from Forty-second street to Fortieth street between Haverford avenue and Aspen street and from Forty-second street to North Holly street between Aspen street and Westminster avenue; the provision of certain relocation services, as required by law; and declaring that condemnation is not imminent with respect to the Project.

**WHEREAS,** The redevelopment proposal, the urban renewal plan and the relocation plan of the Redevelopment Authority of the City of Philadelphia (hereinafter referred to as the "Redevelopment Authority") for the redevelopment of the 44th and Aspen Urban Renewal Area (hereinafter referred to as "44th and Aspen") was approved

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by Ordinance of the Council on July 7, 2003 as last amended by Bill No. 050215 approved June 14, 2005; and

**WHEREAS**, The Redevelopment Authority has prepared a third amendment of the redevelopment proposal, including the detailed redevelopment area plan, the third amended urban renewal plan, the first amended relocation plan, the maps, disposition supplements, expanded boundary and all other documents and supporting data which form part of the said proposal, for 44th and Aspen, dated June, 2005 (hereinafter collectively referred to as the “Third Amended Redevelopment Proposal”); and

**WHEREAS**, The Third Amended Redevelopment Proposal provides, inter alia, for the additional land acquisition of approximately three hundred seventy four (374) properties for residential and related uses, the additional land acquisition of approximately three (3) properties for commercial and related uses, the expansion of the eastern border from Forty-second street to Fortieth street between Haverford avenue and Aspen street and from Forty-second street to North Holly street between Aspen street and Westminster avenue; the provision of certain relocation services, as required by law and declaring that condemnation is not imminent with respect to the Project; and

**WHEREAS**, The Third Amended Redevelopment Proposal has been submitted to the City Planning Commission of the City of Philadelphia and has been certified by the Commission to the Council; and

**WHEREAS**, The Third Amended Redevelopment Proposal will forward a central objective of the Community Development Program and Neighborhood Transformation Initiative of the City of Philadelphia with respect to the elimination of blight and the materialization of the City's stated housing and other redevelopment and urban renewal goals; and

**WHEREAS**, The Third Amended Redevelopment Proposal promotes sound urban renewal and redevelopment, and the elimination of blight in 44th and Aspen; now therefore

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

**SECTION 1.** The Third amendment of the Redevelopment Proposal dated June, 2005 (appended as Exhibit “A” hereto), including the detailed redevelopment area plan, the third amended urban renewal plan, the first amended relocation plan, the maps, disposition supplements, expanded boundary description and all other documents and supporting data which form part of the said proposal (hereinafter collectively referred to as the “Third Amended Redevelopment Proposal”) submitted by the Redevelopment Authority for the 44th and Aspen Urban Renewal Area (hereinafter “44th and Aspen”), having been duly reviewed and considered, is approved. The Project, as expanded, is bounded as follows:

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All those certain lots or pieces of ground situated in the Sixth Ward of the City of Philadelphia and described as follows: Beginning at a point of intersection of the northerly side of Fairmount avenue (sixty feet wide) and the easterly side of Forty-eighth street (fifty feet wide); Thence extending eastward along the said side of Fairmount avenue, crossing the beds of Forty-seventh street (fifty feet wide) and Forty-sixth street (sixty feet wide) one thousand four hundred forty seven feet to a point; Thence extending north along the boundary line of the property now or late of the Philadelphia Housing Authority, three hundred fifty feet to a point on the northerly side of Aspen street (sixty feet wide); Thence extending east along the said side of Aspen street crossing the bed of Forty-fourth street (sixty feet wide), one hundred seventy feet to a point on the easterly side of Forty-fourth street; Thence extending southward along the said easterly side of Forty-fourth street, crossing the beds of Fairmount avenue, Wallace street (fifty feet wide) to the point of intersection with the northerly side of Haverford avenue (eighty feet wide); Thence extending eastward along the said northerly side of Haverford avenue, crossing the beds of Pallas street (forty feet wide), Forty-third street (fifty feet wide), Brooklyn street (fifty feet wide), Forty-second street (sixty feet wide), Budd street (forty feet wide), Ludwick street (thirty feet wide), Preston street (fifty feet wide) to the point of intersection with the westerly side of Fortieth street (sixty feet wide); Thence extending northward along the said westerly side of Fortieth street and crossing the beds of Mount Vernon street (fifty feet wide), Wallace street, Melon street (fifty feet wide), Fairmount avenue, to the point of intersection with the westerly side of Aspen street; Thence extending westward along the said side of Aspen street, crossing the beds of Wiota street (twenty feet wide), Preston street (fifty feet wide), Forty-first street, to the point of intersection with the westerly side of Holly street (fifty feet wide); Thence extending northward along the said westerly side of Holly street, crossing the beds of Brown street, Reno street (forty feet wide), Parrish street, Ogden street, to the point of intersection with the easterly side of Westminster avenue; Thence extending westward along the said side of Westminster avenue to the point of intersection with the said westerly side of Forty-second

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street; Thence extending northward along the said westerly side of Forty-second street, Lancaster avenue (eighty feet wide), Brown street (fifty feet wide), Parrish street (fifty feet wide), Ogden street (fifty feet wide), Westminster avenue (sixty feet wide), to the point of intersection with the southerly side of Pennsgrove street (fifty feet wide); Thence extending westward along the said southerly side of Pennsgrove street, crossing the bed of Forty-third street (fifty feet wide), to the point of intersection with the easterly side of Forty-fourth street; Thence extending southward along the said easterly side of Forty-fourth street, crossing the beds of Westminster avenue and Ogden street, to the point of intersection with the southerly side of Lancaster avenue; Thence extending northwestward along the said southerly side of Lancaster avenue, crossing the beds of Lex street, Westminster avenue, Forty-fifth street, Forty-sixth street, Markoe street, Wyalusing avenue, May street, Wyalusing avenue, Forty-seventh street, to the point of intersection with the easterly side of Forty-eighth street; Thence extending southward along the said easterly side of Forty-eighth street, crossing the beds of Wyalusing avenue, Westminster avenue, Hoopes street (thirty feet wide), Parrish street (sixty feet wide), Brown street (eighty feet wide), Folsom street (forty feet wide), Aspen street, Olive street (forty feet wide), to the point of intersection with the said northerly side of Fairmount avenue, being the first mentioned point and place of beginning.

**SECTION 2.** Council finds and declares that the Third Amended Redevelopment Proposal for 44th and Aspen:

- a. Is in conformity with the redevelopment area plan for the 44th and Aspen Redevelopment Area.
- b. Meets all of the conditions and requirements imposed by Title VI of the United States Civil Rights Act of 1964, the regulations and policies of the United States Department of Housing and Urban Development effectuating the Title, and Chapter 9-1100 of The Philadelphia Code, relating to non-discrimination and fair practices.
- c. Forwards the objectives of the Community Development Program and Neighborhood Transformation Initiative of the City with respect to the removal and prevention of blight through the revitalization, renewal, redevelopment

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and transformation of blighted areas within the City which are detrimental to the health, safety and welfare of the residents of the City and for which the use of Neighborhood Transformation Initiative Program funds may be utilized.

**SECTION 3.** Council finds and declares that:

- a. The third amendment of the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the redevelopment of the area by private enterprise under the circumstances.
- b. Financial aid is necessary to enable the land located within the urban renewal area to be redeveloped in accordance with the third amendment of the urban renewal plan.

**SECTION 4.** Council finds and declares that the first amended relocation plan:

- a. Provides for the proper relocation of individuals and families displaced in carrying out the urban renewal activities approved herein in decent, safe, and sanitary dwellings in conformity with acceptable standards, is feasible and can be reasonably and timely effected to permit the proper prosecution and completion of the undertakings in 44th and Aspen, and that such dwelling units available or to be made available to such displaced individuals and families are at least equal in number to the number of displaced individuals and families, are not generally less desirable in regard to public utilities and public and commercial facilities than the dwellings of the displaced individuals and families in the urban renewal area comprising the undertakings herein, are available at rents or prices within the financial means of the displaced individuals and families, and are reasonably accessible to their places of employment.
- b. Adequately provides for assistance to aid in relocation and to minimize the displacement of business concerns which are to be displaced.

**SECTION 5.** The Redevelopment Authority is authorized to take such action as may be necessary to carry out the terms of the Third Amended Redevelopment Proposal, including but not limited to:

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- a. Proceeding with minor changes in substantial conformity with the Third Amended Redevelopment Proposal, so long as said minor changes are in conformity with the current area redevelopment plan for the 44th and Aspen Redevelopment Area.
- b. Preparing or causing to be prepared for introduction into the Council such ordinances or resolutions as may be necessary for changes in zoning, streets, alleys, public ways, street patterns and location and relocation of public utilities in order to implement and facilitate the Third Amended Redevelopment Proposal hereby approved. Accordingly, the Council hereby declares that it will cooperate in helping to carry out such proposal and requests the various officials, departments, boards and agencies of the City having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent therewith.

**SECTION 6.** Council is cognizant that condemnation, as expressly provided for in the hereby approved Third Amended Redevelopment Proposal, is not imminent with respect to 44th and Aspen, such condemnation being subject to the availability of public funds. Council is further aware that general and special notice of the imminence of said condemnation will be publicly announced by the Redevelopment Authority through all appropriate news media as may be required by law.

**SECTION 7.** The Chief Clerk of City Council shall keep on file and make available for inspection by the public the Third Amended Redevelopment Proposal approved by this Ordinance.