



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 100876

Introduced December 16, 2010

Councilmember Clarke

**Referred to the
Committee on Public Property and Public Works**

AN ORDINANCE

Authorizing the City Solicitor, on behalf of the City of Philadelphia, to include certain provisions, including the transfer of real estate, in a settlement agreement with the Cradle of Liberty Council, Inc., Boy Scouts of America ("Boy Scouts") to resolve litigation relating to 231-251 N. 22nd Street, Philadelphia, all under certain terms and conditions.

WHEREAS, Pursuant to a December 14, 1928 Ordinance (the "1928 Ordinance"), the Boy Scouts occupy a City-owned property located at 231-251 N. 22nd Street, Philadelphia, Pennsylvania (the "Property"); and

WHEREAS, Pursuant to the terms of the 1928 Ordinance, the City notified the Boy Scouts that it was required to vacate the Property on or before June 1, 2008; and

WHEREAS, On May 23, 2008, the Boy Scouts filed a lawsuit against the City in the United States District Court for the Eastern District of Pennsylvania ("Federal Action"), contending that the City had violated its constitutional rights and seeking, among other things, a permanent injunction barring the City from commencing or continuing any proceeding to evict the Boy Scouts; and

WHEREAS, On June 2, 2008, the City filed a lawsuit against the Boy Scouts in the Court of Common Pleas of Philadelphia County, Pennsylvania ("State Action") seeking to eject the Boy Scouts from the Property; and

WHEREAS, On November 19, 2009, the City discontinued the State Action without prejudice as required by the Court in the Federal Action; and

WHEREAS, On July 14, 2010, following a jury trial in the Federal Action, the Court granted the Boy Scouts relief by limiting the City's ability to eject the Boy Scouts from the Property; and

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WHEREAS, The Parties have been in active settlement negotiations pending the resolution of the City's post-trial motions, currently pending in the District Court, and any subsequent appeals; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The City Solicitor is authorized to include in a settlement agreement with the Cradle of Liberty Council, Inc., Boy Scouts of America ("Boy Scouts") to resolve litigation relating to 231-251 N. 22nd Street, Philadelphia (the "Property") between the Boy Scouts and the City of Philadelphia such terms as the City Solicitor determines appropriate, including but not limited to the transfer of ownership of the Property, all under certain terms and conditions; provided that any transfer of ownership of the Property must contain a deed restriction prohibiting the Boy Scouts from selling any portion of the Property, including the land and any fixtures thereon, in whole or in part, for a period of ten (10) years from the date of the settlement agreement; and further provided that the settlement agreement contain terms requiring the Boys Scouts to agree to provide space at the property for use by local community organizational activity, including but not limited to programs focusing on diversity, throughout the term of the agreement.

SECTION 2. The Commissioner of Public Property and the Parks and Recreation Commissioner are authorized to take any steps necessary to effectuate the foregoing.