

City of Philadelphia



(Bill No. 150376)

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 307 by striking from the City Plan and vacating certain sub-surface portions of Market Street east of Ninth Street, Tenth Street between Market Street and Filbert Street, and Eleventh Street between Market Street and Filbert Street, and by striking from said City Plan and vacating certain aerial portions of Ninth Street between Market Street and Filbert Street and Tenth Street between Market Street and Filbert Street; and authorizing the conveyance of such struck and vacated areas, together with certain areas previously struck and vacated; all under certain terms and conditions.

WHEREAS, the City of Philadelphia, together with the Philadelphia Redevelopment Authority (the "Redevelopment Authority"), is facilitating the renewal and further redevelopment of properties on the north side of Market Street between Eighth and Eleventh Streets commonly known as the Gallery Mall (the "Gallery Mall"); and

WHEREAS, the existing structures comprising the Gallery Mall extend underneath portions of Market Street, Ninth Street, Tenth Street, and Eleventh Street, and over portions of Ninth Street and Tenth Street, and it is contemplated that future redevelopment of Gallery Mall may involve expansion of the current structures; and

WHEREAS, it is desirable to provide for the renewal and further redevelopment of Gallery Mall by revising the City Plan through striking and vacating certain sub-surface and aerial portions of Market Street, Ninth Street, Tenth Street, and Eleventh Street which have not been previously stricken and vacated; and

WHEREAS, such renewal and further redevelopment of the Gallery Mall will require certain transfers of interests in real estate which require authorization by City Council, including, without limitation, the conveyance of certain portions of Ninth Street and Market Street previously struck from the City Plan and vacated.

NOW, THEREFORE,

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-403 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is hereby authorized to revise the lines and grades on a portion of City Plan No. 307 by:

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- (a) Striking from the City Plan and vacating a certain sub-surface portion of Market Street, east of Ninth Street and adjacent to a certain previously stricken sub-surface portion of Market Street, the said portion being authorized herein to be stricken being more particularly identified in Exhibit “A” attached hereto.
- (b) Striking from the City Plan and vacating two certain aerial portions of Ninth Street, between Market Street and Filbert Street and adjacent to a certain previously stricken aerial portion of Ninth Street, and striking from the City Plan and vacating a third aerial portion of Ninth Street, between Market Street and Filbert Street and above the said certain previously stricken aerial portion of Ninth Street, by raising the upper limiting elevation established by the previous striking, the three said portions being more particularly identified in Exhibit “B” attached hereto.
- (c) Striking from the City Plan and vacating two certain sub-surface portions of Tenth Street, between Market Street and Filbert Street and extending into the bed of said Filbert Street at its intersection with said Tenth Street, the two said portions being more particularly identified in Exhibits “C-1” and “C-2” attached hereto.
- (d) Striking from the City Plan and vacating a certain aerial portion of Tenth Street, between Market Street and Filbert Street, the said portion being more particularly identified in Exhibit “D” attached hereto.
- (e) Striking from the City Plan and vacating a certain sub-surface portion of Eleventh Street, between Market Street and Filbert Street, the said portion being more particularly identified in Exhibit “E-1” attached hereto.

SECTION 2. Exhibits “A,” “B,” “C-1,” “C-2,” “D,” and “E-1” to this Ordinance shall be kept on file by the Chief Clerk and shall be available for public inspection.

SECTION 3. The Commissioner of the Department of Public Property is hereby authorized to execute and deliver a deed or deeds conveying to the Redevelopment Authority for nominal consideration fee simple title to (i) the sub-surface areas described in Exhibit “F” attached hereto (collectively, the “Sub-Surface Areas”), (ii) the aerial areas described in Exhibit “G” attached hereto (each an “Aerial Area,” and collectively, the “Aerial Areas”), and (iii) any and all property to which the City acquires a fee interest as a result of a reversion pursuant to the striking and vacating authorized in Section 1 above (collectively, the “Reversion Areas”). Notwithstanding the authorization set forth in the preceding sentence, the Commissioner of the Department of Public Property may adjust the metes and bounds of the property to be conveyed to the Redevelopment Authority if, in the opinion of the Commissioner or the Law Department, such adjustments shall be necessary or desirable in order to accommodate existing conditions (as adjusted, the Sub-Surface Areas, the Aerial Areas, and the Reversion Areas being collectively known as the “Areas”). Subject to the requirements set forth in Section 4 below, the Redevelopment

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Authority shall be authorized to lease to and to deliver deeds for the Areas to PR Gallery I Limited Partnership, Keystone Philadelphia Properties, LP, and their respective successors and assigns (collectively, the “Redeveloper”).

SECTION 4. The authorization set forth in Section 3 above is conditional upon the Redeveloper entering into, within two years of the date of this Ordinance, one or more agreements (each a “Required Agreement”) between the Redeveloper and the appropriate City Department or departments, in form satisfactory to the City Solicitor, providing that, *inter alia*:

- (a) the Redeveloper shall obtain an agreement, satisfactory to the City Solicitor, by the owner(s) of property affected thereby, to release the City from all damages or claims for damages which may arise by reason of the City Plan changes authorized herein; in lieu thereof, only after the party in interest has demonstrated best efforts to obtain such agreements and such efforts are unsuccessful, the Redeveloper shall file an agreement and a bond, with corporate surety, satisfactory to the City Solicitor or an irrevocable letter of credit satisfactory to the City Solicitor, to release the City as aforesaid.
- (b) the Redeveloper shall, in form satisfactory to the City Solicitor, release, indemnify, and defend the City from all damages or claims for damages that may arise by reason of the City Plan changes authorized herein.
- (c) the Redeveloper shall obtain an agreement, in form satisfactory to the City Solicitor, by the owner(s) of property affected thereby, providing the officers, agents, employees, and contractors of the City, SEPTA, the Gas Works, and any other public utility company which maintains facilities within or adjacent to the Areas with rights of access, ingress, egress, and occupation at any and all times for the purposes of inspection, maintenance, alteration, relocation, or reconstruction of any of their respective facilities and structures.
- (d) the Redeveloper shall pay the cost of advertising the public hearing by the Board of Surveyors on the City Plan changes authorized by this Ordinance.
- (e) each Required Agreement shall be recorded and shall run with the land.
- (f) the Redevelopment Authority or the City and its successors shall have the option, exercisable in its sole discretion, to be effectuated by filing a confirmatory deed, to cause an Aerial Area to be re-conveyed to the Redevelopment Authority or the City in the event that such area is not

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improved by a physical structure (and for which construction thereof has not commenced) for a period of five (5) or more consecutive years.

- (g) the Redeveloper shall furnish the City with a bond with corporate surety in an amount required by the Department of Streets and in a form satisfactory to the Law Department to insure the compliance with all the terms and conditions of this Ordinance and the applicable Required Agreement, and to protect and indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the construction, maintenance, or use of structures now or hereafter located within the Areas, or in lieu thereof, submit documentation in a form and content acceptable to the City that the Redeveloper self-assumes the liabilities and obligations normally covered by such surety bond.
- (h) the Redeveloper shall secure all necessary permits, licenses and approvals from all appropriate departments, agencies, boards or commissions of the City as may be required by regulation or law, and no such department, board, agency or commission shall be required to issue any such permit, license, or approval solely because this Ordinance has been enacted.
- (i) the Redeveloper shall assume the costs of all changes and adjustments to, and relocation or abandonment of City utilities and City structures wherever located as may be necessary by construction with respect to the Areas.
- (j) the Redeveloper shall carry public liability and property damage insurance, co-naming the City as an insured party, in such amounts as shall be satisfactory to the City Solicitor, or in lieu thereof, submit documentation in form and content acceptable to the City that the Redeveloper is self-insured and is providing the City the same coverage and benefits had the insurance requirements been satisfied by an insurance carrier authorized to do business in the Commonwealth of Pennsylvania.
- (k) the Redeveloper shall indemnify and hold harmless the City, its officers, employees and agents from and against any and all loss resulting from injury to, or death to persons or damage to property arising out of, resulting from, or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of structures located within the Areas, and the Redeveloper shall also agree to release the City from any and all claims relating to the Areas, including if ordered removed or when street, sidewalk or utility construction occurs.

SECTION 5. The various executive officers of the City are hereby authorized to enter into and/or execute, on behalf of the City, all other agreements or documents as are

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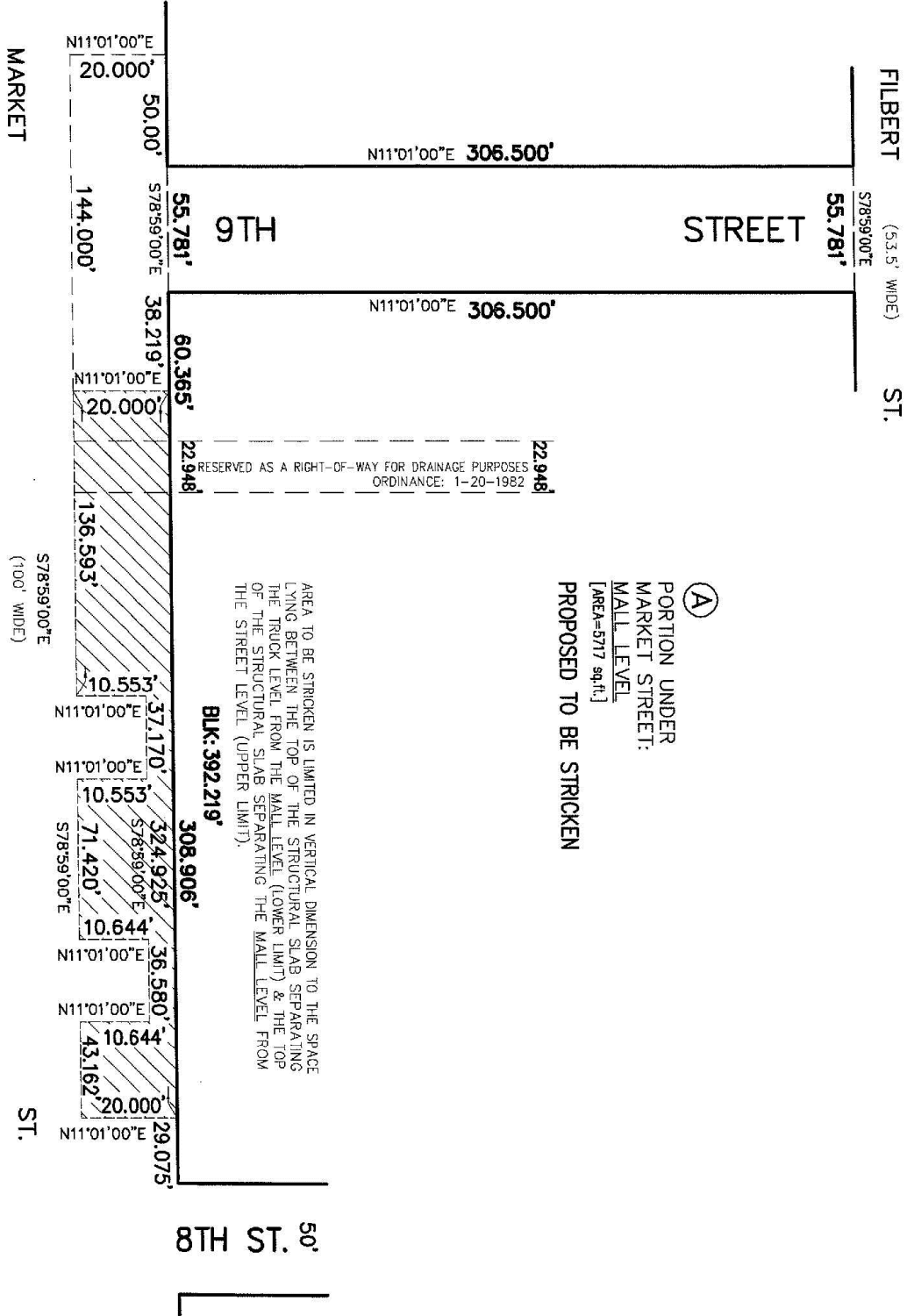
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required to be entered into or executed by such officers under the preceding sections of this Ordinance or in order to effectuate the purposes of the agreements or other matters authorized by this Ordinance.

SECTION 6. The City Solicitor shall include in each Required Agreement and any and all other agreements and documents authorized by this Ordinance such other reasonable terms and conditions as the City Solicitor may deem necessary and desirable to protect the interests of the City.

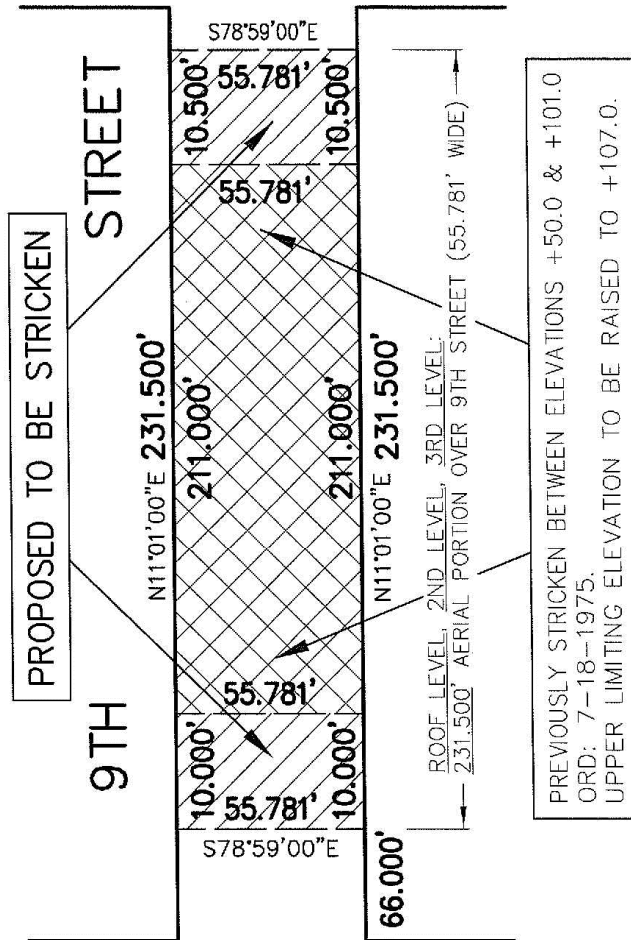
SECTION 7. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00) toward costs thereof is paid by the Redeveloper into the City Treasury within one hundred and twenty (120) days after this Ordinance becomes law.



(B)

AERIAL PORTION OVER 9TH STREET:
[AREA=12913 sq.ft.]

FILBERT (53.5' WIDE) ST.



MARKET (100' WIDE) ST.

AERIAL PORTION:

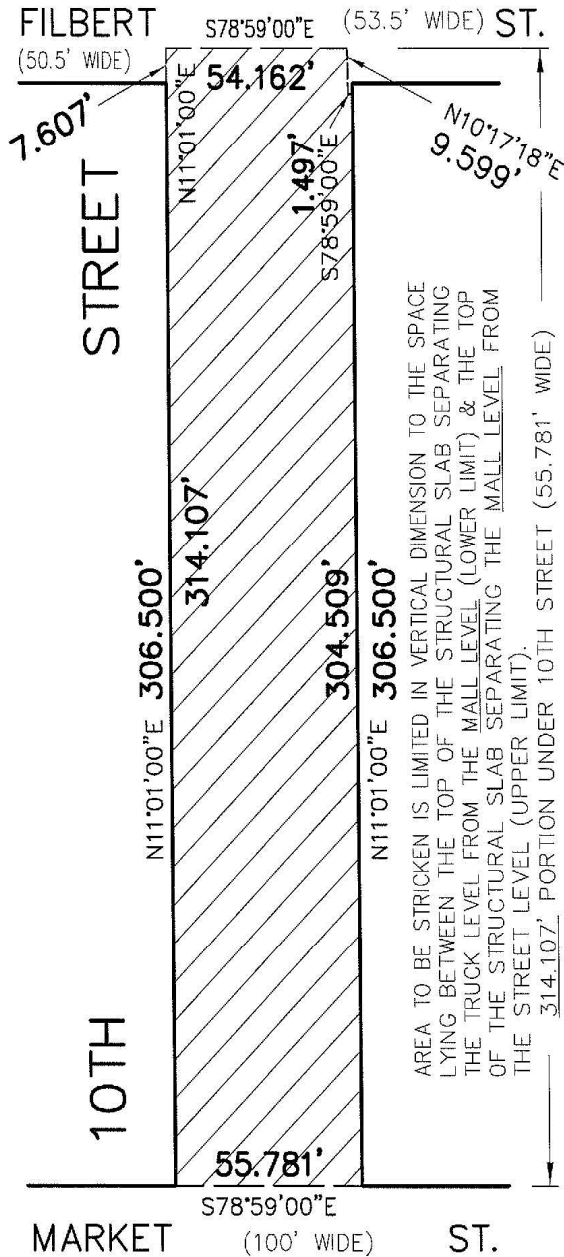
AREA TO BE STRICKEN IS LIMITED IN VERTICAL DIMENSION TO THE SPACE LYING BETWEEN THE UNDERSIDE OF THE STRUCTURAL MEMBERS FORMING THE BOTTOM OF THE SECOND LEVEL (LOWER LIMIT) & A PLANE OF ELEVATION OF APPROXIMATELY +107.0 VERTICAL FEET, AS RELATED TO CITY OF PHILADELPHIA VERTICAL DATUM, SAID PLANE OF ELEVATION BEING APPROXIMATELY 20.0 VERTICAL FEET ABOVE THE UPPER SIDE OF THE STRUCTURAL MEMBERS FORMING THE ROOF LEVEL (UPPER LIMIT).

C-1

PORTION UNDER 10TH STREET:

MALL LEVEL [AREA=17506 sq.ft.]

PROPOSED TO BE STRICKEN



C-2

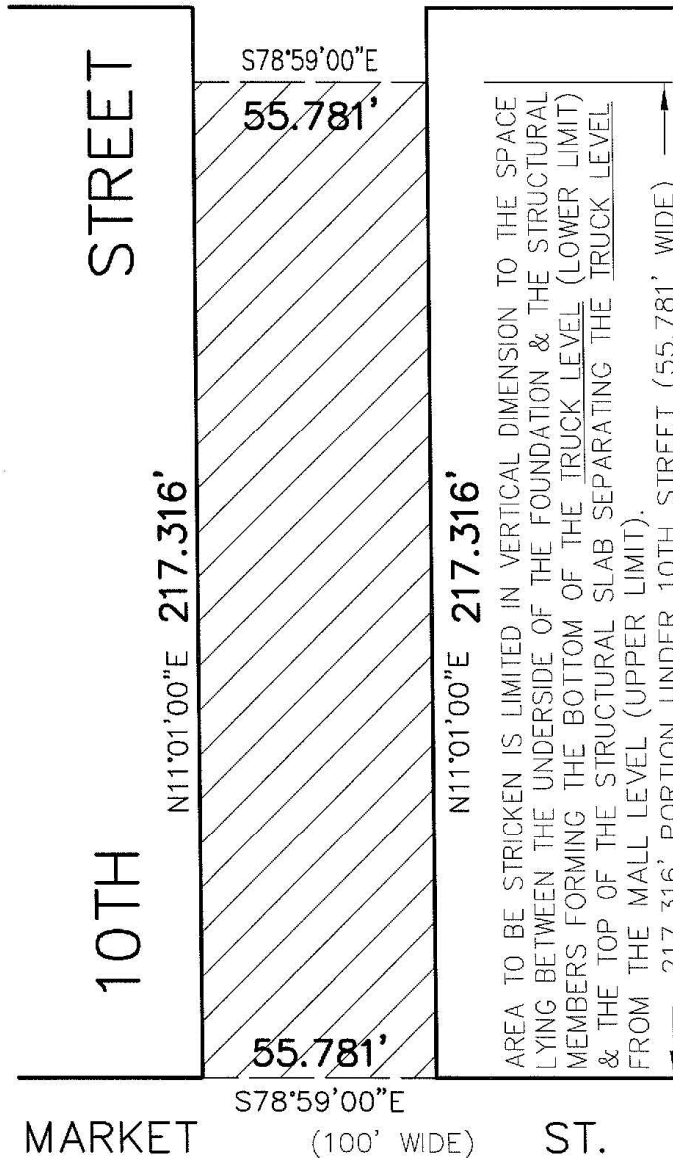
PORTION UNDER 10TH STREET:

TRUCK LEVEL [AREA=12122 sq.ft.]

PROPOSED TO BE STRICKEN

FILBERT (50.5' WIDE)

(53.5' WIDE) ST.

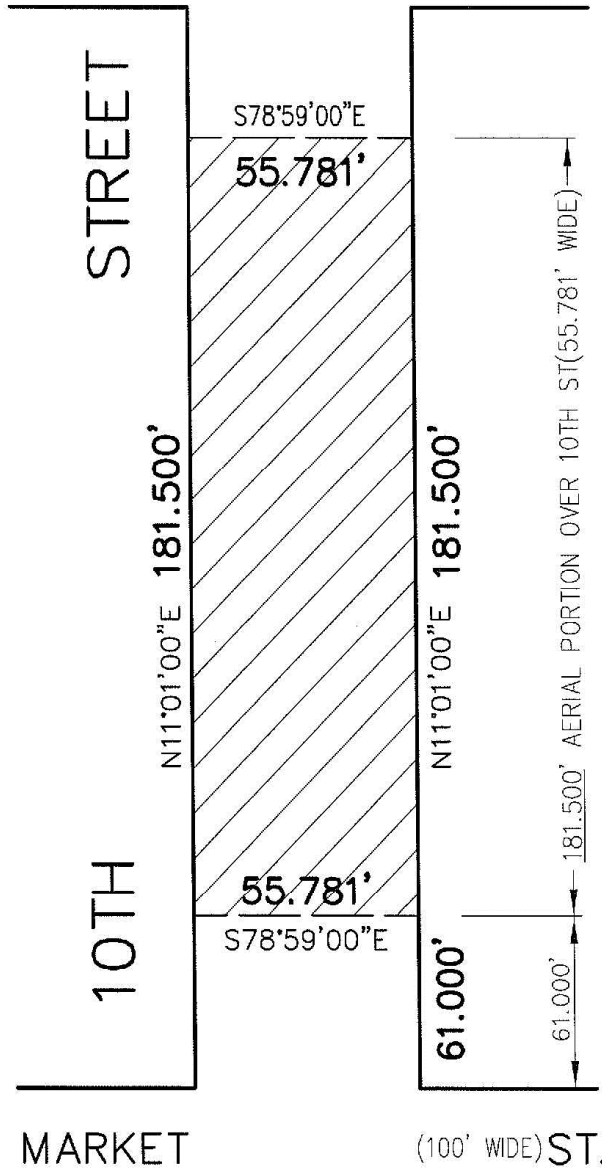


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AERIAL PORTION OVER 10TH STREET:
[AREA=10124 sq.ft.]

PROPOSED TO BE STRICKEN

FILBERT (50.5' WIDE) ST. (53.5' WIDE) ST.



AERIAL PORTION:

AREA TO BE STRICKEN IS LIMITED IN VERTICAL DIMENSION TO THE SPACE LYING BETWEEN THE UNDERSIDE OF THE STRUCTURAL MEMBERS FORMING THE BOTTOM OF THE SECOND LEVEL (LOWER LIMIT) & A PLANE OF ELEVATION OF APPROXIMATELY +118.0 VERTICAL FEET, AS RELATED TO CITY OF PHILADELPHIA VERTICAL DATUM, SAID PLANE OF ELEVATION BEING APPROXIMATELY 20.0 VERTICAL FEET ABOVE THE UPPER SIDE OF THE STRUCTURAL MEMBERS FORMING THE ROOF LEVEL (UPPER LIMIT).

E-1

PORTION UNDER 11TH STREET:
MALL LEVEL [AREA=11088 sq.ft.]

PROPOSED TO BE STRICKEN

FILBERT (50.5' WIDE) ST.

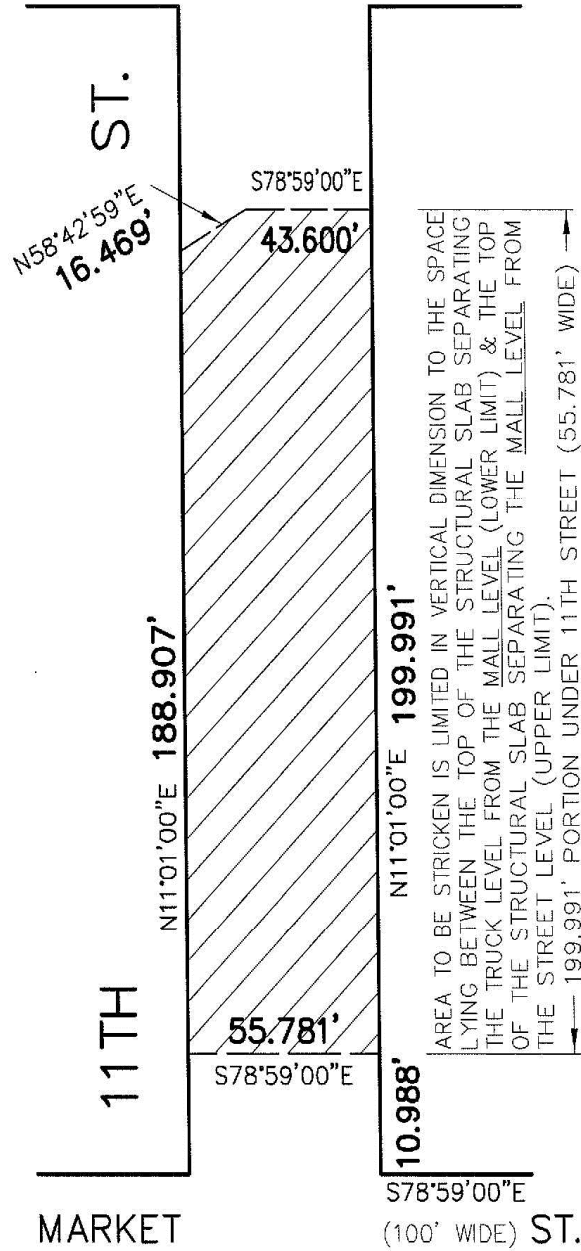


EXHIBIT "F"
Sub-Surface Areas

9TH STREET

The Sub-Surface Areas with respect to 9th Street shall consist of the following two areas, but excepting therefrom any and all premises dedicated by the Redevelopment Authority pursuant to those deeds dated July 24, 1974 and recorded in Deed Book DCC 716, Page 129 and Deed Book DCC 716, Page 133.

TRUCK TUNNEL– GALLERY I UNDER NORTH 9TH STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the easterly right-of-way line of 9th Street, (55.781' wide), said point being located at the intersection of said easterly right-of-way line of 9th Street and the northerly right-of-way line of Market Street (100 feet wide) and extending thence;

1. Crossing the right-of-way of 9th Street, North 78°59'00" West, a distance of 55.781 feet to a point in the westerly right-of-way line of 9th Street; thence,
2. Along the said line of 9th Street, North 11°01'00" East, a distance of 306.500 feet; thence,
3. Crossing the right-of-way of 9th Street, South 78°59'00" East, a distance of 55.781 feet to a point in the easterly right-of-way line of 9th Street; thence,
4. Along said line of 9th Street, South 11°01'00" West, a distance of 306.500 feet to the first mentioned point and place of beginning.
- 5.

Containing 0.392 ACRES, more or less.

Area is limited in vertical dimension to the space lying between the underside of the foundation and the structural members forming the bottom of the Truck Level, and the top of the structural slab separating the Truck Level from the Mall Level.

MALL LEVEL– GALLERY I 9TH STREET SECTION

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the westerly right-of-way line of 9th Street, (55.781' wide), said point being located at the intersection of said westerly right-of-way line of 9th Street and the southerly right-of-way line of Filbert Street (53.50 feet wide) and extending thence;

1. Crossing the bed of the aforementioned 9th Street, South 78°59'00" East, a distance of 55.781 feet to a point on the easterly right-of-way line of 9th Street; thence,
2. Along said line of 9th Street, South 11°01'00" West, a distance of 306.500 feet to a point in the bed of Market Street, thence,
3. Through the bed of Market Street, North 78°59'00" West, a distance of 55.781 feet; thence,

4. Along the westerly line of 9th Street, North 11°01'00" East, a distance of 306.500 feet to the first mentioned point and place of beginning.

Containing 0.392 acres, more or less.

The above described area beginning at the top of the structural slab of the Mall Level, and extending upwards to the top of the structural slab of the Street Level.

10TH STREET

The Sub-Surface Areas with respect to 10th Street shall consist of the following two areas, but excepting therefrom any and all premises dedicated by the Redevelopment Authority by deed dated June 19, 1980 and recorded as Deed Book EFP 45, Page 283 and by deeds dated July 24, 1974 and recorded in Deed Book DCC 716, Page 141, Deed Book DCC 716, Page 149, Deed Book DCC 716, Page 137.

TRUCK TUNNEL– GALLERY II UNDER NORTH 10TH STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the easterly right-of-way line of 10th Street, (55.781' wide), said point being located at the intersection of said easterly right-of-way line of 10th Street and the northerly right-of-way line of Market Street (100 feet wide) and extending thence;

1. Crossing the right-of-way of 10th Street, North 78°59'00" West, a distance of 55.781 feet to a point in the westerly right-of-way line of 10th Street; thence,
2. Along the said line of 10th Street, North 11°01'00" East, a distance of 217.316 feet; thence,
3. Crossing the right-of-way of 10th Street, South 78°59'00" East, a distance of 55.781 feet to a point in the easterly right-of-way line of 10th Street; thence,
4. Along said line of 10th Street, South 11°01'00" West, a distance of 217.316 feet to the first mentioned point and place of beginning.

Containing 0.278 ACRES, more or less.

Area is limited in vertical dimension to the space lying between the underside of the foundation and the structural members forming the bottom of the Truck Level, and the top of the structural slab separating the Truck Level from the Mall Level.

MALL LEVEL– GALLERY II UNDER NORTH 10TH STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the easterly right-of-way line of 10th Street, (55.781' wide), said point being located at the intersection of said easterly right-of-way line of 10th Street and the northerly right-of-way line of Market Street (100 feet wide) and extending thence;

1. Crossing the right-of-way of 10th Street, North 78°59'00" West, a distance of 55.781 feet to a point in the westerly right-of-way line of 10th Street; thence,
2. Along the said line of 10th Street, North 11°01'00" East, a distance of 314.107 feet to a point in the bed of Filbert Street; thence,
3. Through the bed of Filbert Street, South 78°59'00" East, a distance of 54.162 feet; thence,
4. Still through the bed of Filbert Street and partially through the bed of 10th Street, South 10°17'18" West, a distance of 9.599 feet; thence,
5. Through the bed of 10th Street, South 78°59'00" East, a distance of 1.497 feet to a point in the easterly right-of-way line of 10th Street; thence,
6. Along said line of 10th Street, South 11°01'00" West, a distance of 304.511 feet to the first mentioned point and place of beginning.

Containing 0.402 acres, more or less.

The above described area beginning at the top of the structural slab of the Mall Level, and extending upwards to the top of the structural slab of the Street Level.

11TH STREET

The Sub-Surface Areas with respect to 11th Street shall consist of the following two areas, but excepting therefrom any and all premises dedicated by the Redevelopment Authority by deed dated June 19, 1980 and recorded in Deed Book EFP 45, Page 279 and by deeds dated March 31, 1982 and recorded as Deed Book EFP 475, Page 86, Deed Book EFP 475, Page 90, and Deed Book EFP 475, Page 94.

MALL LEVEL - GALLERY II UNDER NORTH 11TH STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the easterly right-of-way line of 11th Street, (55.781' wide), said point being located North 11°01'00" East, a distance of 139.305 feet from the intersection of said easterly right-of-way line of 11th Street and the northerly right-of-way line of Market Street (100 feet wide) and extending thence;

1. Partially crossing the right-of-way of 11th Street, North 78°59'00" West, a distance of 25.944 feet; thence,
2. Partially crossing the right-of-way of 11th Street, South 56°01'00" West, a distance of 24.940 feet; thence,
3. Crossing the right-of-way of 11th Street, North 78°59'00" West, a distance of 12.201 feet to a point in the westerly right-of-way line of 11th Street; thence,
4. Along the said line of 11th Street, North 11°01'00" East, a distance of 78.225 feet; thence,
5. Partially crossing the right-of-way of 11th Street, North 58°42'59" East, a distance of 16.469 feet; thence,

6. Crossing the right-of-way of 11th Street, South 78°59'00" East, a distance of 43.599 feet to a point in the easterly right-of-way line of 11th Street; thence,
7. Along said line of 11th Street, South 11°01'00" West, a distance of 71.673 feet to the first mentioned point and place of beginning.

Containing 0.099 acres, more or less.

The above described area beginning at the top of the structural slab of the Mall Level, and extending upwards to the top of the structural slab of the Street Level.

MALL LEVEL - JC PENNEY UNDER NORTH 11TH STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the easterly right-of-way line of 11th Street, (55.781' wide), said point being located North 11°01'00" East, a distance of 10.988 feet from the intersection of said easterly right-of-way line of 11th Street and the northerly right-of-way line of Market Street (100 feet wide) and extending thence;

1. Crossing the right-of-way of 11th Street, North 78°59'00" West, a distance of 55.781 feet to a point in the westerly right-of-way line of 11th Street; thence,
2. Along the said line of 11th Street, North 11°01'00" East, a distance of 110.682 feet; thence,
3. Partially crossing the right-of-way of 11th Street, North 78°59'00" East, a distance of 12.201 feet; thence,
4. Partially crossing the right-of-way of 11th Street, North 56°01'00" East, a distance of 24.940 feet; thence
5. Crossing the right-of-way of 11th Street, South 78°59'00" East, a distance of 25.944 feet to a point in the easterly right-of-way line of 11th Street; thence,
6. Along said line of 11th Street, South 11°01'00" West, a distance of 128.317 feet to the first mentioned point and place of beginning.

Containing 0.156 acres, more or less.

The above described area beginning at the top of the structural slab of the Mall Level, and extending upwards to the top of the structural slab of the Street Level.

MARKET STREET

The Sub-Surface Areas with respect to Market Street shall consist of the following four areas:

TRUCK TUNNEL – GALLERY I UNDER MARKET STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the northerly right-of-way line of Market Street (100 feet wide), said point being located North 78°59'00" West, a distance of 50.000 feet from the intersection of the westerly right-of-way line of 9th Street, (55.781' wide) and the northerly right-of-way line of Market Street, and extending thence;

1. Along the northerly right-of-way line of Market Street, South 78°59'00" East, a distance of 144.000 feet to a point; thence,
2. Leaving said line and extending in the bed of Market Street, South 11°01'00" West, a distance of 20.000 feet; thence,
3. North 78°59'00" West, a distance of 144.000 feet; thence,
4. North 11°01'00" East, a distance of 20.000 feet to the first mentioned point and place of beginning.

Containing 0.066 ACRES, more or less.

The above described area being bounded on the top by the top of the structural slab of the Mall Level, and extending downwards to the underside of the foundation & the structural members forming the bottom of the Truck Level.

MALL LEVEL PORTION – GALLERY I UNDER MARKET STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the northerly right-of-way line of Market Street (100 feet wide), said point being located North 78°59'00" West, a distance of 50.000 feet from the intersection of the westerly right-of-way line of 9th Street, (55.781' wide) and the northerly right-of-way line of Market Street, and extending thence;

1. Along the northerly right-of-way line of Market Street, South 78°59'00" East, a distance of 144.000 feet to a point; thence,
2. Leaving said line and extending in the bed of Market Street, South 11°01'00" West, a distance of 20.000 feet; thence,
3. North 78°59'00" West, a distance of 144.000 feet; thence,
4. North 11°01'00" East, a distance of 20.000 feet to the first mentioned point and place of beginning.

Containing 0.066 acres, more or less.

The above described area beginning at the top of the structural slab of the Mall Level, and extending upwards to the top of the structural slab of the Street Level.

MALL LEVEL PORTION – GALLERY I SOUTH OF 833 MARKET STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the northerly right-of-way line of Market Street (100 feet wide), said point being located South 78°59'00" East, a distance of 38.221 feet from the intersection of the easterly right-of-way line of 9th Street (55.781' wide) and the northerly right-of-way line of Market Street, and extending thence;

1. Along the northerly right-of-way line of Market Street, South 78°59'00" East, a distance of 61.455 feet to a point; thence,
2. Leaving said line and extending in the bed of Market Street, South 11°01'00" West, a distance of 20.000 feet; thence,
3. North 78°59'00" West, a distance of 61.455 feet; thence,
4. North 11°01'00" East, a distance of 20.000 feet to the first mentioned point and place of beginning.

Containing 0.028 acres, more or less.

The above described area beginning at the top of the structural slab of the Mall Level, and extending upwards to the top of the structural slab of the Street Level.

MALL LEVEL PORTION – GALLERY I SOUTH OF 801 MARKET STREET SECTION

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the northerly right-of-way line of Market Street (100 feet wide), said point being located North 78°59'00" West, a distance of 29.075 feet from the intersection of the westerly right-of-way line of 8th Street (50.000' wide) and the northerly right-of-way line of Market Street, and extending thence;

1. Though a portion of the bed of Market Street, South 11°01'00" West, a distance of 20.000 feet; thence,
2. North 78°59'00" West, a distance of 43.162 feet; thence,
3. North 11°01'00" East, a distance of 10.644 feet; thence,
4. North 78°59'00" West, a distance of 36.580 feet; thence,
5. South 11°01'00" West, a distance of 10.644 feet; thence,
6. North 78°59'00" West, a distance of 71.420 feet; thence,
7. North 11°01'00" East, a distance of 10.553 feet; thence,
8. North 78°59'00" West, a distance of 37.170 feet; thence,
9. South 11°01'00" West, a distance of 10.553 feet; thence,
10. North 78°59'00" West, a distance of 75.138 feet; thence,
11. North 11°01'00" East, a distance of 20.000 feet to a point on the aforementioned northerly right-of-way line of Market Street; thence,
12. Along said line of Market Street, South 78°59'00" East, a distance of 263.471 feet to the first mentioned point and place of beginning.

Containing 0.103 acres, more or less.

The above described area beginning at the top of the structural slab of the Mall Level, and extending upwards to the top of the structural slab of the Street Level.

EXHIBIT "G"
Aerial Areas

9TH STREET

The Aerial Areas with respect to 9th Street shall consist of the following three areas, but excepting therefrom any and all those premises dedicated by the Redevelopment Authority by deeds dated July 24, 1974 and recorded in Deed Book DCC 716, Page 129 and Deed Book DCC 716, Page 133.

SECOND LEVEL - GALLERY I AERIAL PORTION OVER NORTH 9TH STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the easterly right-of-way line of 9th Street, (55.781' wide), said point being located North 11°01'00" East, a distance of 66.000 feet from the intersection of said easterly right-of-way line of 9th Street and the northerly right-of-way line of Market Street (100 feet wide) and extending thence;

1. Crossing the right-of-way of 9th Street, North 78°59'00" West, a distance of 55.781 feet to a point in the westerly right-of-way line of 9th Street; thence,
2. Along the said line of 9th Street, North 11°01'00" East, a distance of 231.500 feet; thence,
3. Crossing the right-of-way of 9th Street, South 78°59'00" East, a distance of 55.781 feet to a point in the easterly right-of-way line of 9th Street; thence,
4. Along said line of 9th Street, South 11°01'00" West, a distance of 231.500 feet to the first mentioned point and place of beginning.

The above described area beginning at the top of the structural slab of the Second Level, and extending upwards to the top of the structural slab of the Third Level.

Containing 0.296 acres, more or less.

THIRD LEVEL – GALLERY I PORTION NORTH 9TH STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the easterly right-of-way line of 9th Street, (55.781' wide), said point being located North 11°01'00" East, a distance of 66.000 feet from the intersection of said easterly right-of-way line of 9th Street and the northerly right-of-way line of Market Street (100 feet wide) and extending thence;

1. Crossing the right-of-way of 9th Street, North 78°59'00" West, a distance of 55.781 feet to a point in the westerly right-of-way line of 9th Street; thence,
2. Along the said line of 9th Street, North 11°01'00" East, a distance of 231.500 feet; thence,
3. Crossing the right-of-way of 9th Street, South 78°59'00" East, a distance of 55.781 feet to a point in the easterly right-of-way line of 9th Street; thence,

4. Along said line of 9th Street, South 11°01'00" West, a distance of 231.500 feet to the first mentioned point and place of beginning.

The above described area beginning at the top of the structural slab of the Third Level, and extending upwards to the top of the structural slab of the Roof Level.

ROOF LEVEL – GALLERY I NORTH 9TH STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the easterly right-of-way line of 9th Street, (55.781' wide), said point being located North 11°01'00" East, a distance of 66.000 feet from the intersection of said easterly right-of-way line of 9th Street and the northerly right-of-way line of Market Street (100 feet wide) and extending thence;

1. Crossing the right-of-way of 9th Street, North 78°59'00" West, a distance of 55.781 feet to a point in the westerly right-of-way line of 9th Street; thence,
2. Along the said line of 9th Street, North 11°01'00" East, a distance of 231.500 feet; thence,
3. Crossing the right-of-way of 9th Street, South 78°59'00" East, a distance of 55.781 feet to a point in the easterly right-of-way line of 9th Street; thence,
4. Along said line of 9th Street, South 11°01'00" West, a distance of 231.500 feet to the first mentioned point and place of beginning.

Containing 0.296 acres, more or less.

Area is limited in vertical dimension to the space lying between the top of the structural slab of the Roof Level, and a plane of elevation of approximately +107.0 vertical feet, as related to City of Philadelphia vertical datum, said plane of elevation being approximately 20.0 vertical feet above the upper side of the structural members forming the Roof Level.

10TH STREET

The Aerial Areas with respect to 10th Street shall consist of the following three areas, but excepting therefrom any and all however, those premises dedicated by the Redevelopment Authority by deed dated June 19, 1980 and recorded as Deed Book EFP 45, Page 283 and by deeds dated July 24, 1974 and recorded in Deed Book DCC 716, Page 141, Deed Book DCC 716, Page 149, Deed Book DCC 716, Page 137.

SECOND LEVEL - GALLERY II NORTH 10TH STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the easterly right-of-way line of 10th Street, (55.781' wide), said point being located North 11°01'00" East, a distance of 61.000 feet from the intersection of said

easterly right-of-way line of 10th Street and the northerly right-of-way line of Market Street (100 feet wide) and extending thence;

1. Crossing the right-of-way of 10th Street, North 78°59'00" West, a distance of 55.781 feet to a point in the westerly right-of-way line of 10th Street; thence,
2. Along the said line of 10th Street, North 11°01'00" East, a distance of 181.500 feet; thence,
3. Crossing the right-of-way of 10th Street, South 78°59'00" East, a distance of 55.781 feet to a point in the easterly right-of-way line of 10th Street; thence,
4. Along said line of 10th Street, South 11°01'00" West, a distance of 181.500 feet to the first mentioned point and place of beginning.

The above described area beginning at the top of the structural slab of the Second Level, and extending upwards to the top of the structural slab of the Third Level.

Containing 0.232 acres, more or less.

THIRD LEVEL - GALLERY II AERIAL PORTION OVER NORTH 10TH STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the easterly right-of-way line of 10th Street, (55.781' wide), said point being located North 11°01'00" East, a distance of 61.000 feet from the intersection of said easterly right-of-way line of 10th Street and the northerly right-of-way line of Market Street (100 feet wide) and extending thence;

1. Crossing the right-of-way of 10th Street, North 78°59'00" West, a distance of 55.781 feet to a point in the westerly right-of-way line of 10th Street; thence,
2. Along the said line of 10th Street, North 11°01'00" East, a distance of 181.500 feet; thence,
3. Crossing the right-of-way of 10th Street, South 78°59'00" East, a distance of 55.781 feet to a point in the easterly right-of-way line of 10th Street; thence,
4. Along said line of 10th Street, South 11°01'00" West, a distance of 181.500 feet to the first mentioned point and place of beginning.

Containing 0.232 acres, more or less.

The above described area beginning at the top of the structural slab of the Third Level, and extending upwards to the top of the structural slab of the Roof Level.

GALLERY II - ROOF LEVEL AERIAL PORTION OVER NORTH 10TH STREET

All that certain parcel of ground situate in the City of Philadelphia, Commonwealth of Pennsylvania, being more particularly bounded and described as follows;

Beginning at a point on the easterly right-of-way line of 10th Street, (55.781' wide), said point being located North 11°01'00" East, a distance of 61.000 feet from the intersection of said

easterly right-of-way line of 10th Street and the northerly right-of-way line of Market Street (100 feet wide) and extending thence;

1. Crossing the right-of-way of 10th Street, North 78°59'00" West, a distance of 55.781 feet to a point in the westerly right-of-way line of 10th Street; thence,
2. Along the said line of 10th Street, North 11°01'00" East, a distance of 181.500 feet; thence,
3. Crossing the right-of-way of 10th Street, South 78°59'00" East, a distance of 55.781 feet to a point in the easterly right-of-way line of 10th Street; thence,
4. Along said line of 10th Street, South 11°01'00" West, a distance of 181.500 feet to the first mentioned point and place of beginning.

Containing 0.232 acres, more or less.

Area is limited in vertical dimension to the space lying between the underside of the structural members forming the bottom of the Roof Level, and a plane of elevation of approximately +118.0 vertical feet, as related to City of Philadelphia vertical datum, said plane of elevation being approximately 20.0 vertical feet above the upper side of the structural members forming the Roof Level.

City of Philadelphia

BILL NO. 150376 continued

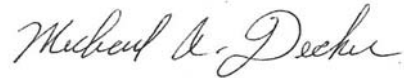
Certified Copy

City of Philadelphia

BILL NO. 150376 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 18, 2015. The Bill was Signed by the Mayor on June 18, 2015.



Michael A. Decker
Chief Clerk of the City Council