

## Legislation Details (With Text)

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**File created:** 6/19/2008      **In control:** Committee on Public Property and Public Works

**On agenda:**      **Final action:** 10/30/2008

**Title:** Authorizing the Commerce Director and the Commissioner of Public Property to acquire an approximately 17 acre property in the vicinity of Island Avenue, Penrose Avenue and Escort Street and to extinguish a deed restriction on the property, all under certain terms and conditions.

**Sponsors:** Council President Verna, Councilmember Tasco

**Indexes:**

**Code sections:**

**Attachments:** 1. CertifiedCopy08058500.pdf

Date	Ver.	Action By	Action	Result	Tally
11/5/2008	0	MAYOR	SIGNED		
10/30/2008	0	CITY COUNCIL	PASSED	Pass	17:0
10/30/2008	0	CITY COUNCIL	READ		
10/23/2008	0	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR		
10/23/2008	0	CITY COUNCIL	ORDERED PLACED ON THIS DAY'S FIRST READING CALENDAR		
10/23/2008	0	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
10/22/2008	0	Committee on Public Property and Public Works	HEARING NOTICES SENT		
10/22/2008	0	Committee on Public Property and Public Works	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
10/22/2008	0	Committee on Public Property and Public Works	HEARING HELD		
6/19/2008	0	CITY COUNCIL	Referred		
6/19/2008	0	CITY COUNCIL	Introduced	Pass	

Authorizing the Commerce Director and the Commissioner of Public Property to acquire an approximately 17 acre property in the vicinity of Island Avenue, Penrose Avenue and Escort Street and to extinguish a deed restriction on the property, all under certain terms and conditions.

WHEREAS, Jerome P. Heilweil and Flora P. Heilweil (“the Heilweils”) are the owners of 16.76524 acres of land (“Property”) described in Exhibit “A.”

WHEREAS, the Heilweils acquired the Property from the Philadelphia Authority for Industrial Development, a body politic and corporate existing under the laws of the Commonwealth of Pennsylvania, by deed dated May 23, 1997, recorded in Deed Book JTD 387 page 210, which included the following condition, covenant and restriction:

“The premises hereinabove described shall not at any time hereafter forever be

used for any purpose other than industrial development or redevelopment, including uses related to or accessory to industrial uses which do not change the essential industrial character of the tract and are appropriate and useful in its industrial development or redevelopment, unless and until the Council of the City of Philadelphia shall by Ordinance, waive, alter or amend this restriction in whole or in part.”

WHEREAS, the City seeks to purchase the Property as more particularly described in Exhibit “A.”

WHEREAS, the City is seeking authorization to extinguish the above described condition, covenant and restriction; now, therefore

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

**SECTION 1.** The Commerce Director and the Commissioner of Public Property, or their designees, are authorized to acquire on behalf of The City of Philadelphia 16.76524 acres in the vicinity of Island Avenue, Penrose Avenue and Escort Street, as more particularly described in Exhibit “A” to this Ordinance.

**SECTION 2.** The Commerce Director and the Commissioner of Public Property, or their designees, are authorized to extinguish all conditions, covenants and restrictions on the property, including the following such restriction, with the intention that they shall have no future force and effect on the use of the Property:

“The premises hereinabove described shall not at any time be used for any purpose other than industrial development or redevelopment, including uses related to or accessory to the industrial uses which do not change the essential industrial character of the tract and are appropriate and useful in its industrial development or redevelopment, unless and until the Council of the City of Philadelphia shall by Ordinance, waive, alter or amend this restriction, in whole or in part.”

**SECTION 3.** 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 interests of the City.

**Exhibit A**

**ALL THAT CERTAIN** lot or piece of ground with the buildings and improvements thereon erected, situate in the 40th Ward of the City of Philadelphia, County of Philadelphia, Commonwealth of Pennsylvania and described in accordance with a Lot Line Relocation Plan prepared by Stantec Consulting Inc., formerly Vollmer Associates LLP, dated April 3, 2007:

**BEGINNING** at an interior point, said point being measured the following four courses and distances from a point of curve on the Northeasterly side of Island Avenue (108 feet wide), said point of curve being the Northerly end of an arc that connects the said Northeasterly side of Island Avenue with the Northwesterly side of Escort Street (60 feet wide), having a radius of 40.000 feet and an arc distance of 62.832 feet, as follows:

- 1) North 19 degrees 04 minutes 48 seconds West, along the said side of Island Avenue, 602.175 feet to a point;
- 2) North 70 degrees 55 minutes 12 seconds East, 571.039 feet to a point;
- 3) North 24 degrees 23 minutes 54 seconds East, 185.944 feet to a point;
- 4) South 55 degrees 38 minutes 40 seconds East, 93.935 feet to the point of beginning;

Thence from said point of beginning extending the following fifteen (15) courses and distances:

- 1) North 34 degrees 21 minutes 56.78 seconds East, 786.669 feet to a point;
- 2) North 29 degrees 13 minutes 11 seconds West, 132.955 feet to a point;
- 3) North 60 degrees 46 minutes 49 seconds East, 29.312 feet to a point;
- 4) North 29 degrees 13 minutes 11 seconds West, 80.605 feet to a point a curve; #4 on the arc of a circle curving to the left, having a radius of 250.000 feet and an arc distance of 567.616 feet, subtending an angle of 130 degrees 5 minutes 16.73 seconds to a point;
- 5) South 81 degrees 32 minutes 26 seconds West, 56.415 feet to a point;
- 6) North 24 degrees 18 minutes 40 seconds West, crossing a 16-inch Texas Eastern Transmission Corporation pipe line, 99.689 feet to a point on the Southeasterly side of Penrose Avenue (170 feet wide, Penna. S.R. #291);
- 7) Along the said side of Penrose Avenue and along the Northeasterly side of the Texas Eastern Transmission Corporation pipe line right-of-way on the arc of a circle curving to the left, having a radius of 1,514.825 feet and an arc distance of 275.178 feet (previous deed distance 275.562 feet) to a point of tangent;
- 8) Continuing along the said side of Penrose Avenue and along the Northeasterly side of the Texas Eastern Transmission Corporation pipe line right-of-way, North 61 degrees 41 minutes 57.43 seconds East crossing the head of a 40 foot wide right-of-way for two 16-inch Sunoco Pipe Line Company crude lines (former Arco Crude Lines), 237.567 feet to a point;
- 9) Along the Northeasterly side of the Sunoco Pipe Line Company right-of-way, South 29 degrees 13 minutes 11 seconds East, 1,358.142 feet to a point;
- 10) Along the Northeasterly side of the Sunoco Pipe Line Company right-of-way Southeasterly, South 72 degrees 21 minutes 25.45 seconds West, 39.390 feet to a point;
- 11) Along the Northeasterly side of the Sunoco Pipe Line Company right-of-way Southeasterly, South 35 degrees 49 minutes 10 seconds West, 355.147 feet to a point of curve;
- 12) On the arc of a circle curving to the left, having a radius of 335.000 feet and an arc distance of 380.312 feet to a point of tangent;
- 13) North 29 degrees 13 minutes 34 seconds West, 22.739 feet to a point of curve;
- 14) On the arc of a circle curving to the left, having a radius of 415.000 feet and an arc distance of 191.351 feet to a point of tangent;
- 15) North 55 degrees 38 minutes 40 seconds West, 678.575 feet to the point and place of beginning.

**TOGETHER** with all rights granted under that certain Easement for a 24-foot driveway leading from the subject premises to Escort Avenue, recorded in Deed Book EFP 741 page 139, as shown on the above-mentioned Plan.

**BEING** Parcel "B" as shown on the above-mentioned Plan.

**CONTAINING** in area 730,294 square feet or 16.76524 acres.

**BEING** as to part the same premises which Jerome P. Heilwell and Flora P. Heilwell, husband

and wife, by Confirmatory Deed dated 12/19/2000 and recorded 12/21/2000 in the County of Philadelphia as Document No. 50188584, conveyed unto Jerome P. Heilwell and Flora P. Heilwell, husband and wife, in fee.