

Legislation Text

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Authorizing the Commissioner of Public Property, on behalf of the City, to acquire fee simple title or a lesser interest such as an easement, by purchase, condemnation or otherwise, in parcels of land along the Delaware River and the Kensington & Tacony Trail, and authorizing an agreement between the City and the Philadelphia Redevelopment Authority for the PRA to act as the City's condemnation agent, under certain terms and conditions.

WHEREAS, The City would like to acquire fee simple title or a lesser interest such as an easement, by purchase, condemnation or otherwise, in parcels of land along the Delaware River and the Kensington & Tacony Trail connecting to Lardner's Point Park, the Frankford Boat Launch and the Tacony Boat Launch (the "Acquisition"); and

WHEREAS, Pursuant to § 6.1 of the Redevelopment Cooperation Law, Act of May 24, 1945, P.L. 982, § 6.1; added by the Act of January 19, 1968, P.L. (1967) 987, § 2; 35 P.S. § 1746.1, the City may designate and appoint the PRA its agent to perform any specified activity that the City is authorized by law to perform, so long as such activity is in furtherance of the public purposes specified in the Urban Redevelopment Law (the "URL"); and

WHEREAS, The City and the PRA desire to enter into a Cooperation Agreement (the "Cooperation Agreement") wherein the City will designate PRA as the City's agent to perform the activities necessary to allow the City to acquire the necessary real property interests for the Acquisition; and

WHEREAS, The Acquisition furthers the public purposes specified in the URL and, therefore, the Redevelopment Cooperation Law authorizes the Cooperation Agreement; and

WHEREAS, The Redevelopment Cooperation Law requires that the Council of the City of Philadelphia approve the Cooperation Agreement; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Commissioner of Public Property, on behalf of the City, is authorized to acquire by purchase, condemnation, deed in lieu of condemnation, donation, dedication, or otherwise, fee simple title or a lesser interest such as an easement, in some or all of the parcels of land identified in Section 2 of this Ordinance along the Delaware River and the Kensington & Tacony Trail connecting to Lardner's Point Park, the Frankford Boat Launch and the Tacony Boat Launch for the purpose of making, enlarging, extending, operating and maintaining public parks for public recreation use.

SECTION 2. The lands subject to this Ordinance are the following:

A. Land within the former right-of-way or easement of the Kensington and Tacony Railroad, and bounded as follows:

1. on the SOUTH by south end of the Old Frankford Creek railroad bridge;
2. on the NORTH by northeast side of former Disston Street; and
3. including the spur that starts west of former Disston Street and curves northwardly across former Disston Street and terminates at Milnor Street.

B. Land along the Delaware River bounded as follows:

1. on the SOUTH by the south side of Magee Avenue;
2. on the NORTH by the south boundary of the City of Philadelphia property that lies immediately south of Princeton Avenue;
3. on the EAST, following the course of the Delaware River, by the Bulkhead Line of the north or northwest side of the Delaware River as amended by the Secretary of War September 10, 1940; and
4. on the WEST, following the course of the Delaware River,

(A) from the south side of Magee Avenue to the north side of former Disston Street, the western or northwestern most line of the former Kensington and Tacony Railroad right-of-way or easement, and

(B) from the north side of former Bevan Street (not on City Plan; plotted from deeds recorded in Deed Books G.G.P. #266, page 99, and J.M.H. #2916, page 252) to the south boundary of the City of Philadelphia property that lies immediately south of Princeton Avenue, a line 150 feet north or northwest of the Delaware River Bulkhead Line, amended by the Secretary of War, September 10, 1940.

SECTION 3. The City, either through the Commissioner of Public Property or the Director of Commerce, is authorized to enter into a Cooperation Agreement pursuant to the Redevelopment Cooperation Law to designate and appoint the Philadelphia Redevelopment Authority to be its condemnation agent to carry out the purposes of this Ordinance.

SECTION 4. The City Solicitor is authorized to review and approve all documents necessary to complete the acquisitions authorized by this Ordinance. The City Solicitor is further authorized to include in those documents provisions that the City Solicitor deems necessary and desirable to protect the interests of the City.