

## Legislation Text

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**File #:** 110859, **Version:** 0

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Authorizing the Philadelphia City Planning Commission to take such action as may be necessary to effectuate the removal of deed restrictions with regard to the property located at 1001-1029 South Broad Street, 1223-1245 Washington Avenue, 1301-1333 Washington Avenue and 1300-1342 Carpenter Street, aka, Broad Street and Washington Avenue, Philadelphia, PA.

WHEREAS, The City of Philadelphia by and through its City Planning Commission entered into an agreement with Rimas Properties BW, LP. (“Owners”), then Owners of the property located at 1001-1029 South Broad Street, 1223-1245 Washington Avenue, 1301-1333 Washington Avenue and 1300-1342 Carpenter Street (the “Property”) on October 16, 2007; and

WHEREAS, Said agreement was incorporated into a Declaration of Deed Restriction with regard to the Property located at 1001-1029 South Broad Street, 1223-1245 Washington Avenue, 1301-1333 Washington Avenue and 1300-1342 Carpenter Street; and

WHEREAS, Such Declaration of Deed Restriction was recorded among the land records for the City and County of Philadelphia as instrument 51889027 (the “Declaration of Deed Restriction”); and

WHEREAS, The parties entered into said agreement in conjunction with a request by the Owners of the Property to change the zoning designation of the Property from “G-2” General Industrial to “C-5” Commercial; and

WHEREAS, The Owners of the Property desired to secure the support of the City Planning Commission for the change in zoning designation of the Property; and

WHEREAS, The City Planning Commission desired to secure proof that the Property would be improved in accordance with plans submitted to the City Planning Commission by the Owners of the Property; and

WHEREAS, The parties agreed to enter into the Declaration of Deed Restriction which memorialized the agreement of the parties; and

WHEREAS, The Owners of the Property were not able to improve the Property in accordance with the Declaration of Deed Restriction; and

WHEREAS, The Owners have conveyed and no longer own the Property; and

WHEREAS, It is no longer desirable or feasible for the Property to be improved in accordance with the Declaration of Deed Restriction; and

WHEREAS, The Declaration of Deed Restriction prevents appropriate development of the Property; and

WHEREAS, The Declaration of Deed Restriction does not prevent the Owners from selling, transferring, assigning or leasing the Property and the restrictions set forth in the Declaration of Deed Restriction run with the land; and

WHEREAS, These facts notwithstanding, the provisions of the Declaration of Deed Restriction permit it to be terminated or amended by the mutual agreement of the parties; and

WHEREAS, Said parties desire to terminate said Declaration of Deed Restriction; now, therefore be it

RESOLVED, BY THE CITY COUNCIL OF PHILADELPHIA, That we hereby authorize and direct the City of Philadelphia, through and by its City Planning Commission to take whatever steps that may be necessary to terminate said Declaration of Deed Restriction of record and all agreements contemplated thereby with regard to the Property located at 1001-1029 South Broad Street, 1223-1245 Washington Avenue, 1301-1333 Washington Avenue and 1300-1342 Carpenter Street, aka, Broad Street and Washington Avenue, Philadelphia, PA.