City of Philadelphia

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

Legislation Details (With Text)

File #:	100842	**Version:**	1	**Name:**	
Type:	Bill			**Status:**	ENACTED
File created:	12/2/2010			**In control:**	Committee on Public Property and Public Works
On agenda:				**Final action:**	12/16/2010

Title: Authorizing the Commissioner of Public Property to enter into a license or long term lease agreement and other related agreements between the City of Philadelphia as licensor or landlord, and the Center City District as licensee or tenant, for a certain parcel of land bounded approximately by John F. Kennedy Boulevard, 15th Street, South Penn Square and the west side of City Hall, commonly referred to as Dilworth Plaza, under certain terms and conditions.

Sponsors: Councilmember Clarke

Indexes: AGREEMENTS, CENTER CITY DISTRICT

Code sections:

Attachments: 1. 100842 Exhibit A.DOC, 2. CertifiedCopy10084201.pdf

Date	Ver.	Action By	Action	Result	Tally
12/21/2010	1	MAYOR	SIGNED		
12/16/2010	1	CITY COUNCIL	READ AND PASSED	Pass	16:0
12/9/2010	1	CITY COUNCIL	ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR		
12/9/2010	1	CITY COUNCIL	SUSPEND THE RULES OF THE COUNCIL	Pass	
12/9/2010	1	CITY COUNCIL	ORDERED PLACED ON NEXT WEEK`S SECOND READING CALENDAR		
12/8/2010	0	Committee on Public Property and Public Works	HEARING NOTICES SENT		
12/8/2010	0	Committee on Public Property and Public Works	HEARING HELD		
12/8/2010	0	Committee on Public Property and Public Works	AMENDED		
12/8/2010	1	Committee on Public Property and Public Works	REPORTED FAVORABLY, RULE SUSPENSION REQUESTED		
12/2/2010	0	CITY COUNCIL	Introduced and Referred	Pass	

Authorizing the Commissioner of Public Property to enter into a license or long term lease agreement and other related agreements between the City of Philadelphia as licensor or landlord, and the Center City District as licensee or tenant, for a certain parcel of land bounded approximately by John F. Kennedy Boulevard, 15th Street, South Penn Square and the west side of City Hall, commonly referred to as Dilworth Plaza, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Commissioner of Public Property is hereby authorized to enter into a license or long term lease agreement, consistent with the Term Sheet attached as Exhibit "A" hereto, and such other agreements as are necessary to effectuate such terms, between the City of Philadelphia and the Center City District, for a certain parcel of land bounded by John F. Kennedy Boulevard, 15th Street, South Penn Square, and a line 60

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feet east of, and parallel to, the easternmost west-facing plane of the west face of City Hall (as extended), which area is commonly referred to as Dilworth Plaza, except that the authorization provided by this Ordinance shall not extend to any part of the building known as City Hall, nor to any land underlying such building.

SECTION 2. The City Solicitor is hereby authorized to review and to approve the lease or license and other documents necessary to effectuate the agreement referred to in Section 1, which agreement and other documents shall contain such terms and conditions as the City Solicitor shall deem necessary and proper to protect the interests of the City of Philadelphia and to carry out the purpose of this Ordinance.

SECTION 3. Provided that the agreement authorized by this Ordinance will include a provision that ensures the operating departments of the City that currently control and license events on Dilworth Plaza will continue to control and license events on Dilworth Plaza.

EXHIBIT A
DILWORTH PLAZA TERM SHEET

1. **Landlord/Licensor:** The City of Philadelphia, through its Department of Public Property ("City").

2. **Tenant/Licensee:** Center City District ("CCD").

3. **Premises:** The premises is located between City Hall, JFK Boulevard, 15th Street and South Penn Square, and is commonly known as Dilworth Plaza.

4. **Reserved from Premises:** The subterranean SEPTA concourses and transportation infrastructure will not be part of this Lease or License.

5. **Commencement Date:** On or about June 1, 2011.

6. **Term:** Thirty (30) years.

7. **Base Rent or Fee:** Base Rent or Fee shall nominally be $1.00 per year.

8. **Improvements:** Tenant/Licensee shall make substantial improvements to the property including but not limited to substructure, landscaping, a water feature, a café, elevators, etc. The details of the improvements shall be contained in a development plan and attached to the Lease or License.

9. **Use:** The Premises shall be used as open space and park purposes with other activities commonly occurring in parks in Center City.

10. **Utilities:** Utilities shall be paid by the City of Philadelphia, except for the café, which shall be separately metered.

11. **Maintenance/Repair:** CCD shall maintain the majority of the premises. However, SEPTA has agreed to maintain the elevators once constructed and the City will provide routine maintenance and police services consistent with those services provided by the City at other parks in Center City. A maintenance plan describing the maintenance to be performed by CCD shall be attached to the Lease or License.

12. **Equal Economic Opportunity:** Tenant/Licensee Improvements to the premises will be completed in accordance with the goals established by an Equal Economic Opportunity Plan developed by the City's Office of Equal Opportunity, which goals will be attached to the Lease or License and will be

provided in advance to all contractors bidding on the Tenant/Licensee Improvements.