File #: 190765, **Version:** 0

Authorizing the Commissioner of Philadelphia Parks and Recreation, on behalf of the City of Philadelphia, to enter into a Stormwater Easement Agreement with The School District of Philadelphia, to allow for the management of stormwater discharge from the northern portion of The School District parcels located at 3201 Ryan Avenue and 3001 Ryan Avenue, Philadelphia, PA, by way of overland flow to the adjacent Pennypack Park, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Commissioner of Philadelphia Parks and Recreation, on behalf of the City of Philadelphia, is hereby authorized to enter into a Stormwater Easement Agreement with The School District of Philadelphia, to allow for the management and maintenance of the current stormwater discharge pattern and flow from the northern portion of the premises located at 3201 Ryan Avenue and 3001 Ryan Avenue, Philadelphia, PA, during and after construction of the new elementary school situate at the northern portion of the premises, onto and over the adjacent Pennypack Park, Philadelphia, Pennsylvania.

SECTION 2. The agreement authorized by this Ordinance must comply substantially with the term sheet attached hereto as Exhibit "A".

SECTION 3. The Commissioner of Philadelphia Parks and Recreation is hereby designated as the authorized representative of the City of Philadelphia to act in connection with the easement agreement.

SECTION 4. The City Solicitor is hereby authorized to review and approve the easement agreement and other documents and instruments necessary to effectuate this Ordinance, which easement agreement and documents shall contain such terms and conditions as the City Solicitor shall deem necessary or appropriate to protect the interests of the City of Philadelphia, and to carry out the purpose of this Ordinance.

EXHIBIT A

Stormwater Easement Agreement
(Term Sheet)

1. Term: Up to 45 years.

2. Location: Easement area from 3201 and 3001 Ryan Avenue, Philadelphia, PA, to Pennypack Park and Creek.

3. Grantee's Obligations:

    a. Manage current stormwater discharge pattern from Dominant Parcel onto and over Servient

Parcel pre- and post-construction of the new elementary school by proposing a surface infiltration basin and installing infrastructure, known as a level spreader, on the Dominant Parcel that has the ability to allow the stormwater discharge to spread and flow onto and over the Servient Parcel and mimic the current natural flow of stormwater discharge.

b. Cause Developer to seek and obtain approval of a Stormwater Management Plan from the Philadelphia Water Department (PWD) reasonably satisfactory to the Grantor and Grantee to manage stormwater discharge from the Dominant Parcel onto and over the Servient Parcel

c. Enter into an agreement with Developer for the design and construction of the stormwater management facilities on the Dominant Parcel, and cause Developer to commence construction of said facilities.

d. Enter into agreements with the PWD, to be recorded, for the post-construction operation, maintenance and replacement of the stormwater management facilities on the Dominant Parcel as identified in the approved Stormwater Management Plan.

e. Refrain from any activities or construction of any improvements at the Dominant Parcel that will materially affect the operations of the stormwater management facilities without the prior written approval of the PWD and Grantee, such approval not to be unreasonably withheld or conditioned.

f. Use commercially reasonable efforts, in performing Grantee's obligations, to not engage in any activity or use that would interfere with, or would be reasonably likely to interfere with, Grantor's (or any tenants, licensees, or invitees) use and enjoyment of the Servient Parcel in any material manner or for any material period of time.

g. Refrain from disturbing, excavating or otherwise interfering with surface soils and subsurface soils, except as provided by and in compliance with the approved Stormwater Management Plan.

h. Comply to the fullest extent with all state, federal and local laws, regulations and ordinances pertaining to any of Grantee's obligations.

4. Grantor's Obligations:

a. Give, grant and declare in favor of the Grantee the non-exclusive real property rights, which shall run with the land, to facilitate the lawful discharge and management of stormwater from the Dominant Parcel onto and over the Servient Parcel.

b. Refrain from any activities or construction of any improvements at the Servient Parcel that will materially affect the operations of the stormwater management facilities without the prior written approval of the PWD and Grantee, such approval not to be unreasonably withheld or conditioned.

5. City's Financial Obligations: None.

powered by Legistar™