

## Legislation Text

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Authorizing The Philadelphia Municipal Authority, and The Philadelphia Gas Works by Philadelphia Facilities Management Corporation (solely in its capacity as Operator and Manager of the City-owned Philadelphia Gas Works), to enter into certain transactions and contracts regarding the lease and license of portions of the premises located at 5000 Summerdale Avenue and 5501 Whitaker Avenue, Philadelphia, Pennsylvania for the use of The Philadelphia Gas Works, all under certain terms and conditions.

WHEREAS, The Philadelphia Municipal Authority (the “Authority”), incorporated pursuant to the Municipal Authorities Act, 53 Pa. C.S. Ch. 56 (as amended from time to time, the “Act”), is authorized by Ordinance approved April 3, 2014 (Bill No. 140073), to undertake any project (as defined in the Act) that the Authority is specifically authorized to undertake from time to time by ordinance of the Philadelphia City Council (“City Council”); and

WHEREAS, The Philadelphia Gas Works (“PGW”) has requested the Authority enter into a sublease agreement (“Sublease Agreement”) whereby the Philadelphia Gas Works by Philadelphia Facilities Management Corporation (“PFMC”) (solely in its capacity as operator and manager of the City-owned Philadelphia Gas Works, under and pursuant to an agreement with the City of Philadelphia dated December 29, 1972, as amended), will sublease and sublicense from PMA, a portion of certain premises located at 5000 Summerdale Avenue and 5501 Whitaker Avenue, which the Authority will first lease and license from the property owner and/or lessee of the foregoing properties, NP Philadelphia Summerdale Industrial, LLC, pursuant to a lease agreement; and

WHEREAS, Section VIII(3) of the Agreement dated December 29, 1972, as amended, between the City of Philadelphia and Philadelphia Facilities Management Corporation provides in part that leases of real estate by or for the Philadelphia Gas Works by PFMC shall be submitted to the Philadelphia Gas Commission for its approval and shall be submitted to City Council for its approval by ordinance; and

WHEREAS, The Philadelphia Gas Commission at a public meeting duly held on December 8, 2020, approved the proposed sublease and sublicense transactions between the Philadelphia Gas Works by Philadelphia Facilities Management Corporation and The Philadelphia Municipal Authority, under certain terms and conditions and favorably recommended approval of the transaction to City Council; now, therefore

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

SECTION 1. Pursuant to Section VIII(3) of the Agreement dated December 29, 1972, as amended, between the City of Philadelphia and Philadelphia Facilities Management Corporation, the Philadelphia City Council (“City Council”) does hereby approve the Philadelphia Gas Works (“PGW”), by Philadelphia Facilities Management Corporation (“PFMC”) (solely in its capacity as operator and manager of the City-owned Philadelphia Gas Works, under and pursuant to an agreement with the City of Philadelphia dated December 29, 1972, as amended), to enter into a sublease and sublicense (the “Sublease”), and potential renewals thereof, with The Philadelphia Municipal Authority, for PGW’s use of a portion of the premises and improvements now or

hereafter located at 5000 Summerdale Avenue and 5501 Whitaker Avenue, pursuant to terms substantially as set forth in Exhibit “A” attached hereto and made a part hereof.

SECTION 2. City Council hereby authorizes The Philadelphia Municipal Authority to enter into the Sublease with PGW, by PFMC, and to also enter into a lease and license with NP Philadelphia Summerdale Industrial, LLC regarding the subject property described in Section 1, above (the “Lease”), both with potential renewals thereof, pursuant to terms substantially as set forth in Exhibit “A” attached hereto and made a part hereof, and such other documents as are necessary to carry out the purpose of the project that is the subject of this Ordinance.

SECTION 3. The City Solicitor is hereby authorized to review and to approve the Sublease and other documents necessary to effectuate this Ordinance, which Sublease and 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 the PGW and to carry out the purpose of this Ordinance.

SECTION 4. The Exhibit “A” referred to and incorporated in this Ordinance shall be kept on file by the Chief Clerk of City Council and shall be available to the public for inspection, reading or copying at reasonable times.