

Legislation Text

File #: 220205, **Version:** 0

Authorizing the conveyance of an interest in and the assignment of the redevelopment agreement for 2032 Lehigh Avenue located in the First Councilmanic District in accordance with the terms of Chapter 16-600 of The Philadelphia Code as it pertains to dispositions of surplus property under Chapter 16-400 and 16-700 of The Philadelphia Code.

WHEREAS, Section 16-706 of the Philadelphia Code authorizes the Philadelphia Land Bank (“Land Bank”) to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the Land Bank in accordance with the requirements of Chapter 16-400 of The Philadelphia Code; and

WHEREAS, Section 16-404(3)(f) of The Philadelphia Code requires compliance with Section 16-601(1) of The Philadelphia Code; and

WHEREAS, Section 16-601(1)(d) of The Philadelphia Code provides that, prior to issuance of a Certificate of Completion by the Land Bank, an ownership interest in the redeveloper may not be transferred without Council’s prior approval by resolution; and

WHEREAS, Section 16-601(1)(a) of The Philadelphia Code provides that a redevelopment contract may not be assigned to a new redeveloper without Council’s prior approval by resolution; and

WHEREAS, The disposition of 2032 E. Lehigh Avenue (the “Premises”) to BVG Property Group, LLC (“Developer”) for inclusion in a scattered-site affordable rental housing development (the “Development”) to consist of eighteen (18) rental units, of which twelve (12) would be affordable, was approved by Land Bank Board Resolution 2021-51, adopted on November 9, 2021, and by Council Resolution 210975, adopted on December 9, 2021; and

WHEREAS, Developer has requested and the Land Bank has agreed to permit Developer, following the Land Bank’s conveyance of the Premises to Developer, (1) to convey the Premises to a separate entity known as BVG 2032 E Lehigh Ave Partners, LLC (“Assignee”), which is wholly owned by 2032 E Lehigh Ave QOF, LLC, which is wholly owned by the members of BVG Property Group, LLC; and (2) to assign its rights and obligations under the Purchase and Development Agreement with the Land Bank for the Development (the “PDA”), as they pertain to the Premises, to Assignee; and

WHEREAS, Assignee will assume, undertake and perform the obligations and responsibilities to develop, maintain and manage the Premises in accordance with the PDA and with an assignment and assumption agreement to be executed by the Land Bank, Developer and Assignee; and

WHEREAS, The Land Bank Board, via Resolution No. 2022-2, adopted on February 8, 2022, approved the conveyance of the Premises to Assignee, and the assignment of Developer’s rights and obligations under the PDA, as they pertain to the Premises, to Assignee, subject to the execution of an assignment and assumption agreement satisfactory to the Land Bank and signed by the Land Bank, Developer, and Assignee; now,

therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, AS FOLLOWS:

SECTION 1. BVG Property Group, LLC is hereby authorized to convey 2032 E. Lehigh Avenue to BVG 2032 E Lehigh Ave Partners, LLC, pursuant to Chapter 16-600 of The Philadelphia Code.

SECTION 2. BVG Property Group, LLC is hereby authorized to assign its rights and obligations under the Purchase and Development Agreement with the Philadelphia Land Bank for the Development, as they pertain to 2032 E. Lehigh Avenue, to BVG 2032 E Lehigh Ave Partners, LLC, pursuant to Chapter 16-600 of The Philadelphia Code.