

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. **817** Session of
2017

INTRODUCED BY RAFFERTY, JUNE 29, 2017

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 21, 2018

AN ACT

1 Authorizing the Department of General Services to extend the
2 term of a certain lease of real property, being a portion of
3 the Southeastern Pennsylvania Veterans' Center in East
4 Vincent Township, Chester County-; AUTHORIZING THE DEPARTMENT <--
5 OF CONSERVATION AND NATURAL RESOURCES, WITH THE APPROVAL OF
6 THE GOVERNOR, TO GRANT AND CONVEY TO ROBBIE S. COHEN-
7 MILLSTEIN CERTAIN LANDS SITUATE IN NOCKAMIXON TOWNSHIP, BUCKS
8 COUNTY, IN EXCHANGE FOR ROBBIE S. COHEN-MILLSTEIN GRANTING
9 AND CONVEYING CERTAIN LANDS TO THE COMMONWEALTH OF
10 PENNSYLVANIA, DEPARTMENT OF CONSERVATION AND NATURAL
11 RESOURCES, TO BE ADDED TO THOSE EXISTING LANDS AT DELAWARE
12 CANAL STATE PARK; AUTHORIZING THE DEPARTMENT OF GENERAL
13 SERVICES, WITH THE CONCURRENCE OF THE DEPARTMENT OF
14 ENVIRONMENTAL PROTECTION, TO LEASE TO PIER 35 1/2 LLC, OR ITS
15 NOMINEE, LAND WITHIN THE BED OF THE DELAWARE RIVER IN THE
16 CITY OF PHILADELPHIA; AUTHORIZING THE DEPARTMENT OF GENERAL
17 SERVICES, WITH THE CONCURRENCE OF THE DEPARTMENT OF
18 ENVIRONMENTAL PROTECTION, TO LEASE TO PENN TREATY VIEWS LLC,
19 OR ITS NOMINEE, LAND WITHIN THE BED OF THE DELAWARE RIVER IN
20 THE CITY OF PHILADELPHIA; AND AUTHORIZING THE DEPARTMENT OF
21 GENERAL SERVICES, WITH THE CONCURRENCE OF THE DEPARTMENT OF
22 ENVIRONMENTAL PROTECTION, TO LEASE TO K4 PHILADELPHIA, LLC,
23 OR ITS NOMINEE, LAND WITHIN THE BED OF THE DELAWARE RIVER IN
24 THE CITY OF PHILADELPHIA.

25 The General Assembly of the Commonwealth of Pennsylvania
26 hereby enacts as follows:

27 Section 1. Extension of lease term.

28 Notwithstanding any other statutory provision to the

1 contrary, the Department of General Services is authorized to
2 extend the original term of that certain Lease Agreement, #LML-
3 2016-1, for property being a portion of the Southeastern
4 Pennsylvania Veterans' Center in East Vincent Township, Chester
5 County, between the Commonwealth of Pennsylvania, acting by and
6 through the Department of General Services, with the approval of
7 the Department of Military Affairs and the Governor, and the
8 County of Chester, dated May 19, 2016, to a 15-year term, in
9 accordance with the terms and conditions of the lease agreement.
10 The lease agreement shall be on file with the Department of
11 General Services.

12 SECTION 2. CONVEYANCE IN NOCKAMIXON TOWNSHIP, BUCKS COUNTY. <--

13 (A) AUTHORIZATION.--THE DEPARTMENT OF CONSERVATION AND
14 NATURAL RESOURCES, WITH THE APPROVAL OF THE GOVERNOR, IS HEREBY
15 AUTHORIZED ON BEHALF OF THE COMMONWEALTH OF PENNSYLVANIA TO
16 GRANT AND CONVEY TO ROBBIE S. COHEN-MILLSTEIN CERTAIN LANDS
17 SITUATE IN NOCKAMIXON TOWNSHIP, BUCKS COUNTY, IN EXCHANGE FOR
18 THAT CERTAIN PROPERTY TO BE CONVEYED TO THE COMMONWEALTH OF
19 PENNSYLVANIA, ACTING BY AND THROUGH THE DEPARTMENT OF
20 CONSERVATION AND NATURAL RESOURCES, IN ACCORDANCE WITH
21 SUBSECTION (C).

22 (B) CONVEYANCE OF LANDS TO ROBBIE S. COHEN-MILLSTEIN.--THE
23 PROPERTY TO BE CONVEYED IN ACCORDANCE WITH THIS ACT CONSISTS OF
24 APPROXIMATELY 0.10 ACRES, LOCATED IN NOCKAMIXON TOWNSHIP, BUCKS
25 COUNTY, COMMONWEALTH OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS
26 FOLLOWS: BEGINNING AT AN IRON PIPE ON THE LINE BETWEEN THE
27 PROPERTY FORMERLY OF MARGARET COWPERTHWAITTE AND THE PROPERTY NOW
28 OR LATE OF ROBERT AND REBECCA RANIERI, SAID IRON PIPE BEING ON
29 THE NORTH SIDE, 13.6 FEET PERPENDICULAR FROM THE CENTERLINE OF
30 STATE ROUTE 32, THENCE N 28°5' W, 62.35 FEET TO A POINT IN

1 GALLOWES RUN, THENCE IN AND ALONG GALLOWES RUN, N 58°15' E, 56.64
2 FEET TO A POINT 8 FEET SOUTHWESTWARDLY FROM THE EDGE OF THE
3 DELAWARE CANAL, THENCE ALONG THE BANK OF THE CANAL, S 62°53' E,
4 19.88 FEET TO A POINT 8 FEET SOUTHWESTWARDLY FROM THE EDGE OF
5 THE DELAWARE CANAL, THENCE PARALLEL TO THE BANK OF THE CANAL, S
6 44°08' E, 26.95 FEET TO A POINT, THENCE ALONG LAND OF ROBBIE S.
7 COHEN-MILLSTEIN, S 45°52' W, 31.45 FEET TO A POINT ON THE WEST
8 EDGE OF A STONE WALL, THENCE ALONG LAND OF SAID COHEN-MILLSTEIN,
9 ALONG THE EDGE OF THE SAID STONE WALL, S 27°30' E, 33.3 FEET TO
10 A POINT ALONG THE EDGE OF STATE ROUTE 32, THENCE ALONG THE EDGE
11 OF STATE ROUTE 32, S 84°5' W, 48.33 FEET TO PLACE OF BEGINNING.
12 BEING THE SAME PREMISES CONVEYED TO THE COMMONWEALTH OF
13 PENNSYLVANIA FROM MARGARET COWPERTHWAITTE, BY DEED DATED OCTOBER
14 12TH, 1967 AND RECORDED NOVEMBER 16TH, 1967 IN THE BUCKS COUNTY
15 RECORDER OF DEEDS OFFICE AT BOOK 1882, PAGE 904.

16 (C) CONVEYANCE OF LANDS TO COMMONWEALTH.--THE PROPERTY TO BE
17 CONVEYED IN ACCORDANCE WITH THIS ACT CONSISTS OF APPROXIMATELY
18 0.25 ACRES, LOCATED IN NOCKAMIXON TOWNSHIP, BUCKS COUNTY,
19 COMMONWEALTH OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:
20 BOUNDED ON THE WEST BY LANDS OF GREGORY AND JANE WUERSTLE, ON
21 THE NORTH BY THE DELAWARE RIVER, ON THE EAST BY GALLOWES RUN, AND
22 ON THE SOUTH BY THE TOWPATH OF THE DELAWARE CANAL. BEING KNOWN
23 AS BUCKS COUNTY, PENNSYLVANIA TAX MAP NUMBER 30-008-045. BEING
24 PART OF THE SAME PREMISES CONVEYED TO ROBBIE S. MILLSTEIN BY
25 DEED DATED DECEMBER 30TH, 2013 AND RECORDED DECEMBER 31ST, 2013
26 IN THE BUCKS COUNTY RECORDER OF DEEDS OFFICE AS INSTRUMENT
27 NUMBER 2013101582.

28 (D) CONDITIONS OF CONVEYANCE.--THE CONVEYANCES DESCRIBED IN
29 THIS SECTION SHALL BE MADE CONCURRENTLY AND UNDER AND SUBJECT TO
30 ALL LAWFUL AND ENFORCEABLE EASEMENTS, SERVITUDES AND RIGHTS OF

1 OTHERS, INCLUDING, BUT NOT LIMITED TO, STREETS, ROADWAYS AND
2 RIGHTS OF ANY TELEPHONE, TELEGRAPH, WATER, ELECTRIC, GAS OR
3 PIPELINE COMPANIES, AS WELL AS UNDER AND SUBJECT TO ANY LAWFUL
4 AND ENFORCEABLE ESTATES OR TENANCIES VESTED IN THIRD PERSONS
5 APPEARING OF RECORD, FOR ANY PORTION OF THE LAND OR IMPROVEMENTS
6 ERECTED THEREON.

7 (E) DEEDS.--THE DEED OF CONVEYANCE OF THE PROPERTY DESCRIBED
8 IN SUBSECTION (B) SHALL BE BY SPECIAL WARRANTY DEED AND SHALL BE
9 EXECUTED BY THE SECRETARY OF CONSERVATION AND NATURAL RESOURCES
10 IN THE NAME OF THE COMMONWEALTH OF PENNSYLVANIA.

11 (F) COSTS AND FEES.--ALL COSTS AND FEES INCIDENTAL TO THE
12 CONVEYANCES CONTAINED IN THIS SECTION SHALL BE BORNE BY THEIR
13 RESPECTIVE PARTIES. THIS PROVISION SHALL NOT APPLY TO ANY TAXES
14 TO WHICH THE COMMONWEALTH IS IMMUNE.

15 (G) TIME PERIOD FOR CONVEYANCES.--IN THE EVENT THAT THESE
16 CONVEYANCES ARE NOT EXECUTED BY DECEMBER 31, 2019, THE
17 AUTHORIZATION CONTAINED IN THIS SECTION SHALL BECOME NULL AND
18 VOID.

19 SECTION 3. LAND WITHIN THE DELAWARE RIVER BED AND 709-711 PENN
20 STREET, CITY OF PHILADELPHIA.

21 (A) AUTHORIZATION.--THE COMMONWEALTH OWNS THE LANDS WITHIN
22 THE BED OF THE DELAWARE RIVER, A PORTION OF WHICH LANDS ARE
23 LOCATED IN THE 5TH WARD OF THE CITY OF PHILADELPHIA, AND
24 INCLUDES LANDS COMMONLY KNOWN AS 709 - 711 PENN STREET, PIER NO.
25 35 1/2 NORTH. THE DEPARTMENT OF GENERAL SERVICES, WITH THE
26 CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,
27 ACTING ON BEHALF OF THE COMMONWEALTH, IS AUTHORIZED TO LEASE,
28 FOR CONSIDERATION, TO PIER 35 1/2 LLC, OR ITS NOMINEE
29 (HEREINAFTER "LESSEE") FOR AN INITIAL TERM OF 99 YEARS, LAND
30 WITHIN THE BED OF THE DELAWARE RIVER IN THE CITY OF

1 PHILADELPHIA, AND TO EXTEND THE PERIOD FOR ALL OR ANY PORTION OF
2 THE LEASED PREMISES FOR AN ADDITIONAL TERM OF UP TO 99 YEARS.

3 (B) DESCRIPTION OF PROPERTY.--THE LAND TO BE LEASED IS MORE
4 PARTICULARLY DESCRIBED AS FOLLOWS:

5 ALL THAT CERTAIN LOT OR PIECE OF GROUND TOGETHER WITH THE
6 IMPROVEMENTS THEREON ERECTED, SITUATE IN THE 5TH WARD OF THE
7 CITY OF PHILADELPHIA, PENNSYLVANIA AND SHOWN ON A BOUNDARY AND
8 TOPOGRAPHIC SURVEY MADE FOR PIER 35 1/2, LLC, PENN STREET &
9 FAIRMOUNT AVENUE, PIER 35 N, LOT 9, MAP 5 N 4, 5TH WARD, CITY &
10 COUNTY OF PHILADELPHIA, COMMONWEALTH OF PENNSYLVANIA BY CONTROL
11 POINT ASSOCIATES, INC., DATED FEBRUARY 3, 2005 AND MORE
12 PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

13 BEGINNING AT A POINT ON THE DIVIDING LINE BETWEEN LOT 9, MAP 5 N
14 4, LANDS NOW OR FORMERLY BERMAN AND LOT 16, MAP 6 N 6, LANDS NOW
15 OR FORMERLY ISLE OF CAPRI ASSOCIATES, L.P., SAID POINT BEING
16 DISTANT THE FOLLOWING TWO (2) COURSES AND DISTANCES FROM THE
17 INTERSECTION AND SOUTHEASTERLY RIGHT-OF-WAY LINE OF PENN STREET
18 (60 FOOT WIDE RIGHT-OF-WAY, LEGALLY OPEN) AND THE EASTERLY
19 RIGHT-OF-WAY LINE OF DELAWARE AVENUE (A.K.A. CHRISTOPHER
20 COLUMBUS BOULEVARD, A.K.A. SR. 2001, 150 FOOT WIDE RIGHT-OF-WAY,
21 LEGALLY OPEN):

22 A. ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF PENN STREET,
23 NORTH 43 DEGREES 30 MINUTES 00 SECONDS EAST, A DISTANCE OF
24 140.229 FEET TO A DRILL HOLE, THENCE;

25 B. ALONG THE DIVIDING LINE BETWEEN LOT 9, MAP 5 N 4 AND
26 LOT 16, MAP 6 N 6, SOUTH 47 DEGREES 02 MINUTES 00 SECONDS
27 EAST, A DISTANCE OF 194.573 FEET TO THE TRUE POINT AND PLACE
28 OF BEGINNING AND FROM SAID POINT OF BEGINNING RUNNING,
29 THENCE;

30 THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG THE DIVIDING

1 LINE BETWEEN LOT 9, MAP 5 N 4 AND LOT 16, MAP 6 N 6:

2 1. SOUTH 67 DEGREES 54 MINUTES 00 SECONDS EAST, A
3 DISTANCE OF 125.667 FEET TO A POINT, THENCE;

4 2. SOUTH 46 DEGREES 04 MINUTES 40 SECONDS EAST, A
5 DISTANCE OF 361.500 FEET TO A POINT ON THE NORTHEASTERLY
6 RIGHT-OF-WAY LINE OF FAIRMOUNT AVENUE (62 FOOT 2 INCH WIDE
7 RIGHT-OF-WAY, NOT OPEN, NOT ON THE CITY TAX REGISTRY), SAID
8 POINT IS 53.976 FEET ON A BEARING NORTH 71 DEGREES 40 MINUTES
9 00 SECONDS WEST FROM THE PIERHEAD LINE OF THE DELAWARE RIVER
10 (ESTABLISHED JANUARY 5, 1894, APPROVED BY THE SECRETARY OF
11 WAR SEPTEMBER 10, 1940), THENCE;

12 3. ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF
13 FAIRMOUNT AVENUE, NORTH 71 DEGREES 40 MINUTES 00 SECONDS
14 WEST, A DISTANCE OF 527.937 FEET TO A POINT ON THE BULKHEAD
15 LINE OF THE DELAWARE RIVER, (ESTABLISHED JANUARY 5, 1894,
16 APPROVED BY THE SECRETARY OF WAR SEPTEMBER 10, 1940), THENCE;

17 4. ALONG THE BULKHEAD LINE OF THE DELAWARE RIVER, NORTH
18 43 DEGREES 17 MINUTES 06 SECONDS EAST, A DISTANCE OF 181.316
19 FEET TO THE POINT AND PLACE OF BEGINNING.

20 CONTAINING 51,839 SQUARE FEET OR 1.19006 ACRES

21 (C) LEASE AGREEMENT.--THE LEASE AND ANY OTHER DOCUMENTS
22 PROVIDED FOR UNDER THIS ACT SHALL BE APPROVED AS TO FORM AND
23 LEGALITY BY THE ATTORNEY GENERAL AND OFFICE OF GENERAL COUNSEL
24 AND SHALL BE EXECUTED BY THE DEPARTMENT OF GENERAL SERVICES,
25 WITH THE CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL
26 PROTECTION, IN THE NAME OF THE COMMONWEALTH. THE LEASE SHALL
27 GRANT THE LESSEE, AND THE SUCCESSORS, ASSIGNS AND SUBLESSEES,
28 THE RIGHT TO USE THE PREMISES DESCRIBED IN SUBSECTION (B), OR TO
29 ASSIGN THE LEASE OR SUBLEASE OR PERMIT THE SUBLEASE OF PREMISES
30 DESCRIBED IN SUBSECTION (B) FOR THE PURPOSES OF THE PROPOSED

1 DEVELOPMENT OF 41 TOWNHOUSES, EACH WITH PARKING FOR TWO CARS, 21
2 OF WHICH PARKING SPACES ARE IN THE LEASED AREA OR SUCH OTHER
3 USES AS MAY BE PERMITTED IN ACCORDANCE WITH APPLICABLE LAW,
4 INCLUDING, BUT NOT LIMITED TO, MUNICIPAL LAND USE REGULATIONS.

5 (D) SUBLEASE.--THE DEPARTMENT OF GENERAL SERVICES, WITH THE
6 CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,
7 ACTING ON BEHALF OF THE COMMONWEALTH, IS ALSO AUTHORIZED TO
8 ENTER INTO ONE OR MORE NONDISTURBANCE AGREEMENTS WITH ANY
9 SUBLESSEE OF THE PREMISES DESCRIBED IN THIS SECTION PURSUANT TO
10 WHICH THE COMMONWEALTH WILL AGREE THAT, IF THE COMMONWEALTH
11 SUCCEEDS TO THE INTEREST OF THE SUBLESSOR UNDER A SUBLEASE, IT
12 WILL NOT TERMINATE THE SUBLEASE UNLESS THE SUBLESSEE IS IN
13 DEFAULT.

14 (E) LAND USE RESTRICTION.--THE LEASES AUTHORIZED OR REFERRED
15 TO UNDER THIS SECTION SHALL INCLUDE THE CONDITION THAT NO
16 PORTION OF THE PARCELS MAY BE USED AS A LICENSED FACILITY AS
17 DEFINED IN 4 PA.C.S. § 1103 (RELATING TO DEFINITIONS) OR ANY
18 OTHER SIMILAR TYPE OF FACILITY AUTHORIZED UNDER THE LAWS OF THIS
19 COMMONWEALTH AND SHALL PROVIDE THAT THE CONDITION SHALL BE A
20 COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE
21 LESSEE AND SUBLESSEES AND THEIR RESPECTIVE SUCCESSORS AND
22 ASSIGNS AND, SHOULD A PORTION OF A PARCEL AUTHORIZED TO BE
23 LEASED UNDER THIS ACT BE USED IN VIOLATION OF THIS SUBSECTION,
24 THE LEASE SHALL TERMINATE IMMEDIATELY.

25 (F) IMPROVEMENTS.--

26 (1) THE DEPARTMENT OF GENERAL SERVICES IS AUTHORIZED TO
27 EXECUTE, ON BEHALF OF THE COMMONWEALTH, ANY DECLARATION OR
28 OTHER DOCUMENT NECESSARY TO SUBMIT THE PREMISES DESCRIBED IN
29 SUBSECTION (B) OR A PORTION OF THE PREMISES AND ANY
30 IMPROVEMENTS ON THE PREMISES TO THE PROVISIONS OF 68 PA.C.S.

1 PT. II SUBPT. D (RELATING TO PLANNED COMMUNITIES) AS A
2 PLANNED COMMUNITY.

3 (2) THE LEASE AGREEMENT SHALL CONTAIN THE FOLLOWING
4 TERMS AND CONDITIONS:

5 (I) THE LESSEE, THE SUBLESSEES AND THEIR RESPECTIVE
6 SUCCESSORS AND ASSIGNS, SHALL PROVIDE AND MAINTAIN AT
7 LEAST THE FOLLOWING FREE PUBLIC ACCESS TO THE RIVERFRONT,
8 FOR FISHING AND OTHER RECREATIONAL ACTIVITIES AND FREE
9 PUBLIC PARKING IN CONNECTION WITH THE ACCESS:

10 (A) A MINIMUM OF 10 PUBLIC PARKING SPACES
11 AVAILABLE AT ALL TIMES LOCATED PROXIMATE TO THE
12 PUBLIC WALKWAY NEAR THE WATER EDGE AND SIGNAGE
13 INDICATING THE PUBLIC PARKING.

14 (B) PUBLIC WALKWAYS ON THE RIVERFRONT, INCLUDING
15 WATER EDGE PROMENADES ALONG THE ENTIRE WATER EDGE OF
16 THE PROPERTIES AND ADJACENT TO THE WATER, PROVIDING
17 FREE PUBLIC ACCESS TO THE WATER AND ALLOWING FOR
18 PASSIVE AND ACTIVE RECREATIONAL ACTIVITIES YEAR ROUND
19 AND SIGNAGE INDICATING THE WALKWAYS ARE OPEN TO THE
20 GENERAL PUBLIC.

21 (C) PUBLIC ACCESS TO THE DELAWARE RIVER IN
22 ACCORDANCE WITH THE DELAWARE RIVER WATERFRONT
23 CORPORATION PLAN THAT IS CONSISTENT WITH THE
24 WATERFRONT SETBACK REQUIREMENTS SPECIFIED IN SECTION
25 14-216(6)(G) OF THE PHILADELPHIA CODE (ENACTED INTO
26 LAW BY AN ORDINANCE ENACTING BILL NO. 050465, PASSED
27 BY THE CITY COUNCIL ON JUNE 16, 2005, AND SIGNED BY
28 THE MAYOR ON JULY 8, 2005), OR IN ACCORDANCE WITH
29 SUCH OTHER PLAN AND SUCH OTHER MUNICIPAL ORDINANCE AS
30 MAY GOVERN SUCH PUBLIC ACCESS IN THE FUTURE.

1 (D) SHOULD THE LESSEE, A SUBLESSEE OR ANY OF
2 THEIR RESPECTIVE SUCCESSORS OR ASSIGNS WISH TO MODIFY
3 THE PUBLIC ACCESS AND PARKING REQUIRED BY THE LEASE
4 AGREEMENT, IT MUST OBTAIN THE PRIOR WRITTEN APPROVAL
5 OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE
6 DEPARTMENT OF GENERAL SERVICES, WHICH APPROVAL SHALL
7 NOT BE UNREASONABLY WITHHELD. THE PUBLIC ACCESS AND
8 PARKING SHALL BE COMPLETED AND OPEN TO THE PUBLIC NO
9 LATER THAN THE DATE THE FIRST TENANT OR RESIDENT
10 OCCUPIES THE LEASEHOLD. PAST ACTIONS BY THE LESSEE
11 MAY BE THE BASIS FOR A DETERMINATION TO MODIFY THE
12 OBLIGATIONS UNDER THIS SUBSECTION.

13 (E) THE CONDITIONS SPECIFIED IN THIS
14 SUBPARAGRAPH SHALL BE COVENANTS THAT RUN WITH THE
15 LAND AND SHALL BE BINDING UPON THE LESSEE, ANY
16 SUBLESSEE AND THEIR RESPECTIVE SUCCESSORS AND
17 ASSIGNS. SHOULD THE LESSEE, ANY SUBLESSEE OR ANY OF
18 THEIR RESPECTIVE SUCCESSORS OR ASSIGNS PERMIT THE
19 LEASEHOLD PREMISES OR ANY PORTION THEREOF, TO BE USED
20 IN A MANNER INCONSISTENT WITH THESE CONDITIONS, ALL
21 RIGHTS AND INTERESTS IN THE LEASE SHALL TERMINATE
22 IMMEDIATELY.

23 (II) (RESERVED).

24 (G) CONSIDERATION.--THE DEPARTMENT OF GENERAL SERVICES SHALL
25 LEASE THE LAND WITHIN THE BED OF THE DELAWARE RIVER AS DESCRIBED
26 IN SUBSECTION (B) UPON THE TERMS, CONDITIONS AND FOR SUCH
27 CONSIDERATION, MONETARY OR NONMONETARY, AS IT SHALL ESTABLISH IN
28 THE LEASE AGREEMENT WITH THE CONCURRENCE OF THE DEPARTMENT OF
29 ENVIRONMENTAL PROTECTION.

30 (H) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THE LEASE

1 AUTHORIZED UNDER THIS SECTION SHALL BE BORNE BY THE LESSEE,
2 INCLUDING THE COSTS INCURRED BY THE DEPARTMENT OF GENERAL
3 SERVICES AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE
4 PREPARATION, EXECUTION AND REVIEW OF THE LEASE, NONDISTURBANCE
5 AGREEMENTS AND RELATED DOCUMENTS.

6 SECTION 4. LAND WITHIN THE DELAWARE RIVER BED AND 1143-1151
7 NORTH DELAWARE AVENUE, CITY OF PHILADELPHIA.

8 (A) AUTHORIZATION.--THE COMMONWEALTH OWNS THE LANDS WITHIN
9 THE BED OF THE DELAWARE RIVER, A PORTION OF WHICH LANDS ARE
10 LOCATED IN THE 5TH WARD OF THE CITY OF PHILADELPHIA, AND
11 INCLUDES LANDS COMMONLY KNOWN AS 1143-1151 NORTH DELAWARE AVENUE
12 AND PIER NO. 53 NORTH. THE DEPARTMENT OF GENERAL SERVICES, WITH
13 THE CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,
14 ACTING ON BEHALF OF THE COMMONWEALTH, IS AUTHORIZED TO LEASE,
15 FOR THE CONSIDERATION AS SHALL BE AGREED UPON BY THE PARTIES, TO
16 PENN TREATY VIEWS LLC, OR ITS NOMINEE (HEREINAFTER "LESSEE") FOR
17 AN INITIAL TERM OF 99 YEARS, LAND WITHIN THE BED OF THE DELAWARE
18 RIVER IN THE CITY OF PHILADELPHIA, AND TO EXTEND THE PERIOD FOR
19 ALL OR ANY PORTION OF THE LEASED PREMISES FOR AN ADDITIONAL TERM
20 OF UP TO 99 YEARS.

21 (B) DESCRIPTION OF PROPERTY.--THE LAND TO BE LEASED IS MORE
22 PARTICULARLY DESCRIBED AS FOLLOWS:
23 ALL THAT CERTAIN PORTION OF PROPERTY KNOWN AS 1143-1151 NORTH
24 DELAWARE AVENUE AND PIER 53 NORTH LYING BETWEEN THE BULKHEAD
25 LINE AND THE PIERHEAD LINE OF THE DELAWARE RIVER AS ESTABLISHED
26 BY THE SECRETARY OF WAR ON SEPTEMBER 10, 1940; SAID PORTION
27 BEING SITUATE ON THE SOUTHWESTERLY SIDE OF FORMER MARLBORO
28 STREET (47 FEET 6 INCHES WIDE - STRICKEN AND VACATED BY
29 ORDINANCE OF PHILADELPHIA CITY COUNCIL ON SEPTEMBER 19, 1982 AND
30 CONFIRMED BY THE BOARD OF SURVEYORS ON JULY 5, 1983, RESERVED AS

1 A RIGHT OF WAY FOR DRAINAGE, WATER MAIN AND PUBLIC UTILITY
2 PURPOSES) IN THE FIFTH (FORMERLY THE EIGHTEENTH) WARD OF THE
3 CITY OF PHILADELPHIA, COMMONWEALTH OF PENNSYLVANIA, BOUNDED AND
4 DESCRIBED IN ACCORDANCE WITH A PLAN OF PROPERTY BY ALLEN J.
5 BOMMENTRE, JR., SURVEYOR AND REGULATOR OF THE THIRD SURVEY
6 DISTRICT, DATED APRIL 12, 2005, AS FOLLOWS:
7 BEGINNING AT A POINT FORMED BY INTERSECTION OF THE SOUTHEASTERLY
8 SIDE OF DELAWARE AVENUE, (ALSO KNOWN AS CHRISTOPHER COLUMBUS
9 BOULEVARD-LEGALLY OPEN ON CITY PLAN, 140' WIDE) AND THE
10 SOUTHWESTERLY SIDE OF FORMER MARLBOROUGH STREET (47 FEET 6
11 INCHES WIDE-STRICKEN AND VACATED BY ORDINANCE OF COUNCIL
12 9/29/1982, CONFIRMED BY BOARD OF SURVEYORS 7/5/1983, RESERVED AS
13 A RIGHT-OF-WAY FOR DRAINAGE, WATER MAIN & PUBLIC UTILITY
14 PURPOSES);
15 1. FROM SAID POINT OF BEGINNING, EXTENDING S20°46'27"E ALONG
16 THE SAID SOUTHWESTERLY SIDE OF FORMER MARLBOROUGH STREET,
17 CROSSING THE BULKHEAD LINE OF THE DELAWARE RIVER AT THE DISTANCE
18 OF 280.992', ESTABLISHED BY THE SECRETARY OF WAR SEPTEMBER 10,
19 1940) THE TOTAL DISTANCE OF 870.298' TO A POINT ON THE PIERHEAD
20 LINE OF THE DELAWARE RIVER (ESTABLISHED BY THE SECRETARY OF WAR
21 SEPTEMBER 10, 1940); THENCE,
22 2. EXTENDING S54°04'10"W, ALONG THE SAID PIERHEAD LINE, THE
23 DISTANCE OF 57.397' TO A POINT;
24 THENCE,
25 3. EXTENDING N23°18'27"W (CROSSING THE BULKHEAD LINE OF THE
26 DELAWARE RIVER AT THE DISTANCE OF 589.344', ESTABLISHED BY THE
27 SECRETARY OF WAR SEPTEMBER 10, 1940) THE TOTAL DISTANCE OF
28 877.385' TO A POINT ON THE SAID SOUTHEASTERLY SIDE OF DELAWARE
29 AVENUE;
30 THENCE,

1 4. EXTENDING N63°51'33"E, ALONG THE SAID SOUTHEASTERLY SIDE OF
2 DELAWARE AVENUE (ALSO KNOWN AS CHRISTOPHER COLUMBUS BOULEVARD)
3 THE DISTANCE OF 93.833' TO THE FIRST MENTIONED
4 POINT AND PLACE OF BEGINNING.

5 CONTAINING: 65,226 SQUARE FEET OF LAND (1.49738 ACRES)

6 (C) LEASE AGREEMENT.--THE LEASE AND ANY OTHER DOCUMENTS
7 PROVIDED FOR UNDER THIS ACT SHALL BE APPROVED AS TO FORM AND
8 LEGALITY BY THE ATTORNEY GENERAL AND OFFICE OF GENERAL COUNSEL
9 AND SHALL BE EXECUTED BY THE DEPARTMENT OF GENERAL SERVICES,
10 WITH THE CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL
11 PROTECTION, IN THE NAME OF THE COMMONWEALTH. THE LEASE SHALL
12 GRANT THE LESSEE, AND THE SUCCESSORS, ASSIGNS AND SUBLESSEES,
13 THE RIGHT TO USE THE PREMISES DESCRIBED IN SUBSECTION (B), OR TO
14 ASSIGN THE LEASE OR SUBLEASE OR PERMIT THE SUBLEASE OF THE
15 PREMISES DESCRIBED IN SUBSECTION (B) FOR THE PURPOSES OF THE
16 PROPOSED DEVELOPMENT OF 19 TOWNHOUSES, EACH WITH TWO CAR
17 PARKING, FIVE OF WHICH ARE IN THE LEASED AREA, OR SUCH OTHER
18 USES AS MAY BE PERMITTED IN ACCORDANCE WITH APPLICABLE LAW,
19 INCLUDING, BUT NOT LIMITED TO, MUNICIPAL LAND USE REGULATIONS.

20 (D) SUBLEASE.--THE DEPARTMENT OF GENERAL SERVICES, WITH THE
21 CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,
22 ACTING ON BEHALF OF THE COMMONWEALTH, IS ALSO AUTHORIZED TO
23 ENTER INTO ONE OR MORE NONDISTURBANCE AGREEMENTS WITH ANY
24 SUBLESSEE OF THE PREMISES DESCRIBED IN THIS SECTION PURSUANT TO
25 WHICH THE COMMONWEALTH WILL AGREE THAT, IF THE COMMONWEALTH
26 SUCCEEDS TO THE INTEREST OF THE SUBLESSOR UNDER A SUBLEASE, IT
27 WILL NOT TERMINATE THE SUBLEASE UNLESS THE SUBLESSEE IS IN
28 DEFAULT.

29 (E) LAND USE RESTRICTION.--THE LEASES AUTHORIZED OR REFERRED
30 TO UNDER THIS SECTION SHALL INCLUDE THE CONDITION THAT NO

1 PORTION OF THE PARCELS MAY BE USED AS A LICENSED FACILITY AS
2 DEFINED IN 4 PA.C.S. § 1103 (RELATING TO DEFINITIONS) OR ANY
3 OTHER SIMILAR TYPE OF FACILITY AUTHORIZED UNDER THE LAWS OF THIS
4 COMMONWEALTH WHICH SHALL BE CONTAINED IN THE LEASE DOCUMENTS AND
5 SHALL FURTHER PROVIDE THAT SUCH CONDITION SHALL BE A COVENANT
6 RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE LESSEE AND
7 SUBLESSEES AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS AND
8 SHOULD A PORTION OF A PARCEL AUTHORIZED TO BE LEASED UNDER THIS
9 ACT BE USED IN VIOLATION OF THIS SUBSECTION, THE LEASE SHALL
10 TERMINATE IMMEDIATELY.

11 (F) IMPROVEMENTS.--

12 (1) THE DEPARTMENT OF GENERAL SERVICES IS AUTHORIZED TO
13 EXECUTE, ON BEHALF OF THE COMMONWEALTH, ANY DECLARATION OR
14 OTHER DOCUMENT NECESSARY TO SUBMIT THE PREMISES DESCRIBED IN
15 SUBSECTION (B) OR ANY PORTION OF THE PREMISES AND ANY
16 IMPROVEMENTS ON THE PREMISES TO THE PROVISIONS OF 68 PA.C.S.
17 PT. II SUBPT. D (RELATING TO PLANNED COMMUNITIES) AS A
18 PLANNED COMMUNITY.

19 (2) THE LEASE AGREEMENT SHALL CONTAIN THE FOLLOWING
20 TERMS AND CONDITIONS:

21 (I) THE LESSEE, THE SUBLESSEES AND THEIR RESPECTIVE
22 SUCCESSORS AND ASSIGNS SHALL PROVIDE AND MAINTAIN AT
23 LEAST THE FOLLOWING FREE PUBLIC ACCESS TO THE RIVERFRONT,
24 FOR FISHING AND OTHER RECREATIONAL ACTIVITIES AND FREE
25 PUBLIC PARKING IN CONNECTION WITH THE ACCESS:

26 (A) A MINIMUM OF 10 FREE PUBLIC PARKING SPACES
27 AVAILABLE AT ALL TIMES LOCATED PROXIMATE TO THE
28 PUBLIC WALKWAY NEAR THE WATER EDGE AND SIGNAGE
29 INDICATING THE FREE PUBLIC PARKING.

30 (B) PUBLIC WALKWAYS ON THE WATERFRONT, PROVIDING

1 FREE PUBLIC ACCESS TO THE WATER AND ALLOWING FOR
2 PASSIVE AND ACTIVE RECREATIONAL ACTIVITIES YEAR-ROUND
3 AND SIGNAGE INDICATING THE WALKWAYS ARE OPEN TO THE
4 GENERAL PUBLIC.

5 (C) PUBLIC ACCESS TO THE DELAWARE RIVER IN
6 ACCORDANCE WITH THE DELAWARE RIVER WATERFRONT
7 CORPORATION PLAN THAT IS CONSISTENT WITH THE
8 WATERFRONT SETBACK REQUIREMENTS SPECIFIED IN SECTION
9 14-216(6) (G) OF THE PHILADELPHIA CODE (ENACTED INTO
10 LAW BY AN ORDINANCE ENACTING BILL NO. 050465, PASSED
11 BY THE CITY COUNCIL ON JUNE 16, 2005, AND SIGNED BY
12 THE MAYOR ON JULY 8, 2005), OR IN ACCORDANCE WITH
13 SUCH OTHER PLAN AND SUCH OTHER MUNICIPAL ORDINANCE AS
14 MAY GOVERN SUCH PUBLIC ACCESS IN THE FUTURE.

15 (D) SHOULD THE LESSEE, A SUBLESSEE OR ANY OF
16 THEIR RESPECTIVE SUCCESSORS OR ASSIGNS WISH TO MODIFY
17 THE PUBLIC ACCESS AND PARKING REQUIRED BY THE LEASE
18 AGREEMENT, IT MUST OBTAIN THE PRIOR WRITTEN APPROVAL
19 OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE
20 DEPARTMENT OF GENERAL SERVICES, WHICH APPROVAL SHALL
21 NOT BE UNREASONABLY WITHHELD. THE PUBLIC ACCESS AND
22 PARKING SHALL BE COMPLETED AND OPEN TO THE PUBLIC NO
23 LATER THAN THE DATE THE FIRST TENANT OR RESIDENT
24 OCCUPIES THE LEASEHOLD.

25 (E) THE CONDITIONS SPECIFIED IN THIS
26 SUBPARAGRAPH SHALL BE COVENANTS THAT RUN WITH THE
27 LAND AND SHALL BE BINDING UPON THE LESSEE, ANY
28 SUBLESSEE AND THEIR RESPECTIVE SUCCESSORS AND
29 ASSIGNS. SHOULD THE LESSEE, ANY SUBLESSEE OR ANY OF
30 THEIR RESPECTIVE SUCCESSORS OR ASSIGNS PERMIT THE

1 LEASEHOLD PREMISES OR ANY PORTION THEREOF, TO BE USED
2 IN A MANNER INCONSISTENT WITH THESE CONDITIONS, ALL
3 RIGHTS AND INTERESTS IN THE LEASE SHALL TERMINATE
4 IMMEDIATELY.

5 (II) (RESERVED).

6 (3) THE PROVISIONS OF THIS SECTION MAY NOT AFFECT OR
7 OTHERWISE LIMIT THE REQUIREMENTS OF THE PROVISIONS OF THE ACT
8 OF NOVEMBER 26, 1978 (P.L.1375, NO.325), KNOWN AS THE DAM
9 SAFETY AND ENCROACHMENTS ACT, OR ANY SUCCESSOR STATUTE, WHICH
10 MAY REQUIRE FURTHER MEASURES TO PROVIDE FOR PUBLIC ACCESS AND
11 USE OF THE LAND AND ADJACENT WATER.

12 (G) CONSIDERATION.--THE DEPARTMENT OF GENERAL SERVICES SHALL
13 LEASE THE LAND WITHIN THE BED OF THE DELAWARE RIVER AS DESCRIBED
14 IN SUBSECTION (B) UPON THE TERMS, CONDITIONS AND SUCH
15 CONSIDERATION, MONETARY OR NONMONETARY, AS IT SHALL ESTABLISH IN
16 THE LEASE AGREEMENT, WITH THE CONCURRENCE OF THE DEPARTMENT OF
17 ENVIRONMENTAL PROTECTION.

18 (H) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THE LEASE
19 AUTHORIZED UNDER THIS SECTION SHALL BE BORNE BY THE LESSEE,
20 INCLUDING THE COSTS INCURRED BY THE DEPARTMENT OF GENERAL
21 SERVICES AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE
22 PREPARATION, EXECUTION AND REVIEW OF THE LEASE, NONDISTURBANCE
23 AGREEMENTS AND RELATED DOCUMENTS.

24 SECTION 5. LAND WITHIN THE DELAWARE RIVER BED AND 1341 SOUTH
25 CHRISTOPHER COLUMBUS BOULEVARD, CITY OF PHILADELPHIA.

26 (A) AUTHORIZATION.--THE COMMONWEALTH OWNS THE LANDS WITHIN
27 THE BED OF THE DELAWARE RIVER, A PORTION OF WHICH IS LOCATED IN
28 THE 1ST WARD OF THE CITY OF PHILADELPHIA, AND INCLUDES LANDS
29 COMMONLY KNOWN AS 1341 SOUTH CHRISTOPHER COLUMBUS BOULEVARD,
30 PIER NO. 55 AND PIER 57, AND REFERRED TO COLLECTIVELY AS THE

1 "PROPERTIES," ALL OF WHICH ARE MORE FULLY DESCRIBED IN
2 SUBSECTION (B). THE DEPARTMENT OF GENERAL SERVICES, WITH THE
3 CONCURRENCE OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,
4 ACTING ON BEHALF OF THE COMMONWEALTH, IS AUTHORIZED TO LEASE,
5 FOR RENT OR CONSIDERATION, TO K4 PHILADELPHIA, LLC, OR ITS
6 NOMINEE (HEREINAFTER "LESSEE") FOR AN INITIAL TERM OF 99 YEARS,
7 LAND WITHIN THE BED OF THE DELAWARE RIVER IN THE CITY OF
8 PHILADELPHIA, AND TO EXTEND THE PERIOD FOR ALL OR ANY PORTION OF
9 THE LEASED PREMISES FOR AN ADDITIONAL TERM OF UP TO 99 YEARS.

10 (B) PROPERTY DESCRIPTION.--THE PROPERTIES TO BE LEASED ARE
11 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

12 (1) PIER 55 IMPROVEMENT AREA

13 ALL THAT CERTAIN PARCEL OR TRACT OF LAND, SITUATE IN THE 1ST
14 WARD OF THE CITY OF PHILADELPHIA, COMMONWEALTH OF PENNSYLVANIA,
15 BOUNDED AND DESCRIBED AS FOLLOWS:

16 BEGINNING AT AN INTERNAL POINT, THE SAID POINT BEING MEASURED
17 THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES FROM THE POINT
18 FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF CHRISTOPHER
19 COLUMBUS BOULEVARD (FORMERLY DELAWARE AVENUE) (150 FEET WIDE
20 RIGHT OF WAY, ON CITY PLAN, LEGALLY OPEN) WITH THE NORTHERLY
21 SIDE OF TASKER STREET (50 FEET WIDE, ON CITY PLAN, LEGALLY
22 OPEN):

23 ALONG THE SAID EASTERLY SIDE OF CHRISTOPHER COLUMBUS
24 BOULEVARD NORTH 14° 39' 39" EAST 1.100.603 FEET TO A POINT;
25 THENCE

26 I) SOUTH 75° 14' 21" EAST 260.125 FEET TO A POINT;
27 THENCE

28 II) NORTH 14° 39' 39" EAST, PASSING OVER A MAG NAIL
29 AT 233.000 FEET, 638.917 FEET TO A MAG NAIL; THENCE

30 III) SOUTH 10° 01' 00" EAST 42.167 FEET TO A MAG

1 NAIL; THENCE
2 IV) NORTH 79° 54' 00" EAST 65.379 FEET TO A POINT;
3 THENCE
4 V) SOUTH 09° 55' 48" EAST 125.011 FEET TO A POINT;
5 THENCE
6 VI) SOUTH 14° 10' 50" WEST 94.558 FEET TO A POINT;
7 THENCE
8 VII) SOUTH 16° 50' 45" EAST 74.521 FEET TO A POINT;
9 THENCE
10 VIII) SOUTH 32° 53' 11" EAST 55.989 FEET TO A POINT;
11 THENCE
12 IX) SOUTH 70° 01' 47" EAST 72.491 FEET TO A POINT;
13 THENCE
14 X) NORTH 76° 59' 44" EAST 161.484 FEET TO THE POINT
15 AND PLACE OF BEGINNING.
16 XI) THENCE FROM SAID POINT OF BEGINNING NORTH 13°
17 00' 16" WEST 26.320 FEET TO A POINT; THENCE
18 XII) NORTH 79° 56' 28" WEST 58.913 FEET TO A POINT;
19 THENCE
20 XIII) NORTH 70° 01' 47" WEST 20.351 FEET TO A POINT;
21 THENCE
22 XIV) NORTH 11° 43' 14" WEST 2.583 FEET TO A POINT;
23 THENCE
24 XV) SOUTH 75° 20' 21" EAST 4.139 FEET TO A POINT;
25 THENCE
26 XVI) NORTH 76° 47' 02" EAST 121.312 FEET TO A POINT;
27 THENCE
28 XVII) SOUTH 75° 14' 53" EAST 375.478 FEET TO A
29 POINT; THENCE
30 XVIII) SOUTH 8° 27' 40" EAST 49.713 FEET TO A POINT;

1 THENCE
2 XIX) SOUTH 14° 45' 07" WEST 62.459 FEET TO A POINT;
3 THENCE
4 XX) SOUTH 75° 14' 53" EAST 7.986 FEET TO A POINT;
5 THENCE
6 XXI) SOUTH 14° 45' 07" WEST 29.303 FEET TO A POINT;
7 THENCE
8 XXII) NORTH 75° 14' 53" WEST 391.472 FEET TO A
9 POINT; THENCE
10 XXIII) NORTH 13° 00' 16" WEST 65.448 FEET TO THE
11 AFORESAID POINT AND PLACE OF BEGINNING.

12 CONTAINING WITHIN SAID BOUNDS 58,081.7 SQUARE FEET (58,279.3
13 US SQUARE FEET) OR 1.3334 ACRE MORE OR LESS.

14 (2) PIER 55 ACCESS IMPROVEMENT AREA.

15 ALL THAT CERTAIN PARCEL OR TRACT OF LAND, SITUATE IN THE 1ST
16 WARD OF THE CITY OF PHILADELPHIA, COMMONWEALTH OF PENNSYLVANIA,
17 BOUNDED AND DESCRIBED AS FOLLOWS:

18 BEGINNING AT AN INTERNAL POINT, THE SAID POINT BEING MEASURED
19 THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES FROM THE POINT
20 FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF CHRISTOPHER
21 COLUMBUS BOULEVARD (FORMERLY DELAWARE AVENUE) (150 FEET WIDE
22 RIGHT OF WAY, ON CITY PLAN, LEGALLY OPEN) WITH THE NORTHERLY
23 SIDE OF TASKER STREET (50 FEET WIDE, ON CITY PLAN, LEGALLY
24 OPEN):

25 A. ALONG THE SAID EASTERLY SIDE OF CHRISTOPHER COLUMBUS
26 BOULEVARD NORTH 14° 39' 39" EAST 1,100.603 FEET TO A POINT;
27 THENCE

28 B. SOUTH 75° 14' 21" EAST 260.125 FEET TO A POINT; THENCE

29 C. NORTH 14° 39' 39" EAST, PASSING OVER A MAG NAIL AT
30 233.000 FEET, 638.917 FEET TO A MAG NAIL; THENCE

1 D. SOUTH 10° 03' 00" EAST 42.167 FEET TO A MAG NAIL;
2 THENCE
3 E. NORTH 79° 54' 00" EAST 65.379 FEET TO A POINT; THENCE
4 F. SOUTH 09° 55' 48" EAST 125.011 FEET TO A POINT; THENCE
5 G. SOUTH 14° 10' 50" WEST 94.558 FEET TO A POINT; THENCE
6 H. SOUTH 16° 50' 45" EAST 74.521 FEET TO A POINT; THENCE
7 I. SOUTH 32° 53' 11" EAST 55.989 FEET TO A POINT; THENCE
8 J. SOUTH 70° 01' 47" EAST 72.491 FEET TO A POINT; THENCE
9 K. NORTH 76° 59' 44" EAST 88.852 FEET TO THE POINT AND
10 PLACE OF BEGINNING.

11 L. THENCE FROM SAID POINT OF BEGINNING NORTH 11° 43' 14"
12 WEST 60.490 FEET TO A POINT; THENCE
13 M. SOUTH 70° 01' 47" EAST 20.351 FEET TO A POINT; THENCE
14 N. SOUTH 79° 56' 28" EAST 58.913 FEET TO A POINT; THENCE
15 O. SOUTH 13° 00' 16" EAST 56.320 FEET TO A POINT; THENCE
16 P. SOUTH 76° 59' 44" WEST 73.304 FEET TO A POINT; THENCE
17 Q. NORTH 11° 43' 14" WEST 30.008 FEET TO THE AFORESAID
18 POINT AND PLACE OF BEGINNING.

19 CONTAINING WITHIN SAID BOUNDS 5,220.1 SQUARE FEET (5,238.5
20 US SQUARE FEET) OR 0.1198 ACRE MORE OR LESS.

21 (3) PIER 57 IMPROVEMENT AREA.

22 ALL THAT CERTAIN PARCEL OR TRACT OF LAND, SITUATE IN THE 1ST
23 WARD OF THE CITY OF PHILADELPHIA, COMMONWEALTH OF PENNSYLVANIA,
24 BOUNDED AND DESCRIBED AS FOLLOWS:

25 BEGINNING AT AN INTERNAL POINT, THE SAID POINT BEING MEASURED
26 THE FOLLOWING EIGHT (8) COURSES AND DISTANCES FROM THE POINT
27 FORMED BY THE INTERSECTION OF THE EASTERLY SIDE OF CHRISTOPHER
28 COLUMBUS BOULEVARD (FORMERLY DELAWARE AVENUE) (150 FEET WIDE
29 RIGHT OF WAY, ON CITY PLAN, LEGALLY OPEN) WITH THE NORTHERLY
30 SIDE OF TASKER STREET (50 FEET WIDE, ON CITY PLAN, LEGALLY

1 OPEN) :

2 I) ALONG THE SAID EASTERLY SIDE OF CHRISTOPHER
3 COLUMBUS BOULEVARD NORTH 14° 39' 39" EAST 1,038.156 FEET
4 TO A POINT; THENCE

5 II) SOUTH 64° 29' 30" EAST 259.793 FEET TO A POINT;
6 THENCE

7 III) NORTH 14° 46' 39" EAST 51.260 FEET TO A POINT;
8 THENCE

9 IV) SOUTH 75° 13' 21" EAST 529.755 FEET TO A POINT;
10 THENCE

11 V) SOUTH 06° 04' 42" WEST 39.423 FEET TO A POINT;
12 THENCE

13 VI) SOUTH 14° 42' 08" EAST 37.638 FEET TO A POINT;
14 THENCE

15 VII) SOUTH 75° 13' 21" EAST 52.564 FEET TO A POINT;
16 THENCE

17 VIII) NORTH 11° 43' 14" WEST 9.428 FEET TO THE POINT
18 AND PLACE OF BEGINNING.

19 IX) THENCE FROM SAID POINT OF BEGINNING NORTH 11°
20 43' 14" WEST 148.576 FEET TO A POINT; THENCE

21 X) SOUTH 75° 14' 54" EAST 416.521 FEET TO A POINT;
22 THENCE

23 XI) SOUTH 30° 14' 41" EAST 33.884 FEET TO A POINT;
24 THENCE

25 XII) SOUTH 14° 45' 07" WEST 109.039 FEET TO A POINT;
26 THENCE

27 XIII) 5. NORTH 75° 14' 53" WEST 374.250 FEET TO THE
28 AFORESAID POINT AND PLACE OF BEGINNING.

29 CONTAINING WITHIN SAID BOUNDS 53,891.9 SQUARE FEET (54,075.3 US
30 SQUARE FEET) OR 1.2372 ACRE MORE OR LESS.

1 (C) LEASE AGREEMENT.--THE DEPARTMENT OF GENERAL SERVICES,
2 WITH THE APPROVAL OF THE ATTORNEY GENERAL AND THE CONCURRENCE OF
3 THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, ACTING ON BEHALF OF
4 THE COMMONWEALTH, IS HEREBY AUTHORIZED TO ENTER INTO A LEASE OF
5 THE PROPERTIES TO THE LESSEE (THE "LEASE") FOR A TERM OF 99
6 YEARS, WITH AN OPTION IN FAVOR OF THE LESSEE TO EXTEND SUCH TERM
7 FOR ALL OR ANY PORTION OF THE PROPERTIES FOR UP TO 99 YEARS. THE
8 LEASE SHALL PROVIDE RENT OR CONSIDERATION PAYABLE TO THE
9 COMMONWEALTH UPON THE EXECUTION OF THE LEASE, IN AN AMOUNT TO BE
10 DETERMINED BY THE SECRETARY OF GENERAL SERVICES, AND SHALL
11 INCLUDE SUCH OTHER TERMS AND CONDITIONS AS THE DEPARTMENT OF
12 GENERAL SERVICES SHALL ESTABLISH, WITH THE CONCURRENCE OF THE
13 DEPARTMENT OF ENVIRONMENTAL PROTECTION. THE LEASE SHALL GRANT
14 THE LESSEE THE RIGHT TO SUBLEASE, AND TO PERMIT THE FURTHER
15 SUBSUBLEASING, SUBSUBSUBLEASING AND SO ON, OF ALL OR ANY PORTION
16 OF THE PROPERTIES FOR RESIDENTIAL, OFFICE, COMMERCIAL, RETAIL,
17 CONDOMINIUM, HOTEL, MARINA OR OTHER PUBLIC USES, OR USES AS MAY
18 BE PERMITTED IN ACCORDANCE WITH APPLICABLE LAW, INCLUDING, BUT
19 NOT LIMITED TO, MUNICIPAL LAND USE REGULATIONS.

20 (D) NONDISTURBANCE AGREEMENT.--THE DEPARTMENT OF GENERAL
21 SERVICES, WITH THE CONCURRENCE OF THE DEPARTMENT OF
22 ENVIRONMENTAL PROTECTION, ACTING ON BEHALF OF THE COMMONWEALTH,
23 IS HEREBY AUTHORIZED TO ENTER INTO ONE OR MORE NONDISTURBANCE
24 AGREEMENTS WITH ANY SUBLESSEE OF ALL OR ANY PORTION OF THE
25 PROPERTIES PURSUANT TO WHICH COMMONWEALTH SHALL AGREE THAT, IF
26 THE COMMONWEALTH SUCCEEDS TO THE INTEREST OF THE SUBLESSOR UNDER
27 THE SUBLESSEE'S SUBLEASE, THE COMMONWEALTH MAY NOT TERMINATE
28 THAT SUBLEASE UNLESS THE SUBLESSEE IS IN DEFAULT.

29 (E) IMPROVEMENT.--THE DEPARTMENT OF GENERAL SERVICES, WITH
30 APPROVAL OF THE ATTORNEY GENERAL, IS HEREBY AUTHORIZED TO

1 PERMIT, ON BEHALF OF THE COMMONWEALTH, ANY DECLARATION OR OTHER
2 DOCUMENTS NECESSARY TO SUBMIT THE PROPERTIES OR ANY PORTION OF
3 THE PROPERTIES AND ANY IMPROVEMENTS ON THE PROPERTIES TO THE
4 PROVISIONS OF 68 PA.C.S. PT. II SUBPT. B (RELATING TO
5 CONDOMINIUMS) AS A LEASEHOLD CONDOMINIUM. DEVELOPMENT OF THE
6 PARCELS AUTHORIZED TO BE LEASED UNDER THIS SECTION SHALL BE
7 CONSISTENT WITH PUBLIC AND MARITIME PURPOSES.

8 (F) FREE PUBLIC ACCESS.--

9 (1) THE LEASE AGREEMENT SHALL CONTAIN THE FOLLOWING
10 TERMS AND CONDITIONS:

11 (I) THE LESSEE, THE SUBLESSEES AND THEIR RESPECTIVE
12 SUCCESSORS AND ASSIGNS, SHALL PROVIDE AND MAINTAIN AT
13 LEAST THE FOLLOWING FREE PUBLIC ACCESS TO THE RIVERFRONT,
14 FOR FISHING AND OTHER RECREATIONAL ACTIVITIES AND FREE
15 PUBLIC PARKING IN CONNECTION WITH THE ACCESS:

16 (A) A MINIMUM OF 10 PUBLIC PARKING SPACES
17 AVAILABLE AT ALL TIMES LOCATED PROXIMATE TO THE
18 PUBLIC WALKWAY NEAR THE WATER EDGE AND SIGNAGE
19 INDICATING THE PUBLIC PARKING.

20 (B) PUBLIC WALKWAYS ON THE RIVERFRONT, INCLUDING
21 WATER EDGE PROMENADES ALONG THE ENTIRE WATER EDGER OF
22 THE PROPERTIES AND ADJACENT TO THE WATER, PROVIDING
23 FREE PUBLIC ACCESS TO THE WATER AND ALLOWING FOR
24 PASSIVE AND ACTIVE RECREATIONAL ACTIVITIES YEAR-ROUND
25 AND SIGNAGE INDICATING THE WALKWAYS ARE OPEN TO THE
26 GENERAL PUBLIC.

27 (C) PUBLIC ACCESS TO THE DELAWARE RIVER IN
28 ACCORDANCE WITH THE DELAWARE RIVER WATERFRONT
29 CORPORATION PLAN THAT IS CONSISTENT WITH THE
30 WATERFRONT SETBACK REQUIREMENTS SPECIFIED IN SECTION

1 14-216(6) (G) OF THE PHILADELPHIA CODE (ENACTED INTO
2 LAW BY AN ORDINANCE ENACTING BILL NO. 050465, PASSED
3 BY THE CITY COUNCIL ON JUNE 16, 2005, AND SIGNED BY
4 THE MAYOR ON JULY 8, 2005), OR IN ACCORDANCE WITH
5 SUCH OTHER PLAN AND SUCH OTHER MUNICIPAL ORDINANCE AS
6 MAY GOVERN PUBLIC ACCESS IN THE FUTURE.

7 (D) SHOULD THE LESSEE, A SUBLESSEE OR ANY OF
8 THEIR RESPECTIVE SUCCESSORS OR ASSIGNS WISH TO MODIFY
9 THE PUBLIC ACCESS AND PARKING REQUIRED BY THE LEASE
10 AGREEMENT, IT MUST OBTAIN THE PRIOR WRITTEN APPROVAL
11 OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE
12 DEPARTMENT OF GENERAL SERVICES, WHICH APPROVAL SHALL
13 NOT BE UNREASONABLY WITHHELD. THE PUBLIC ACCESS AND
14 PARKING SHALL BE COMPLETED AND OPEN TO THE PUBLIC NO
15 LATER THAN THE DATE THE FIRST TENANT OR RESIDENT
16 OCCUPIES THE LEASEHOLD. PAST ACTIONS BY THE LESSEE
17 MAY BE THE BASIS FOR A DETERMINATION TO MODIFY THE
18 OBLIGATIONS UNDER THIS SUBSECTION.

19 (E) THE CONDITIONS SPECIFIED IN THIS
20 SUBPARAGRAPH SHALL BE COVENANTS THAT RUN WITH THE
21 LAND AND SHALL BE BINDING UPON THE LESSEE, ANY
22 SUBLESSEE AND THEIR RESPECTIVE SUCCESSORS AND
23 ASSIGNS. SHOULD THE LESSEE, ANY SUBLESSEE OR ANY OF
24 THEIR RESPECTIVE SUCCESSORS OR ASSIGNS PERMIT THE
25 LEASEHOLD PREMISES OR ANY PORTION OF THE LEASEHOLD
26 PREMISES, TO BE USED IN A MANNER INCONSISTENT WITH
27 THESE CONDITIONS, ALL RIGHTS AND INTERESTS IN THE
28 LEASE SHALL TERMINATE IMMEDIATELY.

29 (II) (RESERVED) .

30 (2) (RESERVED) .

1 (G) LAND USE RESTRICTION.--ALL LEASES AUTHORIZED OR
2 REFERRED TO UNDER THIS SECTION SHALL INCLUDE THE CONDITION
3 THAT NO PORTION OF THE PARCELS SHALL BE USED AS A LICENSED
4 FACILITY, AS DEFINED IN 4 PA.C.S. § 1103 (RELATING TO
5 DEFINITIONS), OR ANY OTHER SIMILAR TYPE OF FACILITY
6 AUTHORIZED UNDER THE LAWS OF THIS COMMONWEALTH. THIS
7 CONDITION SHALL BE A COVENANT RUNNING WITH THE LAND AND SHALL
8 BE BINDING UPON THE LESSEE AND SUBLESSEES AND THEIR
9 RESPECTIVE SUCCESSORS AND ASSIGNS. SHOULD ANY PORTION OF ANY
10 PARCEL AUTHORIZED TO BE LEASED UNDER THIS SECTION BE USED IN
11 VIOLATION OF THIS SUBSECTION, THE LEASE SHALL TERMINATE
12 IMMEDIATELY.

13 (H) OTHER REQUIRED MEASURES.--NOTHING IN THIS SECTION
14 MAY AFFECT OR OTHERWISE LIMIT THE REQUIREMENTS OF THE
15 PROVISIONS OF THE ACT OF NOVEMBER 26, 1978 (P.L.1375,
16 NO.325), KNOWN AS THE DAM SAFETY AND ENCROACHMENTS ACT, WHICH
17 MAY REQUIRE FURTHER MEASURES TO PROVIDE FOR PUBLIC ACCESS AND
18 USE OF THE LAND AND ADJACENT WATER.

19 (I) CONDITIONS BINDING.--THE CONDITIONS IMPOSED UNDER
20 THIS SECTION SHALL BE COVENANTS THAT RUN WITH THE LAND AND
21 SHALL BE BINDING UPON THE LESSEE, ANY SUBLESSEE AND THEIR
22 RESPECTIVE SUCCESSORS AND ASSIGNS. SHOULD THE LESSEE, ANY
23 SUBLESSEE OR ANY OF THEIR RESPECTIVE SUCCESSORS OR ASSIGNS
24 PERMIT THE PARCELS AUTHORIZED TO BE LEASED UNDER THIS
25 SECTION, OR ANY PORTION OF THE PARCELS, TO BE USED IN A
26 MANNER INCONSISTENT WITH THE CONDITIONS CONTAINED IN THIS
27 SECTION, ALL RIGHTS AND INTERESTS IN THE LEASE AUTHORIZED
28 UNDER THIS SECTION SHALL TERMINATE IMMEDIATELY.

29 (J) COSTS AND FEES.--COSTS AND FEES INCIDENTAL TO THE
30 LEASE AUTHORIZED UNDER THIS SECTION SHALL BE BORNE BY THE

1 LESSEE, INCLUDING THE COSTS INCURRED BY THE DEPARTMENT OF
2 GENERAL SERVICES AND THE DEPARTMENT OF ENVIRONMENTAL
3 PROTECTION IN PREPARATION, EXECUTION AND REVIEW OF THE LEASE,
4 NONDISTURBANCE AGREEMENTS AND RELATED DOCUMENTS.

5 (K) EXPIRATION.--IN THE EVENT THAT THE LEASE AUTHORIZED
6 BY THIS SECTION DOES NOT OCCUR WITHIN THREE YEARS FOLLOWING
7 THE EFFECTIVE DATE OF THIS SECTION, THE AUTHORITY CONTAINED
8 IN THIS SECTION SHALL BE VOID.

9 Section 2 6. Effective date.

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10 This act shall take effect immediately.