SUMMARY STATEMENT

ITEM NO.          SUBJECT: Transfer of DRPA Property South of Commodore Barry Bridge

COMMITTEE: New Business

COMMITTEE MEETING DATE: September 17, 2008

BOARD ACTION DATE: September 17, 2008

PROPOSAL: That the Board authorizes staff to negotiate agreements with the Redevelopment Authority of the City of Chester to transfer an approximate 4.5 acre parcel of DRPA property adjacent to the Commodore Barry Bridge in the City of Chester, Pennsylvania and grant a permanent easement for vehicular and pedestrian traffic beneath the bridge.

PURPOSE: The purpose of the proposed land conveyance is to transfer property which is currently leased to the City of Chester and has not been necessary for the operation of the Commodore Barry Bridge for a number of years. The property will be used by the adjoining property owner as part of a larger project to redevelop the City of Chester waterfront. Bridge Operations and Engineering agree that there is no anticipation that DRPA would need this property in the future.

BACKGROUND: The Redevelopment Authority of the City of Chester (“RACC”) is the real or equitable owner of properties contiguous to property owned by the DRPA located to the south of the Commodore Barry Bridge (“CBB”) in Chester, Pennsylvania. Between the CBB and the properties owned by the RACC is an approximate 4.5 acre parcel of property owned by DRPA which is currently leased to the City of Chester and used as a public park. The RACC and the City of Chester have requested that DRPA convey the 4.5 acre parcel of property owned by DRPA which is currently leased to the City of Chester and used as a public park. The RACC and the City of Chester have requested that DRPA convey the 4.5 acre property located in the City of Chester which is described generally as bounded to the east by the Delaware River; to the south by the former bed of Reaney Street; to the west by Delaware Avenue; and to the north by the Commodore Barry Bridge right of way. A property plan depicting the property is attached as an Exhibit to this resolution (the “Property”). The property was acquired by the DRPA during the construction of the CBB in the 1970’s.

The existing means of access to the Property is a 30 foot wide easement in favor of the City of Chester which extends from Flower Street on the north side of the CBB right of way and travels beneath the CBB to the Property. RACC requests that DRPA also convey an easement for public vehicular and pedestrian ingress and egress beneath the bridge. The new easement will increase the width of the existing easement by approximately 47 feet. A property plan depicting the easement area is attached as an Exhibit to this resolution (the “Easement”).

The buyer has agreed to pay the DRPA fair market value for the property. The parties will also negotiate appropriate provisions covering allocation of revenues from opportunities arising on the property after the transfer.
Pursuant to DRPA’s standard procedure for the evaluation of property acquisition requests, RACC’s proposal was evaluated by the CBB Bridge Director’s Office, Engineering, and Operations to determine if the conveyance of the Property and Easement to the RACC or another appropriate purchaser would cause an adverse impact to DRPA operations. DRPA’s operations staff and the Engineering Department determined that conveyance of the Property and Easement will not cause an adverse impact to DRPA current operations and there is no foreseeable Bridge Operations’ use of the Property in the future. The property to be conveyed leaves DRPA sufficient land next to the CBB which would permit DRPA to operate and maintain the CBB. The Easement will simply increase the width of the existing public access easement and will have no additional adverse impact to DRPA operations.

Staff has evaluated the acquisition proposal and advises that: (i) the sale of the Property and grant of the Easement are not detrimental to the interests of the DRPA; (ii) the sale will not adversely impact upon the operations of the DRPA; (iii) and the Property is no longer necessary for the DRPA’s public purposes.

In addition, disposal of the surplus vacant property may reduce DRPA’s exposure to potential liability, environmental and otherwise, with respect to the Property. The Property is not needed for any present or foreseeable use by the DRPA or the CBB.

**SUMMARY:**

- **Amount:** A fair market value price paid to DRPA
- **Source of Funds:** N/A
- **Capital Project #:** N/A
- **Operating Budget:** N/A
- **Master Plan Status:** N/A
- **Other Fund Sources:** Pennsylvania, Delaware County, PA, RACC
- **Duration of Contract:** N/A
- **Other Parties Involved:** Commonwealth of Pennsylvania; Delaware County, PA.; City of Chester, Pennsylvania, FC Pennsylvania LLC; FC Pennsylvania Stadium LLC; Redevelopment Authority of the City of Chester; Delaware Chester Waterfront Authority.
RESOLUTION

RESOLVED: That the Board of Commissioners find and declare that the Property described in the attached summary statement and shown in the attachment to this Resolution is no longer needed for the public purpose of the DRPA; and be it further

RESOLVED: That the Board of Commissioners hereby approve a conveyance of the above described Property and Easement to the adjacent property owner, Redevelopment Authority of the City of Chester ("RACC") or another appropriate buyer at fair market value and on other terms to be negotiated including provisions for the fair allocation of revenues from opportunities arising on the property following closing; and the proper officers of the DRPA be and are hereby authorized to negotiate such documents as are necessary to convey title to the Property and to grant an Easement to RACC or such other appropriate purchaser; and be it further

RESOLVED: That the instruments of sale include appropriate protections for the DRPA; and be it further

RESOLVED: That the Chairman, Vice Chairman and the Chief Executive Officer must approve and are hereby authorized to approve and execute all necessary agreements, contracts, or other documents on behalf of the DRPA. If such agreements, contracts, or other documents have been approved by the Chairman, Vice Chairman and Chief Executive Officer and if thereafter either the Chairman or Vice Chairman is absent or unavailable, the remaining Officer may execute the said document(s) on behalf of DRPA along with the Chief Executive Officer. If both the Chairman and Vice Chairman are absent or unavailable, and if it is necessary to execute the said document(s) while they are absent or unavailable, then the Chief Executive Officer shall execute such documents on behalf of DRPA.

SUMMARY:

Amount: A fair market value price to be paid to DRPA
Source of Funds: N/A
Capital Project #: N/A
Operating Budget: N/A
Master Plan Status: N/A
Other Fund Sources: Commonwealth of Pennsylvania; Delaware County, PA; RACC, City of Chester;
Duration of Contract: N/A
Other Parties Involved: Commonwealth of Pennsylvania; Delaware County, PA; City of Chester, Pennsylvania, FC Pennsylvania LLC; FC Pennsylvania Stadium LLC; Redevelopment Authority of the City of Chester; Delaware Chester Waterfront Authority.