

HOUSE BILL 2775 P.N. 4387

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2775 Session of 2008

INTRODUCED BY JOSEPHS AND BAKER, SEPTEMBER 19, 2008

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 19, 2008

AN ACT

1 Reasserting rights over land within the bed of the Delaware  
2 River in the City of Philadelphia; and making a related  
3 repeal.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Reassertion of Commonwealth sovereignty over public  
7 lands.

8 (a) Findings.--The General Assembly finds and declares as  
9 follows:

10 (1) The public natural resources are the common property  
11 of all people, and the Commonwealth is the trustee of these  
12 resources, which are held for the benefit of all citizens of  
13 this Commonwealth.

14 (2) Submerged lands, specifically lands beyond the  
15 ordinary low water mark within a navigable waterway, are  
16 lands to which title belongs to the Commonwealth and held in  
17 trust for the public.

18 (3) The Commonwealth's fiduciary duty to the public to

1 hold such lands for the public benefit cannot be abrogated or  
2 relinquished.

3 (b) Reassertion of rights.--The Commonwealth hereby  
4 reasserts its title, right and control over all of the land  
5 below the ordinary low water mark of the parcels described  
6 below:

7 ALL that certain parcel of land situate in the 5th Ward of  
8 the City of Philadelphia and Commonwealth of Pennsylvania, and  
9 more particularly described as follows:

10 BEGINNING at the intersection of the southeasterly line of  
11 Delaware Avenue with the northeasterly line of Ellen Street (50  
12 feet wide) and running thence:

- 13 1. Along the southeasterly line of Delaware Avenue,  
14 North 43 degrees 31 minutes 03 seconds East 726.656 feet  
15 to an angle point; thence
- 16 2. Still along said southeasterly line of Delaware Avenue,  
17 North 63 degrees 51 minutes 33 seconds East 513.810 feet  
18 to its intersection with the southwesterly line of  
19 Shackamaxon Street (60 feet wide); thence
- 20 3. Along said southwesterly line of Shackamaxon Street  
21 South 22 degrees 26 minutes 57 seconds East 157.774  
22 feet to its point of intersection with the southeasterly  
23 line of the former Penn Street (50 feet wide), now  
24 stricken from the city plan, said point being also the  
25 southernmost corner of the part of Shackamaxon Street  
26 which was stricken from the City Plan; thence
- 27 4. Along the southeasterly end of the remaining part  
28 of Shackamaxon Street, being also the southeasterly line,  
29 if extended, of the former Penn Street, North 63 degrees  
30 51 minutes 33 seconds East 30.062 feet to its

20080H2775B4387

- 2 -

1 intersection with the center line of Shackamaxon  
2 Street, said intersection being also in the  
3 southwesterly line of that portion of the  
4 vacated Shackamaxon Street, the right and title of  
5 which is included in deed to Philip F. Bogatin, Inc.,

6 as recorded in Book VCS 1035 of Deeds, Pages 578 &c.;

7 thence

8 5. Along the center line of the portion of Shackamaxon

9 Street which was stricken from the City Plan, South

10 22 degrees 26 minutes 57 seconds East 799.505 feet to

11 its intersection with the pierhead line of Delaware

12 River as established January 15, 1894 and approved

13 by the Secretary of War on September 10, 1940; thence

14 6. Along said pierhead line, South 54 degrees 04 minutes

15 10 seconds West 30.850 feet to an angle point in the

16 pierhead line, being also its intersection with the

17 southwesterly line of the portion of Shackamaxon Street

18 which was stricken from the City Plan; thence

19 7. Still along said pierhead line, South 48 degrees

20 10 minutes 42 seconds West 385.958 feet to another angle

21 point in the pierhead line; thence

22 8. Still along said pierhead line, South 48 degrees

23 14 minutes 22 seconds West 333.614 feet to a corner,

24 being the easternmost corner of property now or formerly

25 owned by West Highland Holdings, L.L.C., as described

26 in Deed, Document ID No. 51473923; thence

27 9. Along the northeasterly line of said West Highland

28 Holdings, L.L.C. property, North 46 degrees 28 minutes

29 57 seconds West 738.803 feet to a corner in the

30 southeasterly line of that part of Penn Street (60 feet

20080H2775B4387

- 3 -

1 wide) which has been stricken from the City Plan, being

2 also a corner of the reversion parcel described in

3 said deed to West Highland Holdings, L.L.C.; thence

4 10. Along the southwest line of said reversion parcel,

5 South 43 degrees 31 minutes 03 seconds West 99.250 feet

6 to its point of intersection with the easternmost end

7 of Penn Street, said point being in the northeasterly

8 line of the aforesaid Ellen Street; thence

9 11. Along said northeasterly line of Ellen Street,

10 North 46 degrees 28 minutes 57 seconds West 260.073

11 feet to the point and place of beginning.

12 CONTAINING 996,161 square feet, or 22.6514 acres, more or less.

13 (c) Interest void.--Any title, license or any other

14 property, ownership or occupancy interest in the land described

15 in subsection (b) conveyed, issued or granted prior to the  
16 effective date of this section is hereby declared void ab initio  
17 as contrary to the public interest.

18 Section 2. Repeal.

19 (a) Intent.--The General Assembly declares that the repeal  
20 under subsection (b) is necessary to effectuate section 1.

21 (b) Provision.--Section 10 of the act of June 8, 1907  
22 (P.L.488, No.321), entitled "A supplement to an act, entitled  
23 'An act to provide for the better government of cities of the  
24 first class in this Commonwealth,' approved the first day of  
25 June, one thousand eight hundred and eighty-five; creating a  
26 Department of Wharves, Docks, and Ferries, for the improvement,  
27 regulation, and supervision of the construction, extension,  
28 alteration, maintenance, and use of wharves, piers, bulkheads,  
29 docks, slips, basins, ferries, harbors, and harbor structures,  
30 in cities of the first class; and providing for the making and

20080H2775B4387

- 4 -

1 enforcement of rules and regulations, and fixing certain  
2 penalties for violation thereof; and providing for the  
3 acquisition of property by said cities, by purchase and by  
4 condemnation, for certain purposes," is repealed.

5 Section 3. Effective date.

6 This act shall take effect immediately.