

Board of Director's Meeting**February 8, 2018 Postponed - Rescheduled to February 15, 2018****3:30 PM****Agenda**

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1. Roll Call	
2. Public Comment	
3. Approval of Minutes for the Meeting of January 11, 2018	(1)
4. Executive Director Report	
5. Property Dispositions	
a. 1443 N. Dover Street (side yard)	(12)
b. 4546 N. Marvine Street (side yard)	(16)
c. 2520 Potter Street (side yard)	(20)
6. Resolution Approving Amendment to By-laws	(24)
7. Resolution Delegating Secretary and Treasurer Duties	(29)
8. Resolution Authorizing a Request for Proposal for Appraisers in Conjunction with PRA	(31)
9. Resolution Authorizing Payment of Past Due Amounts to the Philadelphia Water Department	(33)
10. Resolution Authorizing Extension of Strategic Plan and a Request for Proposal for Strategic Plan	(35)
11. Resolution Authorizing Memorandum of Agreement with Streets Dept. for Surveying Services	(37)
12. Update on Property Transfers, Acquisition, and Sales	(44)
13. Adjournment	

This meeting is open to the public

PHILADELPHIA LAND BANK

BOARD MEETING MINUTES

A Regular Meeting of the Board of Directors of the Philadelphia Land Bank was held on Thursday, January 11, 2018 commencing at 3:35 p.m. in the offices of the Philadelphia Housing Development Corporation, being its regular meeting place, 17th Floor, 1234 Market Street, Philadelphia, Pennsylvania, pursuant to proper notices.

CALL TO ORDER

Ms. Kates called the meeting to order at 3:35 p.m.

ANNOUNCEMENT

Steve Cusano, Senior Counsel, announced that prior to today's Public Session, the Board held an Executive Session regarding that certain litigation matter entitled "Ori C Feibush and OCF Holdings LLC v. Kenyatta Johnson, the Philadelphia Land Bank, and the City of Philadelphia", filed in the U.S. District Court for the Eastern District of Pennsylvania, case number 2017-CV03134 WB. During the Executive Session, the Board also received information regarding (i) budgeting and fiscal matters and (ii) strategy for the water rate board hearing.

Agenda Item 1 **Roll Call**

The following members of the Board of Directors reported present: Jennifer Kates, Michael Koonce, Rick Sauer, Majeedah Rashid, Lauren Vidas, Paulette Adams, Dominique Casimir, and Blane Stoddard.

The following members of the Board of Directors were not present: Christian Dunbar, Courtney Voss and Richard DeMarco.

The following staff members were present: Angel Rodriguez, Steve Cusano, Esq., Christi Jackson, Andrea Saah, Brian Romano, Marla Clark, Jamila Davis, Elizabeth Bonaccorso and Anne Fadullon.

Public Attendees: The list of public attendees is attached to these minutes.

A quorum of directors was present and the meeting, having been duly convened, proceeded with business.

Agenda Item 2 **Public Comment**

Ms. Kates asked if any member of the public wished to comment upon any item on the Board's agenda. There were no comments from the public.

Agenda Item 3
Approval of Board Minutes

Ms. Kates called for a motion to approve the minutes of the Board meeting of December 14, 2017.

Dominique Casimir made a motion to approve the minutes of the Board meeting of December 14, 2017. The motion was seconded by Michael Koonce. Upon motion made and duly seconded, the Board approved the minutes of the December 14, 2017 Board meeting as presented.

Agenda Item 4
Executive Director Report

Mr. Rodriguez updated the Board on staffing. Mr. Rodriguez stated that the Real Estate Specialist III position has been filled; the Clerk position for the front desk was filled, however, it is no longer a bi-lingual position. He also stated that the Land Bank is in the process of hiring a staff attorney and that the controller position has been filled. Interviews are being scheduled for the Senior Development Specialists positions and the Land Bank's organizational chart will be made available.

Next, Mr. Rodriguez updated the Board on budgeting matters. Mr. Rodriguez stated that the Land Bank's budget for 2019 was submitted to the City. During this fiscal year, the Land Bank is targeting 320 properties for acquisition. Mr. Koonce asked if staff and rent has been budgeted for FY19. Mr. Rodriguez replied that it was and added that revenue is expected from VPRC sales and Land Bank dispositions.

Next, Mr. Rodriguez discussed tax acquisition properties and reported that the City and GRB would expedite acquisitions in 2018. Mr. Rodriguez stated that there may be a possibility that GRB and the City would allow for one (1) sheriff sale for the Land Bank in order to expedite the process. Mr. Rodriguez also informed the Board that Linebarger is willing to service tax acquisitions. Mr. Rodriguez went on to explain that as of January 10, 2018, Linebarger had 39% percent of the expected tax acquisitions for 2018. Mr. Koonce asked about the engagement letter for Linebarger. Mr. Cusano replied that staff will be working to finalize an engagement letter with Linebarger as soon as possible.

Mr. Rodriguez then discussed past tax acquisitions and expected future tax acquisitions. The Board then had a lengthy discussion about the number of prior tax acquisitions and the timing and number of future tax acquisitions and how this fits into the strategic plan.

Mr. Koonce asked about the updated acquisition database. Mr. Rodriguez replied that the IT Department for Planning and Development is still in the process of creating the updated database. Mr. Rodriguez then explained the current acquisition database on the OneDrive and how it was being updated.

Next, Mr. Rodriguez reported on Land Bank's disposition goals and informed the Board that staff is working move EOI's. The Board then had a lengthy discussion about dispositions.

Ms. Vidas asked if a monthly disposition update could be provided to the Board members and Mr. Rodriguez replied that the staff could provide it. Ms. Vidas then pointed out that a new acquisition needs to be put into the correct use bucket. Ms. Casimir proposed that an index also be created for social impact and uses depending on the districts.

Agenda Item 5 **Resolutions Approving Amendment to By-laws**

Mr. Cusano advised the members of the Board that since the Board did not receive the By-Laws revisions 10 days prior to this meeting the Board would only have a discussion about these amendments with a proposed vote to occur at the February meeting.

Mr. Cusano then explained each amendment and answered numerous questions from the Board. The Board had a lengthy discussion about these amendments, especially about lowering the percentage for removal from the Board.

Mr. Stoddart stated that he is opposed to the provision regarding removal for missing three consecutive meetings and lowering the percentage from 2/3 to a majority. A discussion was held regarding attendance at Board meetings and it was determined that Mr. Cusano would keep an attendance log.

Mr. Stoddart requested that the Board members have the next 30 days to make comments to these amendments. Ms. Kates stated that after comments are received it should go before the Policy Committee. Mr. Stoddart asked if this item can be tabled.

Mr. Koonce made a motion to table this item. Mr. Stoddart seconded the motion. Upon motion made and duly seconded, the Board approved tabling the amendments to the bylaws.

Agenda Item 6 **Resolution Approving Davenport/Professional Services Contract Extension**

Mr. Cusano requested the Board to approve a resolution authorizing Amendment No. 2 Agreement for professional services between the Philadelphia Land Bank and the Davenport Group, USA, Ltd. Mr. Cusano then explained the pertinent terms of this amendment.

Ms. Vidas stated it would be helpful if a demonstration on LAMA could be provided to the Board. Ms. Kates suggested that a session be provided prior to a regular meeting. The Board then discussed LAMA training for City Council and certain issues with Davenport. Ms. Kates suggested that the Land Bank keep its options open for other providers.

Ms. Kates called for a motion to approve this resolution. Blane Stoddart made a motion to approve called for a motion to approve the resolution approving Amendment No. 2 to Agreement for Professional Service between Philadelphia Land Bank and the Davenport Group, USA, Ltd. . Dominique Casimir seconded the motion. Upon motion and duly seconded, the Board approved

the resolution approving Amendment No. 2 to Agreement for Professional Service between Philadelphia Land Bank and the Davenport Group, USA, LTD as follows:

RESOLUTION NO. 2018 - 1

**RESOLUTION AUTHORIZING AMENDMENT NO. 2
TO AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN
PHILADELPHIA LAND BANK AND THE DAVENPORT GROUP, USA, LTD.**

WHEREAS, the Board of Directors of the Philadelphia Land Bank (the "**Board**") deems it necessary and in the best interest of the Land Bank to enter into Amendment No. 2 to Agreement for Professional Services between The Philadelphia Land Bank and The Davenport Group, USA, Ltd. ("**Amendment No. 2**"), a copy of which is attached to this Resolution.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The Land Bank is hereby authorized to enter into Amendment No. 2.
2. Those Land Bank staff authorized to execute and deliver documents on behalf of the Land Bank pursuant to Resolution 2017-43 are hereby authorized to execute and deliver any and all applications, contracts, and other documentation necessary or desirable to carry out the purposes and intents of this Resolution.
3. The Executive Director with the advice of Senior Counsel may modify Amendment No. 2; provided, that any modifications are, in the opinion of Senior Counsel, not materially adverse to the Land Bank's interests.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
5. This Resolution shall take effect immediately upon adoption by the Board.

**CONTINUED ON THE FOLLOWING PAGE
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**AMENDMENT NO. 2
TO
AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
PHILADELPHIA LAND BANK
AND
THE DAVENPORT GROUP, USA, LTD.**

This Amendment No. 2 ("Amendment No. 2") is made and entered into as of January _____, 2018, effective retroactive to January 1, 2018 (the "Effective Date"), by and between the Philadelphia Land Bank (the "Land Bank") and The Davenport Group, USA, Ltd. ("Davenport")

RECITALS

WHEREAS, the Land Bank and Davenport entered into an Agreement for Professional Services dated January 1, 2016 as amended by Amendment No. 1 to Agreement for Professional Services dated January 1, 2017 (collectively, the "Agreement");

WHEREAS, the Land Bank and Davenport entered into an Agreement for Professional Services dated December 28, 2016 (the "Website Agreement") in which Davenport agreed to perform certain services in connection with the Land Bank's website (the "Website"); and

WHEREAS, the Land Bank and Davenport mutually desire to amend the terms of the Agreement.

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements herein set forth, the parties hereto, intending to be legally bound hereby, do covenant and agree as follows.

1. The Recitals set forth above are incorporated herein as though set forth in full.
2. In the Agreement, the term "Software", "LAMA System", and "LAMA" means and refers to the "LAMA Software" and all modules and components thereof for its proper and convenient maintenance, operation, and usage including, without limitation, all modifications, upgrades, and bug fixes.
3. Paragraph 5 of the Agreement is deleted in its entirety and replaced with the following:

"5. Term. The term of this Agreement shall begin on the Effective Date and shall continue in full force and effect until December 31, 2018, unless extended or terminated pursuant to Paragraph 6 of this Agreement (as may be extended, the "Term")."

4. Paragraph 6 of the Agreement is deleted in its entirety and replaced with the following:

"6. Extension and Termination by the Land Bank / Default.

(a) The Land Bank shall have the right, at any time, to terminate this Agreement without penalty, with or without cause, upon delivery of written notice of such termination to Davenport. Upon receipt of such notice, Davenport shall discontinue its performance of Services as promptly as is reasonably possible and shall attempt to minimize further charges to the Land Bank.

(b) The Land Bank has the option to extend the Term for four (4) consecutive renewal terms of one (1) year each (each "Renewal Term"). The Land Bank may exercise its option to extend the Term by providing Davenport with written notice at any time prior to the end of the then current Term or Renewal Term, as the case may be."

5. Paragraph 7 of the Agreement is deleted in its entirety and replaced with the following:

"7. Compensation and Method of Payment.

(a) As compensation for the Services, for the period commencing on 1/1/2018 and ending on 12/31/2018, the Land Bank agrees to pay Davenport the sum of Twenty-Four Thousand Thirty-Two Dollars (\$24,032) (as may be adjusted, the "Compensation") no later than March 1, 2018.

(b) For the first Renewal Term (1/1/2019 - 12/31/2019), the Compensation shall be:

(i) increased by Two Thousand Dollars (\$2,000); and

(ii) increased or decreased (rounded to the nearest dollar) by the product of (A) the Compensation and (B) a percentage equal to the percentage of increase or decrease of the CPI (as defined below) for October 2017 as compared to the CPI for October 2018.

By way of example only, if the CPI for October 2017 is 245.225 and the CPI for October 2018 is 252.168, then the percentage change would be 2.831% higher in December 2018 as compared to October 2017; therefore, the Compensation for the year beginning January 2019 would increase by 2.831% to \$24,228 (\$23,561+\$667).

(c) For the second Renewal Term (1/1/2020 - 12/31/2020), the Compensation shall be increased or decreased (rounded to the nearest dollar) by the product of (A) the Compensation and (B) a percentage equal to the percentage of increase or decrease of the CPI for October 2018 as compared to the CPI for October 2019.

(d) For the third Renewal Term (1/1/2021 - 12/31/2021), the Compensation shall be increased or decreased (rounded to the nearest dollar) by the product of (A) the Compensation and (B) a percentage

equal to the percentage of increase or decrease of the CPI for October 2019 as compared to the CPI for October 2020.

(e) For the fourth Renewal Term (1/1/2022 - 12/31/2022), the Compensation shall be increased or decreased (rounded to the nearest dollar) by the product of (A) the Compensation and (B) a percentage equal to the percentage of increase or decrease of the CPI for October 2020 as compared to the CPI for October 2021.

(f) The "CPI" shall mean the Consumer Price Index for All Urban Consumers, U.S. city average, all items, (1982-1984 = 100), not seasonally adjusted, as published by the United States Department of Labor, Bureau of Labor Statistics.

(g) Notwithstanding anything to the contrary contained in this Agreement, except as set forth in Paragraph 7(b)(i), in no event shall the Compensation in any calendar year during the Term increase or decrease by more than four percent (4%) as compared to the immediately prior calendar year.

(h) Compensation for the current Renewal Term shall be paid by the Land Bank no later than March 1st of the current Renewal Term."

6. Paragraph 8(d) of the Agreement is deleted in its entirety and replaced with the following:

"(d) The Software provided to the Land Bank under this license allows the Land Bank, subject to Paragraph 8(e), to perpetually use, not own, the Software. The title, ownership rights, and intellectual property rights in and to this Software remain with Davenport. Subject to Paragraph 8(e), Davenport hereby grants to the Land Bank an irrevocable, royalty-free, multi-user, and perpetual license to use, but not own, the Software including, without limitation, all modifications, upgrades, and bug fixes to the Software. Davenport hereby further grants to the Land Bank an irrevocable, royalty-free, and perpetual license to create training manuals and videos for the Software for the sole purpose of training users of the Software."

7. Paragraph 8(e) of the Agreement is deleted in its entirety and replaced with the following:

"(e) The Software is provided to the Land Bank as a multi-user, site license. The Land Bank is permitted to install the Software on any and all workstations and mobile computers owned or controlled by the Land Bank, the Philadelphia Redevelopment Authority, the Philadelphia Housing Development Corporation, Philadelphia City Council or any other Philadelphia governmental or quasi-governmental agency or entity, and Davenport hereby consents to the installation and use of the Software by such entities. Nothing herein shall be deemed to amend the number of concurrent users (being 25) pursuant to that certain Agreement for Professional Services between the Land Bank and Davenport dated May 5, 2017."

8. Attachment A to the Agreement is deleted in its entirety and replaced with Attachment A attached to this Amendment No. 2 and made a part hereof.

9. Paragraph 13 of the Agreement is deleted in its entirety and replaced with the following:

"13. Notices. All notices or communications that are required or desired to be given or made hereunder shall be sufficiently given or made only if delivered personally or if sent prepaid by: (i) registered or certified mail, return receipt requested; or (ii) overnight courier of national recognition (such as UPS or Federal Express) to the party for whom intended, at the address of such party set forth below or at such other address of which such party shall have given written notice in the manner provided herein, and all notice and communications given or made hereunder shall be deemed given on the date mailed.

For the Philadelphia Land Bank at:
Angel Rodriguez
Executive Director
Philadelphia Land Bank
1234 Market Street, 16th Floor
Philadelphia, PA 19107

With a copy to:
Steve Cusano
Senior Counsel
Philadelphia Land Bank
1234 Market Street, 16th Floor
Philadelphia, PA 19107

For Licensee at:
Jerry P. Davenport
The Davenport Group USA, Ltd.
651 W Terra Cotta Avenue, Suite 231
Crystal Lake, Illinois 60014"

10. Except as set forth in this Amendment No. 2, the Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is a conflict between this Amendment No. 2 and the Agreement, the terms of this Amendment No. 2 will prevail.
11. The Agreement, as amended, shall be governed by and construed in accordance with the laws of the Commonwealth of Pennsylvania. The parties to this Agreement agree to submit to the jurisdiction of courts, whether federal or state, located in Philadelphia Pennsylvania.
12. This Amendment No. 2, including, without limitation, Attachment A, represents the entire agreement between the Land Bank and Davenport as to the subject matter hereof and supersedes all prior negotiations, representations or agreements as to the subject matter hereof.
13. No determination by any court, governmental body or otherwise that any provision of the Agreement or any amendment thereof is invalid or unenforceable in any instance shall affect the validity or enforceability of (a) any other provision thereof, or (b) such provision in any circumstance not controlled by such determination. Each such provision shall be valid and enforceable to the fullest extent allowed by, and shall be construed wherever possible as being consistent with applicable law.

14. Neither party shall be deemed to have waived the exercise of any right which it holds under the Agreement, as amended, unless such waiver is made expressly and in writing (and, without limiting the generality of the foregoing, no delay or omission by any party hereto in exercising any such right shall be deemed a waiver of its future exercise). No such waiver made in any instance involving the exercise of any such right shall be deemed a waiver as to any other such instance, or any other such right. Any remedy set forth in the Agreement, as amended, shall be in addition to all other remedies otherwise available in law or equity.
15. This Amendment No. 2 may be executed in one or more counterparts, each of which counterparts shall constitute an original and all of which counterparts together shall constitute one and the same Amendment No. 2. The delivery by either party of an executed signature page by either facsimile or email shall have the same legally binding effect as the delivery of an original signature.
16. Any and all agreements set forth in the Agreement which, by its or their nature, would reasonably be expected to be performed after the expiration or earlier termination of the Agreement shall survive and be enforceable after the expiration or earlier termination of the Agreement, including, without limitation, those terms and provisions related to indemnification. Any and all liabilities, actual or contingent, which shall have arisen during the Term shall survive the expiration or earlier termination of the Agreement.

IN WITNESS WHEREOF, the duly authorized representatives of the parties hereby caused this Amendment No. 2 to be duly executed.

Witness

THE DAVENPORT GROUP USA, LTD.

Name:
Title:

BY: _____
Jerry P. Davenport
President

Witness

PHILADELPHIA LAND BANK

Name:
Title:

BY: _____
Angel Rodriquez
Executive Director

Approved as to Legal Form Philadelphia Land Bank By: _____ Attorney
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Agenda Items 7 and 8
Update on Property Transfers, Acquisitions, and Sales

Andrea Saah reported on property transfers, acquisitions, and sales. She indicated that the Land Bank acquired nine new properties and pointed out that the report incorrectly indicated 62, when it should have been 63. Ms. Saah stated that titles are still being cleaned up. Mr. Rodriguez stated that staff has begun having conversations with Council Districts 1, 2, and 3 regarding dispositions and that preliminary meetings are being scheduled for City Council Districts 8 and 9.

Andrea Saah then reported that there was one disposition last month and one side yard was approved. There were no other approvals. Ms. Saah stated that the report totals vary do to housing/mixed use verses lots because with housing is based on units.

Agenda Item 9
Adjournment

There being no further business to come before the Board, Ms. Kates called for a motion to adjourn the meeting.

Michael Koonce made a motion to adjourn the meeting. Blane Stoddard seconded the motion. Upon motion and duly seconded, the Board approved to adjourn the meeting.

Ms. Kates declared the meeting adjourned at 4:51 p.m.

SECRETARY TO THE BOARD

PHILADELPHIA LAND BANK

Board of Directors

Regular Scheduled Meeting Thursday, January 11, 2018

3:30 PM

GUEST SIGN-IN SHEET

NAME

COMPANY

E-MAIL ADDRESS

1) Karen Minor

2) Clyde Peleri

3) Row Holt

4)

5)

6)

7)

8)

9)

10)

11)

Community Beaches Pkg
Country Roads LLC

SWOS

pm1n0256@gmail.com

kpereri@gmail.com

~~pereri~~pereri@hottmail.com

Name of Applicant(s):	Oscar Johnson
Applicant's Primary Residency Address:	1441 N. Dover Street
Application Date & Project Case #:	September 8, 2017
Number of EOIs Received:	2 (one was closed out for being unresponsive)
Address of Property:	1443 N. Dover Street
Zoning & Council District:	RSA-5 CD# 5
OPA Value:	\$ 5,200.00 (will pay nominal due to this parcel being side yard eligible)

STRATEGIC PLAN GOAL:	<input type="checkbox"/> Housing <input type="checkbox"/> Business Expansion <input checked="" type="checkbox"/> Side yard <input type="checkbox"/> Garden/Open Space
PLANNED USE:	<input type="checkbox"/> Yard <input checked="" type="checkbox"/> Garden <input type="checkbox"/> Parking
ESTIMATED IMPROVEMENT COSTS:	Mr. Johnson is already maintaining the side yard as a garden

Staff Recommendation:

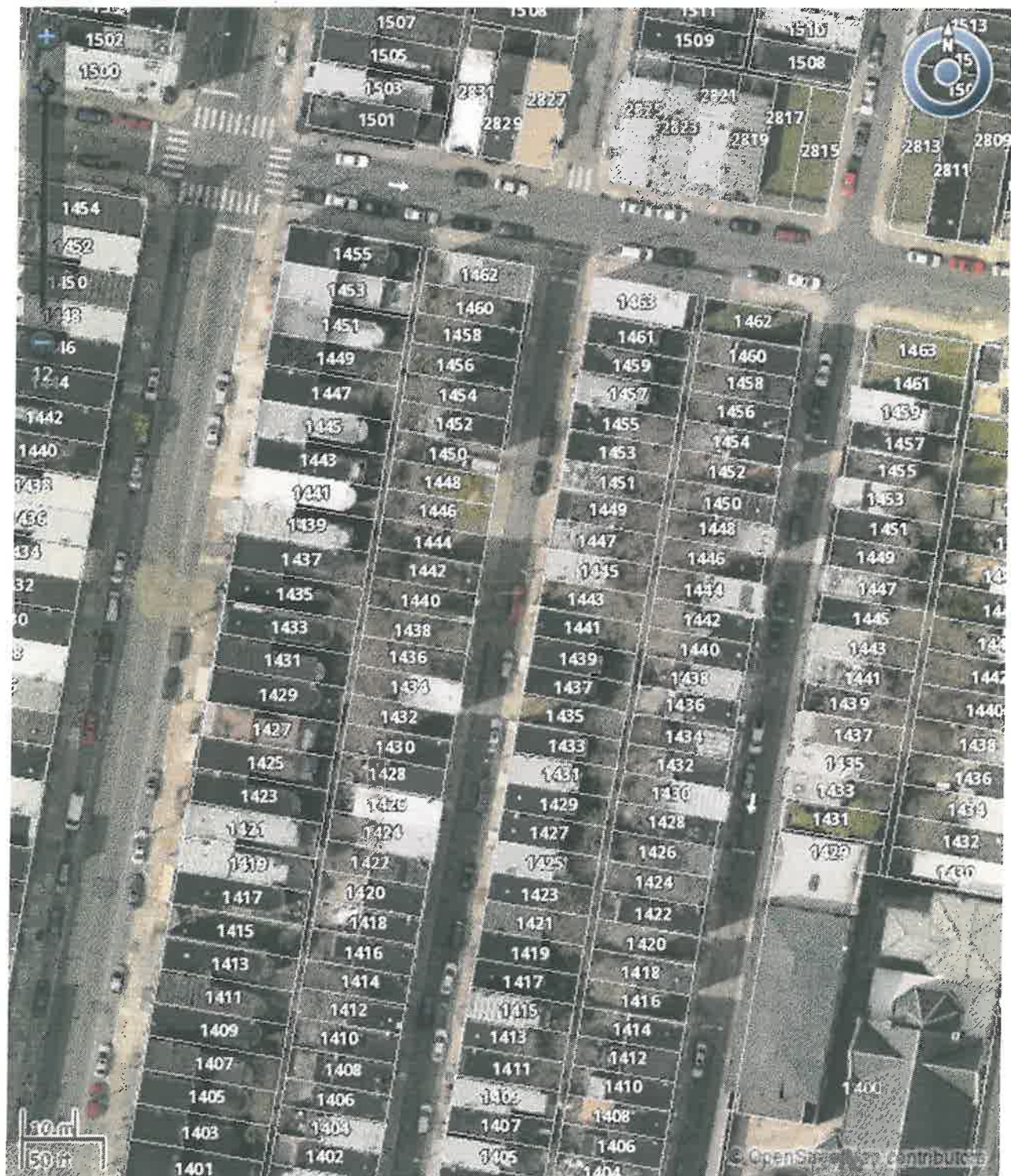
This parcel is eligible under the side yard program as it qualifies as side yard eligible and the adjacent owner has been taking care of and continually maintaining the parcel for a number of years.

The applicant will continue to maintain the lot as a garden. Applicant is compliant and in good standing with the City of Philadelphia.

Image and map attached.

NOTE: Council District #5 (Councilman Clarke's) office has provided support for the applicant.

Prepared by: Brian Romano
 Reviewed by: Christi Jackson





RESOLUTION NO. 2018 – _____

**RESOLUTION AUTHORIZING CONVEYANCE OF
1443 N. DOVER STREET TO OSCAR JOHNSON**

WHEREAS, Section 16-707 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, subject to approval of the Vacant Property Review Committee and resolution by Philadelphia City Council, and subject further to the terms and conditions of Section 16-707; and

WHEREAS, the Vacant Property Review Committee reviewed the proposed transfer of 1443 N. Dover Street (the "**Property**") at its public meeting held on October 10, 2017 and Philadelphia City Council approved conveyance of the Property by Resolution No. 171136 adopted on January 25, 2018.

WHEREAS, the Board of Directors has determined that it is in the best interest of the Land Bank to convey the Property; and

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The conveyance of the Property to Oscar Johnson for One Dollar (\$1.00) is in the best interests of the Land Bank and is hereby approved.
2. The conveyance of the Property complies with all terms and conditions of Section 16-707 of the Philadelphia Code.
3. The Executive Director, Director of Property Management, and Senior Counsel are each hereby authorized, in the name of and on behalf of the Land Bank, to prepare, execute, deliver, and perform any and all agreements, deeds, and other documents as may be necessary or desirable to consummate the conveyance of the Property, which shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate, and, when so executed and delivered by the Land Bank shall constitute the valid and binding obligations of the Land Bank.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
5. This Resolution shall take effect immediately upon adoption by the Board.

ADOPTED ON _____

Name of Applicant(s):	Isaiah Elijah
Applicant's Primary Residency Address:	4548 N. Marvine Street
Application Date & Project Case #:	September 21, 2016
Number of EOIs Received:	1
Address of Property:	4546 N. Marvine Street
Zoning & Council District:	RSA-5 CD# 8
OPA Value:	\$ 9,900.00 (will pay nominal due to this parcel being side yard eligible)

STRATEGIC PLAN GOAL:	<input type="checkbox"/> Housing <input type="checkbox"/> Business Expansion <input checked="" type="checkbox"/> Side yard <input type="checkbox"/> Garden/Open Space
PLANNED USE:	<input checked="" type="checkbox"/> Yard <input type="checkbox"/> Garden <input type="checkbox"/> Parking
ESTIMATED IMPROVEMENT COSTS:	\$1,000.00

Staff Recommendation:

This parcel is eligible under the side yard program as it qualifies as side yard eligible. The adjacent owner plans to install a new fence, remove the trash and debris and cut the grass and weeds.

Improvements to the vacant lot will commence within 3 months of obtaining the property. Applicant is compliant and in good standing with the City of Philadelphia.

Image and map attached.

Prepared by: Brian Romano
 Reviewed by: Christi Jackson





RESOLUTION NO. 2018 – _____

**RESOLUTION AUTHORIZING CONVEYANCE OF
4546 N. MARVINE STREET TO ISAIAH ELIJAH**

WHEREAS, Section 16-707 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, subject to approval of the Vacant Property Review Committee and resolution by Philadelphia City Council, and subject further to the terms and conditions of Section 16-707; and

WHEREAS, the Vacant Property Review Committee reviewed the proposed transfer of 4546 N. Marvine Street (the "**Property**") at its public meeting held on December 12, 2017 and Philadelphia City Council approved conveyance of the Property by Resolution No. _____ adopted on _____, 2018.

WHEREAS, the Board of Directors has determined that it is in the best interest of the Land Bank to convey the Property; and

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The conveyance of the Property to Isaiah Elijah for One Dollar (\$1.00) is in the best interests of the Land Bank and is hereby approved.
2. The conveyance of the Property complies with all terms and conditions of Section 16-707 of the Philadelphia Code.
3. The Executive Director, Director of Property Management, and Senior Counsel are each hereby authorized, in the name of and on behalf of the Land Bank, to prepare, execute, deliver, and perform any and all agreements, deeds, and other documents as may be necessary or desirable to consummate the conveyance of the Property, which shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate, and, when so executed and delivered by the Land Bank shall constitute the valid and binding obligations of the Land Bank.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
5. This Resolution shall take effect immediately upon adoption by the Board.

ADOPTED ON _____

Name of Applicant(s):	Katherine Messano
Applicant's Primary Residency Address:	2522 Potter Street
Application Date & Project Case #:	September 25, 2017
Number of EOIs Received:	2
Address of Property:	2520 Potter Street
Zoning & Council District:	RSA-5 CD# 7
OPA Value:	\$ 33,364.00 (will pay nominal due to this being side yard eligible)

STRATEGIC PLAN GOAL:	<input type="checkbox"/> Housing <input type="checkbox"/> Business Expansion <input checked="" type="checkbox"/> Side yard <input type="checkbox"/> Garden/Open Space
PLANNED USE:	<input checked="" type="checkbox"/> Yard <input type="checkbox"/> Garden <input type="checkbox"/> Parking
ESTIMATED IMPROVEMENT COSTS:	\$500.00

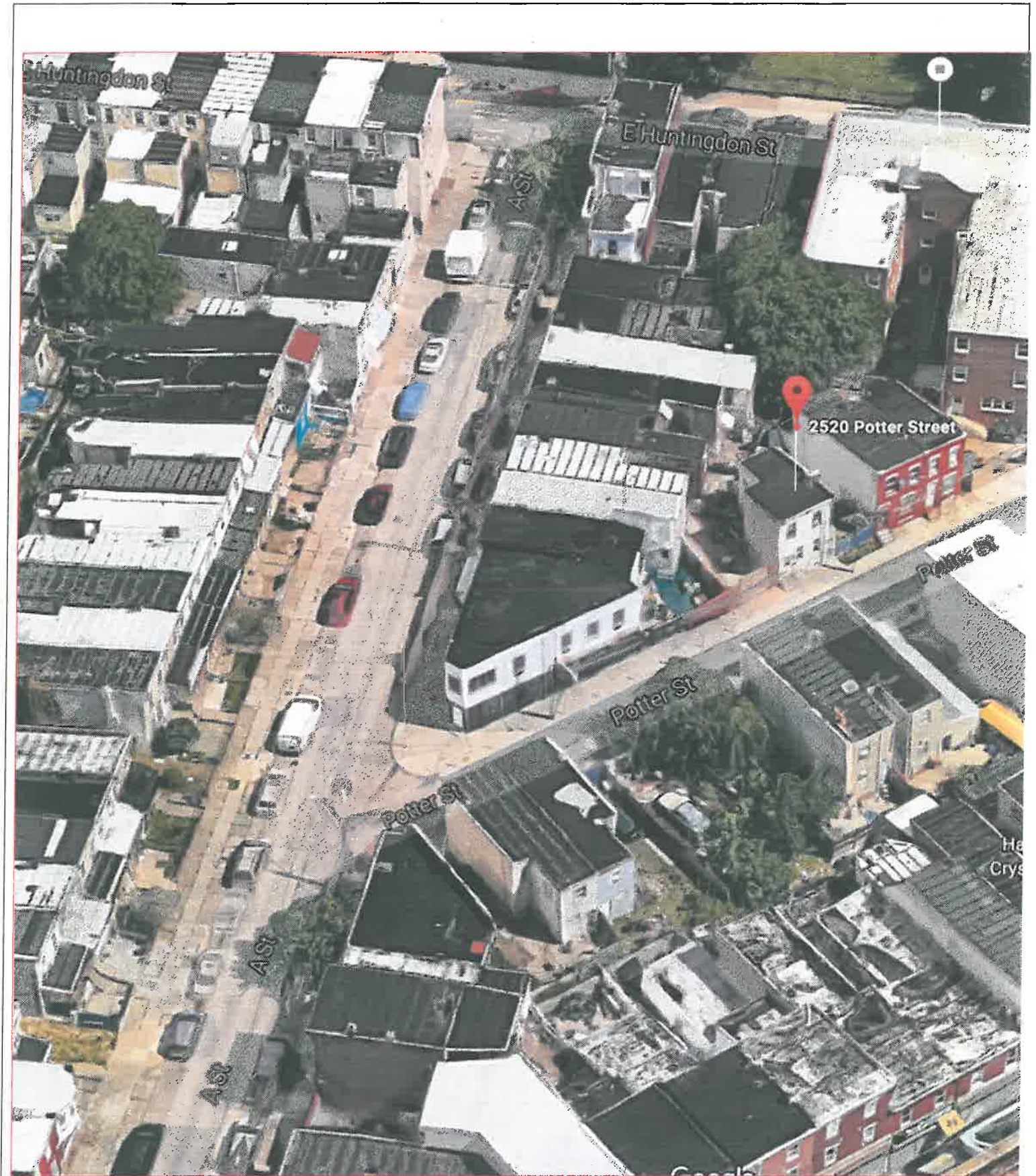
Staff Recommendation:

This parcel is eligible under the side yard program as it qualifies as side yard eligible and the adjacent owner tries to maintain the parcel free from trash and debris. The applicant proposes to fix the fencing along with new grass seeding.

Improvements to the vacant lot will commence within 3 months of obtaining the property. Applicant is compliant and in good standing with the City of Philadelphia.

Image and map attached.

Prepared by: Brian Romano
 Reviewed by: Christi Jackson





RESOLUTION NO. 2017 – _____

**RESOLUTION AUTHORIZING CONVEYANCE OF
2520 POTTER STREET TO KATHERINE MESSANO**

WHEREAS, Section 16-707 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, subject to approval of the Vacant Property Review Committee and resolution by Philadelphia City Council, and subject further to the terms and conditions of Section 16-707; and

WHEREAS, the Vacant Property Review Committee reviewed the proposed transfer of 2520 Potter Street (the "**Property**") at its public meeting held on December 12, 2017 and Philadelphia City Council approved conveyance of the Property by Resolution No. 180039 adopted on _____, 2018.

WHEREAS, the Board of Directors has determined that it is in the best interest of the Land Bank to convey the Property; and

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The conveyance of the Property to Katherine Messano for One Dollar (\$1.00) is in the best interests of the Land Bank and is hereby approved.
2. The conveyance of the Property complies with all terms and conditions of Section 16-707 of the Philadelphia Code.
3. The Executive Director, Director of Property Management, and Senior Counsel are each hereby authorized, in the name of and on behalf of the Land Bank, to prepare, execute, deliver, and perform any and all agreements, deeds, and other documents as may be necessary or desirable to consummate the conveyance of the Property, which shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate, and, when so executed and delivered by the Land Bank shall constitute the valid and binding obligations of the Land Bank.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
5. This Resolution shall take effect immediately upon adoption by the Board.

ADOPTED ON _____

MEMORANDUM

To: Board of Directors
From: Steve Cusano, Esq. 
Date: January 26, 2018
Re: **RESOLUTION AMENDING THE BYLAWS OF THE PHILADELPHIA LAND BANK**

The attached Resolution proposes certain amendments to the Bylaws of the Philadelphia Land Bank ("Bylaws") for the purpose of providing clarity especially in relation to Chapter 21 of Title 68 of the PA Consolidated Statutes ("Act") and Chapter 16-500 of the Philadelphia Code ("Ordinance").

Pursuant to Article VI of the Bylaws, each member of the Board is required to have received this attached Resolution at least ten (10) days prior to today's meeting. The proposed amendments to the Bylaws are shown on the attached Resolution. All words shown with a strikethrough (~~strikethrough~~) are deletions and all words underlined and italicized (*underlined and italicized*) are additions. The following summarizes each proposed amendment.

Section 101 – These changes are for clarity. The term "Directors" is not used in the Bylaws. The correct term is "Board members".

Section 102 – This change is for consistency with §16-704 of the Ordinance.

Section 104 – Replacing "entire" with "majority vote of the other members" is for consistency with §2105(d)(3) of the Act. The addition of "the Board" is for clarity. The last sentence was taken from §106 of the Bylaws. It would be more appropriate if this sentence were also located in §104 of the Bylaws. The other changes are for clarity.

Section 106 – Replacing "two-thirds vote of the entire Board" with "majority vote of the other members" and removing "held at two (2) consecutive regular Board meetings" is for consistency with §2105(d)(3) of the Act. Removing the second instance of "entire" is for consistency with §2105(b)(4) of the Act. The remainder of the changes are to provide notice and guidance as to how an ethical violation is determined.

Section 204 – These changes are to remove a redundancy and for convenience and clarity.

Section 205 – This change is for convenience and clarity.

Section 206 – These changes are for clarity.

Section 303 – These changes are for convenience since the original language is not required by law.

Section 305 – This change is for consistency with §2105(g)(1)(ii) of the Act.

Section 309 – These changes are for clarity and consistency with §2105(h) of the Act.

Section 310 – These changes are for clarity.

RESOLUTION NO. 2018 - _____

RESOLUTION AMENDING THE BYLAWS
OF THE PHILADELPHIA LAND BANK

WHEREAS, section 309 of the Bylaws of the Philadelphia Land Bank (the "**Bylaws**") provides that the Bylaws may be amended by a majority of the entire Board of Directors.

WHEREAS, the Board of Directors of the Philadelphia Land Bank (the "**Board**") deems it necessary and in the best interest of the Philadelphia Land Bank to amend the Bylaws pursuant to this Resolution.

WHEREAS, each member of the Board was provided this Resolution at least ten (10) days prior to the meeting at which this Resolution is to be voted upon in accordance with Article VI of the Bylaws.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. This Resolution shall take effect immediately upon adoption by the Board.
2. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
3. All words shown with a strikethrough (~~strikethrough~~) are hereby removed from the Bylaws. All words underlined and italicized (*underlined and italicized*) are hereby added to the Bylaws.
4. Sections 101, 102, 104, 106, 204, 205, 206, 303, 305, 309, and 310 of the Bylaws are hereby amended as follows:

101. Powers; Number and Appointment

The affairs and activities of the Philadelphia Land Bank ("Land Bank") shall be managed and controlled and its powers exercised by a Board of Directors (the "Board"), except as otherwise provided by statute or these Bylaws. The Board shall be composed of eleven (11) members: five (5) members shall be appointed by the Mayor of the City of Philadelphia ("Mayor"); five (5) members shall be appointed by majority vote of all the members of the Council of the City of Philadelphia ("City Council"); and one (1) member shall be appointed by majority vote of the other members of the Board. As used in these bylaws, (i) the phrase "~~the~~ entire Board of Directors" means the total number of *Board members* ~~Directors~~ that the Land Bank would have if there were no vacancies.

102. Qualifications

Members shall include individuals with expertise in relevant areas, including but not limited to planning, real estate development, open space, and architecture. Members must live or have a primary office in the City of Philadelphia *and may not be an elected public official*. At least four

(4) members must be employees, members, or board members of nonprofit or advocacy organizations working in the field of housing or community development, or of civic associations, with each appointing authority to appoint two (2) such members. These members must have particular knowledge of conditions and needs in neighborhoods with significant rates of vacant and/or publicly-owned properties.

104. Required Attendance at Meetings

A member who fails to attend three (3) consecutive meetings of the Board, ~~without good cause,~~ may be removed by a majority vote of the ~~other members~~ entire Board of Directors at any time up to, ~~and including, the date of the second (2nd) regular meeting of the Board following sixty (60) days after the date of~~ the third (3rd) consecutive missed meeting. If a member is removed pursuant to this Section 104, the Board shall request the appointing authority for that member to appoint a new member or, in the event that ~~it the Board~~ the Board is the appointing authority, the Board shall appoint a new member in accordance with Section 101 of these Bylaws. A member removed under this Section 104 shall be ineligible for reappointment to the Board unless the reappointment is confirmed unanimously by the Board.

106. Removal

In addition to removal as permitted in Section 104, a member may be removed from the Board by a ~~two-thirds majority~~ vote of the ~~other members~~ entire Board of Directors held at two (2) consecutive regular Board meetings for (i) conviction of a felony, (ii) misdemeanor involving moral turpitude, or (iii) a violation of any the ethical law, rule, regulation, or standard as determined pursuant to a final decision by the Philadelphia Ethics Board, the Pennsylvania Ethics Commission, any other judicial or quasi-judicial body, or, with respect to ethical rules and standards adopted by the Board, the Board for which the adopted by the Board. All members shall be provided with written notice by email of any proposed action pursuant to this Section 106 at least fifteen (15) days before the action is taken. The notice shall include the name of the member proposed for removal and the reason(s) for removal. If a member is removed pursuant to this Section 106, the Board shall request the appointing authority for that member to appoint a new member or, in the event that the Board is the appointing authority, the Board shall appoint a new member in accordance with Section 101 of these Bylaws. A member removed under ~~Section 104 or this~~ Section 106 shall be ineligible for reappointment to the Board unless the reappointment is confirmed unanimously by the ~~entire Board of Directors.~~

204. Secretary

The Secretary shall supervise the preparation and maintenance of the books and records of the Land Bank, shall supervise the preparation of minutes, and record votes of and attendance at all meetings ~~of the Board and its committees as required by law,~~ shall supervise the service of all notices required to be given by the Land Bank, shall maintain a current list of the all members, ~~shall supervise the preparation and maintenance of a record of the proceedings of the Board and its committees in a journal of proceedings to be kept for such purpose,~~ and shall perform ~~all other duties incident to the office of Secretary and~~ such other duties as may be assigned to him or her by the Board or the Chair. The Secretary shall ensure the safe custody of the seal of the Land Bank which may be affixed to all proceedings and resolutions of the Board and to all contracts, deeds and other instruments executed by the Land Bank. The Secretary shall preside at all meetings of the Board when the Chair and Vice Chair are not present.

205. Treasurer

The Treasurer shall have general supervisory authority over the financial affairs of the Land Bank. The Treasurer, or such other person as authorized by resolution of the Board, shall (i) supervise the preparation and maintenance of the annual ***financial audit report*** of the Land Bank, (ii) supervise the filing of all required financial tax returns and other regulatory reports, (iii) be responsible for the care and custody of all funds of the Land Bank and deposit the same in the name of the Land Bank in such bank or banks as the Board may select, (iv) sign all orders and checks for the payment of money, and shall pay out and disburse such monies under the direction of the Board, (v) keep regular books, written or computerized, of accounts showing receipts and expenditures, and (vi) render to the Board, when requested, an account of the Treasurer's transactions and also of the financial condition of the Land Bank. Except as otherwise authorized by resolution of the Board, all such orders and checks shall be countersigned by the Chair or Vice Chair. The Treasurer shall perform such other duties as may be assigned to him or her by the Board or the Chair. **The Treasurer shall preside at all meetings of the Board when the Chair, Vice Chair, and Secretary are not present.**

206. Additional Personnel

The Land Bank may ***employ*** or engage through a management ***or other*** agreement, an executive director, counsel and legal staff, technical experts, and other individuals and may approve the qualifications, compensation, and benefits of those performing such services for the Land Bank. Such individuals shall be deemed to be staff of the Land Bank.

303. Annual Meeting

The Annual Meeting of the Board shall be held on such date and time designated by the Chair, but shall be held no later than January of each Fiscal Year unless otherwise extended by ***majority vote of the entire Board of Directors***. At the Annual Meeting, the Land Bank shall establish a schedule of its regularly scheduled monthly meetings for the year which will be published on the Land Bank's website, elect officers of the Board from among themselves and such other officers as the Board may determine.

305. Special Meetings

The Chair may, when he or she deems it expedient, and shall upon the written request of a majority of the ***entire Board of Directors***, call a Special Meeting of the Board for the purpose of transacting any business designated in the call. The call for a Special Meeting may be mailed (via electronic mail) or delivered to each member of the Board or may be mailed (via regular mail) to the business or home address of each member. Such notice must be posted to the Land Bank's website and be sent in a manner ensuring that it will be received at least 24 hours in advance of the time of the Special Meeting. The call shall state the purposes, time and place of the Special Meeting and that no business shall be considered other than as designated in the call.

309. Quorum

At all meetings of the Board, a majority of the Board of Directors shall constitute a quorum for the purpose of transacting business. If at any meeting of the Board, there shall be less than a quorum present, a majority of those members present may adjourn the meeting from time to time until a quorum shall be present. Except as set forth below, all actions of the Board may be taken

by a vote of the majority of the members present and voting at any meeting where a quorum exists. Action of the Board on the following matters must be approved by a majority of the entire Board of Directors

- (i) adoption, repeal, or amendment of bylaws *(subject to Article VI)*;
- (ii) adoption, repeal, or amendment of rules ~~governing the conduct of the Land Bank~~;
- (iii) hiring or firing of an employee or contractor of the Land Bank (this function may, by majority vote of the entire Board of Directors, be delegated by the Board to a specified officer or committee of the Land Bank);
- (iv) incurring of debt;
- (v) adoption or amendment of the annual budget;
- (vi) sale, lease, encumbrance or alienation of real property or personal property with a value of more than Fifty Thousand Dollars (\$50,000).

A resolution relating to dissolution of the Land Bank must be approved by a vote of two-thirds of the entire Board of Directors. A member may request a recorded vote on any resolution or action of the Land Bank.

310. Committees

The Board ~~by a majority vote of the entire Board of Directors~~ may designate one or more standing ~~advisory~~ and ad hoc committees, with each committee consisting of one or more members and may include individuals who are not members of the Board. The Board may designate one or more members as alternate members of a committee, who may replace an absent or disqualified member at a meeting of the committee. ~~In the absence or disqualification of a member of a committee, the members thereof present at a meeting and not disqualified from voting, whether or not they constitute a quorum, may unanimously appoint another member to act at the meeting in place of such absent or disqualified member. Members of advisory committees may include members and individuals who are not members.~~

ADOPTED ON _____

MEMORANDUM

To: Board of Directors

From: Steve Cusano, Esq. 

Date: February 8, 2018

Re: **RESOLUTION DELEGATING SECRETARY AND TREASURER DUTIES TO THE
EXECUTIVE DIRECTOR**

The attached Resolution proposes to delegate to the Executive Director the duties of the Treasurer and Secretary of the Philadelphia Land Bank, which duties are specifically set forth in sections 204 and 205 of the Bylaws, respectively.

The Executive Director may delegate these duties, in whole or in part, to any and all Land Bank staff. This Resolution does not interpret, limit, expand, or have any other effect on the authority granted in Resolution 2017-45, adopted by the Board on October 12, 2017, which requires that all orders and checks for the payment of money by the Land Bank be signed by at least two (2) "Authorized Persons".

RESOLUTION NO. 2018 - ____

**RESOLUTION DELEGATING SECRETARY AND TREASURER
DUTIES TO THE EXECUTIVE DIRECTOR**

WHEREAS, sections 204 and 205 of the Bylaws of the Philadelphia Land Bank (the "**Bylaws**") respectively assign certain duties to the Treasurer and Secretary of the Philadelphia Land Bank (the "**Land Bank**").

WHEREAS, Section 108 of the Bylaws allows the Board of Directors of the Land Bank (the "**Board**") to delegate to staff, through resolutions with proper oversight, the performance of Land Bank functions and operations, including the powers and responsibilities assigned to the Officers of the Land Bank.

WHEREAS, the Board deems it necessary and in the best interest of the Land Bank to delegate the Treasurer's and Secretary's duties to the Executive Director of the Land Bank pursuant to this Resolution.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. This Resolution shall take effect immediately upon adoption by the Board and shall continue in effect until rescinded by the Board.
2. The Executive Director is hereby delegated the duties of the Treasurer and Secretary as more specifically set forth in sections 204 and 205 of the Bylaws, as may be amended (the "**Duties**").
3. The Executive Director may delegate the Duties, in whole or in part, to any and all Land Bank staff.
4. Nothing in this Resolution shall, or be deemed to, interpret, limit, expand, or have any other effect on the authority granted in Resolution 2017-45, adopted by the Board on October 12, 2017.
5. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.

ADOPTED ON _____

MEMORANDUM

To: Board of Directors

From: Steve Cusano, Esq. 

Date: February 8, 2018

Re: **RESOLUTION AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSAL
FOR APPRAISAL SERVICES**

This Resolution proposes the issuance of an RFP for appraisal services, which may be issued in conjunction with the Philadelphia Redevelopment Authority.

RESOLUTION NO. 2018 - ____

**RESOLUTION AUTHORIZING ISSUANCE OF A
REQUEST FOR PROPOSAL FOR APPRAISAL SERVICES**

WHEREAS, the Board of Directors ("**Board**") of the Philadelphia Land Bank ("**Land Bank**") deems it necessary and in the best interest of the Land Bank to authorize the Executive Director to issue a Request for Proposal to seek an individual or firm to provide appraisal services.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The Executive Director is hereby authorized to issue a Request for Proposal to seek an individual or firm to provide appraisal services to the Land Bank in accordance with the Land Bank's procurement policy.
2. The Executive Director is hereby further authorized to issue a Request for Proposal for appraisal services in conjunction with the Philadelphia Redevelopment Authority.
3. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
4. This Resolution shall take effect immediately upon adoption by the Board.

ADOPTED ON: _____

MEMORANDUM

To: Board of Directors
From: Steve Cusano, Esq. *SC*
Date: February 8, 2018
Re: **RESOLUTION AUTHORIZING PAYMENT OF ANY AND ALL OUTSTANDING
AMOUNTS DUE TO THE PHILADELPHIA WATER COMPANY**

The attached Resolution proposes to authorize the Executive Director to pay all delinquent stormwater fees due to the Philadelphia Water Company, which accrued during the Land Bank's ownership of its properties, up to a maximum amount of Five Hundred Fifty Thousand Dollars (\$550,000.00).

Payment of any delinquent stormwater fees accrued prior to the December 2017 billing period in excess of Five Hundred Fifty Thousand Dollars (\$550,000.00) would require additional Board approval.

The Land Bank was informed that the Water Department and the Revenue Department believe that the Land Bank would be in a better position for the Water Rate Board hearing, if the Land Bank paid all delinquent stormwater fees prior to the hearing.

Please note that, prior to the December 2017 billing period, the Land Bank had not paid any stormwater fees due to the Philadelphia Water Company. However, beginning with the December 2017 billing period, the Land Bank commenced, and will continue to pay, all current stormwater fees.

RESOLUTION NO. 2018 - ____

RESOLUTION AUTHORIZING PAYMENT OF ANY AND ALL OUTSTANDING AMOUNTS DUE TO THE PHILADELPHIA WATER COMPANY

WHEREAS, the Philadelphia Land Bank ("**Land Bank**") anticipates requesting a special stormwater rate (zero) from the Philadelphia Water, Sewer, and Stormwater Rate Board ("**Water Rate Board**") for all properties owned by the Land Bank.

WHEREAS, the Land Bank was informed that the Water Department and the Revenue Department believe that the Land Bank would be in a better position when requesting a special rate if, prior to the commencement of the Water Rate Board hearing, the Land Bank paid all delinquent stormwater fees due to the Philadelphia Water Company, which accrued during the Land Bank's ownership of its properties.

WHEREAS, prior to the December 2017 billing period, the Land Bank had not paid any stormwater fees due to the Philadelphia Water Company.

WHEREAS, beginning with the December 2017 billing period, the Land Bank commenced, and will continue to pay, all current stormwater fees due to the Philadelphia Water Company.

WHEREAS, the delinquent amounts due the Philadelphia Water Company, which accrued during the Land Bank's ownership of its properties, is estimated to be Five Hundred Thirty One Thousand Dollars (\$531,000.00) through December 31, 2017.

WHEREAS, the Board deems it necessary and in the best interest of the Land Bank to authorize the Executive Director to pay all delinquent amounts due to the Philadelphia Water Company, which accrued during the Land Bank's ownership of its properties.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The Executive Director is hereby authorized to pay all delinquent stormwater fees due to the Philadelphia Water Company, which accrued during the Land Bank's ownership of its properties, up to a maximum amount of Five Hundred Fifty Thousand Dollars (\$550,000.00). Payment of any delinquent stormwater fees accrued prior to the December 2017 billing period in excess of Five Hundred Fifty Thousand Dollars (\$550,000.00) will require additional Board approval.
2. During the regular meeting of the Board held on February 8, 2017, the Board was informed that the Land Bank had commenced, and will continue to pay, all current stormwater fees due to the Philadelphia Water Company beginning with the December 2017 billing period.
3. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
4. This Resolution shall take effect immediately upon adoption by the Board.

ADOPTED ON: _____

MEMORANDUM

To: Board of Directors

From: Steve Cusano, Esq. 

Date: February 8, 2018

**Re: RESOLUTION AUTHORIZING EXTENSION OF 2017 STRATEGIC PLAN AND
AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSAL FOR
PREPARATION OF THE 2019 STRATEGIC PLAN**

This Resolution provides that the 2017 strategic plan, acquisition policy, and disposition policy as approved by City Council and adopted by the Board remain in force until a successor plan is approved. Section 16-709(3) of the Philadelphia Code provides that a prior strategic plan and prior policies remain in force until a successor plan is approved.

This Resolution also proposes to authorize the Executive Director to issue a Request for Proposal to seek an individual or firm to develop and prepare the 2019 strategic plan and, as needed, any policies.

RESOLUTION NO. 2018 - ____

**RESOLUTION AUTHORIZING EXTENSION OF 2017 STRATEGIC PLAN AND
AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSAL FOR PREPARATION
OF THE 2019 STRATEGIC PLAN**

WHEREAS, section 16-709(3) of the Philadelphia Code provides that the Philadelphia Land Bank ("**Land Bank**") develop a strategic plan in coordination with the Philadelphia City Planning Commission to guide the Land Bank's acquisition, maintenance, and disposition of property as more specifically set forth in section 16-709(3).

WHEREAS, section 16-709(3) of the Philadelphia Code provides that the strategic plan and policies be reviewed and adopted annually by the Philadelphia Land Bank Board of Directors ("**Board**").

WHEREAS, pursuant to Resolution 170051-A on March 9, 2017, City Council approved the Land Bank's 2017 strategic plan, acquisition policy, and disposition policy, all of which the Board adopted pursuant to Resolution No. 2017-1 on January 19, 2017.

WHEREAS, even though a successor to the 2017 strategic plan has not yet been approved, section 16-709(3) of the Philadelphia Code provides that a prior strategic plan and prior policies remain in force until a successor plan is approved.

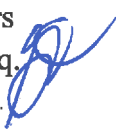
WHEREAS, the Board deems it necessary and in the best interest of the Land Bank to authorize the Executive Director to issue a Request for Proposal to seek an individual or firm to develop and prepare the 2019 strategic plan and, as needed, any policies.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The 2017 strategic plan, acquisition policy, and disposition policy as approved by City Council and adopted by the Board shall hereby remain in force until a successor plan is approved, pursuant to section 16-709(3) of the Philadelphia Code.
2. The Executive Director is hereby authorized to issue a Request for Proposal to seek an individual or firm to develop and prepare the 2019 strategic plan and, as needed, any policies, in accordance with the Land Bank's procurement policy.
3. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
4. This Resolution shall take effect immediately upon adoption by the Board.

ADOPTED ON: _____

MEMORANDUM

To: Board of Directors
From: Steve Cusano, Esq. 
Date: February 8, 2018
Re: **RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN
THE PHILADELPHIA LAND BANK AND THE CITY OF PHILADELPHIA STREETS
DEPARTMENT, BUREAU OF SURVEYS & DESIGN**

The attached Resolution proposes a Memorandum of Understanding between the Philadelphia Land Bank and the City of Philadelphia Streets Department, Bureau of Surveys & Design for survey and boundary services. The material terms of the MOU are as follows:

Fees:

- Each certified survey plan, including the certified legal description, is \$1,000 regardless of the number of adjacent properties on the survey plan (e.g., a single survey plan and legal description may contain multiple, adjacent properties).
- Staking property boundaries - \$680 for each assignment regardless of the number of adjacent properties.

Term:

- Initial term ends on June 30, 2019, unless terminated earlier. No renewal options.

RESOLUTION NO. 2018 - ____

**RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN THE
PHILADELPHIA LAND BANK AND THE CITY OF PHILADELPHIA STREETS
DEPARTMENT, BUREAU OF SURVEYS & DESIGN**

WHEREAS, the Board of Directors of the Philadelphia Land Bank (the "**Board**") deems it necessary and in the best interest of the Land Bank to enter into a Memorandum of Agreement between The Philadelphia Land Bank and the City of Philadelphia Streets Department, Bureau of Surveys & Design ("**Streets Department MOU**"), a copy of which is attached to this Resolution, for survey and boundary services.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that:

1. The Land Bank is hereby authorized to enter into the Streets Department MOU.
2. Those Land Bank staff authorized to execute and deliver documents on behalf of the Land Bank pursuant to Resolution 2017-43 are hereby authorized to execute and deliver any and all applications, contracts, and other documentation necessary or desirable to carry out the purposes and intents of this Resolution.
3. The Executive Director with the advice of Senior Counsel may modify the Streets Department MOU; provided, that any modifications are, in the opinion of Senior Counsel, not materially adverse to the Land Bank's interests.
4. The Executive Director with the advice of Senior Counsel may modify this Resolution as may be necessary or desirable to carry out its purposes and intents.
5. This Resolution shall take effect immediately upon adoption by the Board.

ADOPTED: _____

**MEMORANDUM OF UNDERSTANDING
BETWEEN
PHILADELPHIA LAND BANK
AND
CITY OF PHILADELPHIA STREETS DEPARTMENT,
BUREAU OF SURVEYS & DESIGN**

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into as of February ____, 2018 ("Effective Date") between the Philadelphia Land Bank ("Land Bank") and The City of Philadelphia ("City"), by and through its Department of Streets, Bureau of Surveys & Design ("Streets Department"). The Land Bank and the Streets Department are collectively, referred to as the "Parties".

BACKGROUND

A. The Land Bank was created pursuant to authorization of 68 Pa. C.S. § 2101 *et seq.* and Section 16-700 of the Philadelphia Code, Bill No. 130156-A, to return vacant, abandoned, blighted and tax delinquent properties to productive use.

B. At times, the Land Bank may need to review and verify a property's location, dimensions and legal description, which may necessitate the preparation of a certified survey plan and a certified legal description.

C. The Land Bank wishes to use the Streets Department's expertise in preparing certified survey plans and certified legal descriptions and the Streets Department has agreed to provide certified survey plans and certified legal descriptions to the Land Bank pursuant to the terms and conditions set forth in this MOU.

NOW THEREFORE, the Parties agree as follows:

1. Services Provided by Streets Department.

- 1.1. The Land Bank shall notify the Streets Department via email (the "Initial Request") of its need for a certified survey plan and certified legal description for one or more properties on an as-needed basis. The notice shall contain (i) the property's address, if an address is assigned/exists, or location in reference to surrounding properties, (ii) the Council District, and (iii) the Ward in which the property is located. The Land Bank will submit all such notices, via email, to Frank J. Morelli at frank.morelli@phila.gov.
- 1.2. Within two (2) business days of receipt of the Initial Request, the Streets Department shall, by email, reply to the Initial Request, and provide the Land Bank with the survey district in which the property is located along with the name, email address, and phone number of the supervisor for each applicable survey district.
- 1.3. Upon the Land Bank's receipt of the information set forth in Section 1.2 above, the Land Bank shall submit its request, via email, to the appropriate survey district supervisor (the

"Supervisor") and provide any deeds and other recorded documents for the property, or a link to the same, in the Land Bank's possession. Such information may include (i) the last deed of record for the property and adjoining parcels, when appropriate, (ii) parcel maps from the City of Philadelphia's Department of Records and other sources, and (iii) relevant information obtained from other City agencies, as may be available.

- 1.4. Upon the Supervisor's receipt of a request for a certified survey plan and certified legal description, the Supervisor shall, all within 2 business days of the Supervisor's receipt of the request, (i) assign a surveyor/regulator on a priority basis, and (ii) notify the Land Bank, of the name, phone number, and email of the assigned surveyor/regulator and the expected date for completion. The survey district shall make every effort to complete the certified survey plan and certified legal description within six (6) weeks from the date of the request from the Land Bank.
- 1.5. Upon completion of a draft survey plan and draft legal description, the surveyor/regulator shall send the draft survey plan and draft legal description to the Land Bank staff person who made the request for such plan and legal description.
- 1.6. The Land Bank shall review the draft survey plan and draft legal description and provide the surveyor/regulator with any comments, questions, or concerns.
- 1.7. The surveyor/regulator shall (i) respond to all Land Bank comments, questions, and concerns received pursuant to section 1.6 above within two (2) business days following receipt from the Land Bank and (ii) shall work diligently to address all Land Bank comments, questions, and concerns.
- 1.8. Within five (5) business days after the Land Bank has confirmed that the draft certified survey plan and the draft certified legal description are satisfactory, the surveyor/regulator shall prepare and deliver to the Land Bank a final certified survey plan and final certified legal description. The final certified survey plan shall be provided in PDF and the final legal description shall be provided in PDF and Word format.
- 1.9. The surveyor/regulator shall address all Land Bank comments, questions, and concerns regarding the final certified survey plan and final certified legal description within two (2) business days following receipt from the Land Bank.
- 1.10. The Land Bank may request a property's boundaries be identified with stakes placed in the ground. Such requests will be directed to the appropriate survey district and assigned by the Supervisor on a priority basis to a surveyor/regulator in the same manner and within the same time constraints as requests for certified survey plans and certified legal descriptions. Boundary staking requests shall be completed within two (2) weeks after receipt of the request.

- 1.11. The Land Bank may, on occasion, request certified survey plans and certified legal descriptions, or boundary staking, for a property owned by the City or a City agency. The Land Bank shall state in such requests that the property is owned by the City or a City agency (collectively, "City Properties"). The Streets Department shall not invoice the Land Bank to (i) prepare certified survey plans or certified legal descriptions for City Properties or (ii) stake the boundaries of City Properties. Instead, the Streets Department shall apply its usual process of carrying the property as a "red charge". The Land Bank shall not be liable for payment of invoices submitted to the Land Bank for work done on City Properties.
- 1.12. The Parties shall endeavor to memorialize in an email all telephone discussions between the Land Bank and surveyor/regulator.

2. Payment and Fees.

- 2.1. The Streets Department shall submit an invoice for the completed certified survey plan and certified legal description to the Land Bank within ten (10) business days of providing the certified survey plan and certified legal description to the Land Bank. The invoice shall be sent to:

Marla Clark, Controller
Philadelphia Land Bank
1234 Market Street, 17th Floor
Philadelphia, PA 19107
Tel: (215) 448-3115
Email: marla.clark@phila.gov

- 2.2. Within thirty (30) business days of receipt of the invoice, the Land Bank shall send payment to the Streets Department.
- 2.3. The fee for each certified survey plan, including the certified legal description, is \$1,000 regardless of the number of adjacent properties on the survey plan (*e.g.*, a single survey plan and legal description may contain multiple, adjacent properties).
- 2.4. The fee for staking property boundaries is \$680 for each assignment regardless of the number of adjacent properties (*e.g.*, staking the boundary of a property comprised of multiple, adjacent properties would be \$680).

3. Term.

- 3.1. The initial term of this MOU shall be for a period commencing on the Effective Date and ending on June 30, 2019 ("Term"), unless terminated earlier in accordance with this MOU.
- 3.2. The Parties contemplate that this MOU shall be renewed, amended, or replaced at the end of the Initial Term. No later than sixty (60) days prior to termination of the Initial Term,

the Parties shall notify each other of their intention to renew, amend, replace or terminate this MOU.

4. Termination.

- 4.1. This MOU shall be terminable at the option of either party upon providing ninety (90) days' advance written notice to the non-terminating party.
- 4.2. Upon receipt of such notice of termination, the Parties shall complete their obligations under then existing requests for survey plans and legal descriptions prior to the date of such notice.

5. Notice.

- 5.1. Notices permitted or required under this MOU shall be given in writing, by hand delivery, first-class mail, or email with the Subject Line: NOTICE – LAND BANK MOU, to the following individuals or to such other person as either party may later designate by written notice:

Land Bank: Angel Rodriguez Executive Director Philadelphia Land Bank 1234 Market Street, 16th Floor Philadelphia, PA 19107 Tel. (215) 448-3122 Email: angel.rodriguez@phila.gov	Streets Department: Frank J. Morelli, PLS Survey Bureau Chief Department of Streets City of Philadelphia 1401 JFK Blvd, Rm 830 Philadelphia, PA 19102 Tel. (215) 686-5540 Email: frank.morelli@phila.gov
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6. Further Provisions.

- 6.1. During the Term, the Land Bank and the Streets Department shall hold meetings as needed to discuss implementation of this MOU.
- 6.2. The Parties shall use their best efforts to work cooperatively to resolve any controversy or dispute that may arise in relation to any term, condition, or provision of this MOU. Any dispute which the Parties cannot resolve on their own will be submitted for determination to the Mayor's Chief of Staff.
- 6.3. Rights and responsibilities under this MOU may not be assigned except upon prior written consent of all parties.
- 6.4. Nothing in this MOU is intended to confer a third-party beneficiary right upon any person or entity.

IN WITNESS WHEREOF, the Parties hereto, intending to be legally bound, have caused this MOU to be executed by their duly authorized officials.

Approved as to Legal Form:

PHILADELPHIA LAND BANK

By: _____
Steve Cusano
Senior Counsel

By: _____
Angel Rodriguez
Executive Director

Approved as to Legal Form:

THE CITY OF PHILADELPHIA BY AND
THROUGH ITS DEPARTMENT OF
STREETS, BUREAU OF SURVEYS &
DESIGN

By: _____
Sozi Pedro Tulante
City Solicitor

By: _____
Frank Morelli
Survey Bureau Chief

Philadelphia Land Bank Parcel Reconciliation Report, February 1, 2018

Property Transfer Status for Properties Approved for Transfer/Acquisition	CITY	PHDC	PRA	TAX	PRIVATE	TOTAL
Properties Approved for Transfer/Acquisition	1231	775	297	65	1	2369
Properties Withheld from Transfer to PLB	67	11	96			174
Properties Under Review for Transfer to PLB	34	38	19			91
Properties In Process of Transfer to/Acquisition by PLB	18	4	11	0	0	33
Properties Transferred to/Acquired by PLB	1112	722	171	65	1	2071*
Properties Sold by PLB	53	37	4	0	0	94
Properties Remaining in PLB	1059	685	167	65	1	1977
Public Agency Properties Not Approved for Transfer, Possibly Available (Status: Available, Available (non-residential))	2485	0	668			3153

Milestones for Properties Still to be Conveyed to PLB	CITY 52	PHDC 42	PRA 30	TAX	PRIVATE	TOTAL
Properties under review for suitability for transfer	34	38	19			91
Waiting for surveys, corrective deeds, sheriff's deeds, or a resolution	18	4	7	0	0	29
Deed exhibit drafted, ready for City attorney review (PUB, PHDC)	0	0				0
Deed exhibit under DOR review (PUB, PHDC, PRA)	0	0	0			0
Deed exhibit has been reviewed by DOR (PUB, PHDC, PRA)	0	0	4			4
Second deed exhibit has been drafted (PUB ONLY)	0					0
Deed has been sent for execution (PUB/PRA, PHDC, PRA)	0	0	0			0
Deed in process of being recorded	0	0	0	0	0	0
Additional properties transferred to PLB since 12/31/17 (PUB/PRA, PHDC, PRA, TAX, PRIVATE)	0	0	0	3	0	3

* The total number conveyed to the land bank to date, including tax sale and private acquisitions. Properties sold have not been deducted from this total.

Philadelphia Land Bank Approved Dispositions Report (as of 2/1/2018)

Disposition Type	YEAR 1 7/1/2016 – 6/30/2017				YEAR 2 7/1/2017 – 6/30/2018			
	Strategic Plan Goals	No. of Lots Approved	No. of Units To Be Built	Strategic Plan Goals	No. of Lots Approved (YTD)	No. of Units To Be Built (YTD)	Increase Over Last Month	
Side Yards	45 lots	4 lots		81 lots	2 lots		0 lots	
Total Housing/Mixed Use	170 units	100 lots	155 units	205 units	17 lots	29 units	0 lots/0 units	
20 % at 30% or below of AMI	34	6	9	41	0	0	0	
30 % at 60% or below of AMI	50	54	80	62	0	0	0	
25 % at 120% or below of AMI	43	24	37	51	15	26	0	
25 % non-income restricted	43	16	29	51	2	3	0	
Business Expansions	3 lots	2 lots		6 lots	0 lots		0 lots	
Gardens/Open Space	33 lots	0 lots		33 lots	0 lots		0 lots	
Total Disposition Approvals	251	106 lots*	155 units	120 lots/205 units	19 lots	29 units	0 lots	

*As of 2/1/2018, 94 of 106 lots approved for disposition in Year 1 have been conveyed.

*As of 2/1/2018, 0 of 19 lots approved for disposition in Year 2 have been conveyed.

VPRC Approved Dispositions Report (as of 2/1/2018)

Disposition Type	YEAR 1 7/1/2016 – 6/30/2017		YEAR 2 7/1/2017 – 6/30/2018	
	No. of Lots Sold	No. of Lots Sold (YTD)	Increase Over Last Month	
Side Yards	34	29	2	
Other Sales	38	13	0	
Nonprofit (Gardens/Open Space)	10	9	0	
Nonprofit (Other)	3	3		
Total Disposition Approvals	85	54	2	