

AGENDA
PHILADELPHIA LAND BANK
BOARD OF DIRECTORS' MEETING

TUESDAY, MARCH 14, 2023 – 10:00 AM

BECAUSE OF THE CONTINUED CLOSURE OF LAND BANK OFFICES DUE TO PUBLIC
HEALTH CONCERNS, THIS MEETING WILL BE HELD REMOTELY ON ZOOM.

THIS MEETING IS OPEN TO THE PUBLIC

**INSTRUCTIONS FOR REGISTERING FOR PUBLIC ACCESS TO THIS MEETING
AND FOR SUBMISSION OF PUBLIC COMMENTS ARE LOCATED ON THE PAGE
FOLLOWING THE AGENDA**

AGENDA

- I. Roll Call**
- II. Approval of Minutes of the Meeting of February 14, 2023**
- III. Executive Director's Report**
- IV. Administrative Matters**
 - A. Termination of Declaration of Restrictive Covenants**

Resolution authorizing the termination of the Declaration of Restrictive Covenants (the "DORC") pertaining to 3028 N. American Street following the default of HACE Affordable Housing Corporation ("HACE") under the provisions of the Purchase and Development Agreement (the "PDA") and the DORC, and authorizing the release of HACE from the penalty for such default under the PDA.
 - B. Issuance of Consent to Sell Letters**

Resolution authorizing issuance of Consent to Sell letters to HACE for homes constructed on 3022, 3024 and 3026 N. American Street and 19, 21, 23, 25 and 27 E. Somerset Street due to compliance issues pertaining to the Economic Opportunity Plan.
 - C. Amendment, Assignment and Assumption of Developer Obligations under Purchase and Development Agreement, and Amendment of Declaration of Restrictive Covenants**

Resolution authorizing HACE to (1) assign its responsibilities and rights under the Purchase and Development Agreement dated July 9, 2021 and under the Declaration of Restrictive Covenants dated July 29, 2021 pertaining to 19, 21, 23, 25 and 27 E. Somerset Street and 3022 and 3026 N. American Street (the "Premises") to Goods Land Trust, (2) to convey title to the Premises to the Good Lands Trust (the "GLT"), with title to the land to remain in the GLT and title to the improvements only to be conveyed to purchasers, and (3) to amend the Declaration of Restrictive Covenants for the Premises accordingly.

V. Property Dispositions

A. Development – Affordable Housing (Request for Proposals)

(1) The properties below are proposed for disposition to Civetta Property Group, LLC to develop seventy (70) single-family affordable homeownership units that will be sold to households with incomes at or below 100% AMI. Each unit will contain three (3) bedrooms and two (2) bathrooms. Applications were solicited via a Request for Proposals for affordable housing development at or below 100% AMI, and the applicant was the most qualified bidder for the properties.

- 621*, 623*, 625*, 637*, 917* Diamond Street; 924*, 927*, 928*, 936* Edgley Street; 926, 928* French Street; 2106*, 2112*, 2140*, 2141*, 2142*, 2143*, 2151*, 2166, 2170, 2172, 2215, 2217*, 2219* N. Franklin Street; 2112*, 2130*, 2144*, 2214* N. Marshall Street; 2105, 2107*, 2109*, 2110*, 2111*, 2112*, 2113, 2119*, 2121*, 2133, 2140*, 2143*, 2146*, 2150 N. Percy Street; 904*, 910, 912 W. Susquehanna Avenue; 2102*, 2109*, 2114*, 2126*, 2128*, 2130*, 2131, 2134*, 2135*, 2136*, 2150*, 2210* N. 7th Street; 2101*, 2113, 2121*, 2155*, 2167-69*, 2201 N. 8th Street; 2124*, 2126, 2132*, 2150*, 2165* N. 9th Street; 2121* N. 10th Street (CD5)
*(*denotes properties being transferred by the Department of Public Property or the Philadelphia Housing Development Corporation to the Land Bank)*

B. Development – Gardens/Open Space

(1) The properties below are proposed for conveyance to Sanctuary Farm Phila., a nonprofit organization, to be stabilized as a community garden. The property will be subject to a 30-year mortgage and permanently restricted for use as a community garden.

- *1901 N. Ringgold Street, 1910 N. 24th Street (CD5)
(denotes property being transferred by the City of Philadelphia to the Land Bank)*

C. Development – Side/Rear Yards

(1) The properties below are proposed for conveyance to individual applicants as side or rear yards; the applicant must reside in and own the adjacent home. Each property will be subject to a 30-year mortgage and permanently restricted for use as a side or rear yard.

- 1217 Pennock Street (CD5 – Jonathan D’Alba & Lianne Earley)
- 2032 E. Boston Street (CD7 – Charles J. Kessler & Colleen Foster) *(property being transferred by PHDC to the Land Bank)*
- 2410 & 2412 N. Orianna Street (CD7 – Daniel McShane & Victoria Noll)

VI. Public Comment (Old & New Business)

VII. Adjournment

MEMORANDUM

FROM: Andrea Imredy Saah, Esq., Senior Counsel

RE: **Philadelphia Land Bank March 14, 2023 Board Meeting**
Remote Board Meeting Notice, Public Attendance, and Comment Procedures

DATE: March 3, 2023

A meeting of the Board of Directors of the Philadelphia Land Bank (“Land Bank”) is currently scheduled for Tuesday, March 14, 2023, with the executive session to begin at 9:30 A.M. and the meeting to begin at 10:00 A.M. or as soon as the Executive Session has ended. Because of the continued closure of Land Bank offices to the public due to health concerns, this meeting will be held remotely using Zoom webinar. The meeting is open to public attendees and for public comments and questions.

PLEASE NOTE: To participate in the meeting on your computer, you must register in advance. This requirement is necessary to allow us to collect the names of participants as required by law. Using a computer, tablet or smartphone, use the following link:

https://us02web.zoom.us/webinar/register/WN_6hBlBusqQlKRWAUv3al23g.

After registering, you will receive a confirmation email containing information about joining the webinar. Members of the public who join before 10 A.M. will be given access when the meeting begins.

To join the meeting by calling in, dial one of the following numbers:

+1 267 831 0333 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 346 248 7799

Webinar ID: 825 0608 2170; Passcode: 732993

The Board agenda and package will be available to view no later than five (5) days prior to the Board meeting at <https://phdcphila.org/who-we-are/boards/philadelphia-land-bank-board/>.

Public comment and questions regarding the matters that are posted on the agenda may be submitted prior to and during the Board meeting.

To speak during the Board meeting when public comment on the agenda item is requested by the Board Chair, use raise the “Raise Hand” function at the bottom of the screen. You may also enter your questions/comment in the “Q&A” function. *Do not use the Chat function for questions or comments.* The Board Chair may limit repetitious questions/comments. Q&A submissions will be attached to the minutes of the meeting.

To submit questions or comments prior to the Board meeting, you must email the following information to andrea.saah@phdc.phila.gov by 3:00 p.m. on Monday, March 13, 2022:

- Your full name and group or company affiliation, if applicable;
- Contact information (your email address or phone number);
- Identify the agenda item that you are addressing; and
- State your question/comment in a clear and concise manner.

Questions/comments submitted via email will be summarized at the Board meeting, answered or addressed to the extent possible, and attached to the minutes of the meeting.

If possible, the Board meeting will be recorded and made publicly available within thirty (30) days. If you have a question or comment about an agenda item after the meeting concludes, please submit it as described above. It will be addressed to the extent possible by Land Bank staff or at the next Board meeting.

PHILADELPHIA LAND BANK

FEBRUARY 14, 2023 BOARD OF DIRECTORS MEETING MINUTES (DRAFT)

A Regular Meeting of the Board of Directors of the Philadelphia Land Bank was held on Tuesday, February 14, 2023 via Zoom webinar, of which proper notices were given.

CALL TO ORDER

The meeting was called to order at 10:01 a.m.

Andrea Imredy Saah, Senior Counsel, made the following announcements:

Today's Board meeting is being held via an authorized communication device because of the continued closure of Land Bank offices to the public due to the Covid pandemic. This meeting is being recorded. Questions and comments may be made using the Q&A or raised hand button at the bottom of the screen. If you are calling in and not using the Zoom webinar link, you may ask questions or make comments by pressing *9 on your phone. You can also use the "raise hand" function at the bottom of the screen. Please do not use the chat function. If any member of the public has any issues submitting questions or comments, please send an email to Andrea.Saah@phdc.phila.gov. Please note all questions and comments received by email or through the Q&A section will be included in the minutes.

Prior to today's Public Session, the Board held an Executive Session at which the meeting agenda was reviewed and the possible February agenda was previewed.

Item I **Roll Call**

The following members of the Board of Directors reported present: Anne Fadullon, Alexander Balloon, Andrew Goodman, Maria Gonzalez, Michael Johns, Rick Sauer, Rebecca Lopez Kriss and Richard DeMarco.

The following Board members were absent: Michael Koonce, Majeedah Rashid.

The following staff members were present: Angel Rodriguez, Jessie Lawrence, Andrea Imredy Saah, Esq., Jamila Davis, David Fecteau, Todd Hestand, Cristina Martinez, Mathen Pullukattu, Brian Romano, and Carolyn Terry.

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.

Item II
Approval of Board Minutes

Ms. Fadullon called for questions or comments regarding the minutes of the Board meeting of January 17, 2023. There were none.

Ms. Fadullon called for a motion regarding approval of the minutes. Mr. Balloon moved to approve the minutes. Mr. DeMarco seconded the motion.

Upon motion made and duly seconded, the Board unanimously approved the January 17, 2023, Board Meeting minutes.

Item III
Administrative Matters

A. Interagency Transfer

Mr. Lawrence asked the Board to authorize the conveyance of 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47 and 49 Rudy Robinson Way to the Philadelphia Housing Authority. The properties are owned by the Philadelphia Redevelopment Authority and have received approval to be transferred to the Land Bank for conveyance to PHA for disposition, reuse and/or management by PHA.

Ms. Fadullon called for questions or comments from the Board. Mr. Sauer asked for clarification regarding the purpose for which the properties are intended. Ms. Fadullon stated that the properties are part of the West Park Redevelopment.

Ms. Fadullon asked if any questions or comments were received from the public on this item prior to the Board meeting. Ms. Imredy Saah stated that none were received.

Ms. Fadullon called for question or comments from the public. There were none.

Ms. Fadullon called for a motion regarding the interagency transfer to the Philadelphia Housing Authority.

Ms. Gonzalez moved to approve the transfer of the properties. Mr. Goodman seconded the motion.

Upon motion made and duly seconded, the Board unanimously approved the Resolution Authorizing Conveyance of 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47 and 49 Rudy Robinson Way to the Philadelphia Housing Authority (attached to these minutes as Exhibit A).

B. Substitution of Developer Entity

Mr. Lawrence asked the Board to approve the entity known as 3434 Kensington, LLC as substitute for the entity known as GM Holdings, LLC, which was approved as the developer of a parking lot assemblage by Board Resolution 2022-47 on November 15, 2022. The substitution is requested to facilitate the consolidation of the properties the Land Bank is conveying – 3418, 3420 and 3422 Kensington Avenue – with the other properties in the project, which are already owned by 3434 Kensington, LLC. Both limited liability companies are controlled by the same member, and all other terms of the disposition will remain in force as approved.

Ms. Fadullon called for questions or comments from the Board. There were none.

Ms. Fadullon asked if any questions or comments were received prior to the Board meeting. Ms. Imredy Saah stated that none were received.

Ms. Fadullon called for questions or comments from the public. There were none.

Ms. Fadullon called for a motion regarding the request to substitute the developer entity.

Mr. Goodman moved to approve the substitution. Mr. Balloon seconded the motion.

Upon motion made and duly seconded, the Board unanimously approved the Resolution Amending Resolution 2022-47 to Substitute 3434 Kensington, LLC for GM Holdings, LLC (attached to these minutes as Exhibit B).

Item IV **Public Comment (Old & New Business)**

Ms. Fadullon recognized a question in the Q&A asking about the processing time once an application is submitted. Ms. Fadullon asked staff to respond to the question in the Q&A.

Ms. Fadullon asked for further questions or comments from the public.

Item V **Adjournment**

There being no further business to address, Ms. Fadullon called for a motion to adjourn the meeting.

Ms. Lopez Kriss moved to adjourn the meeting. Mr. DeMarco seconded the motion.

Upon motion made and duly seconded, the Board unanimously voted to adjourn at 10:09am.

Elaine Johnson asked that her question in the Q&A be answered before the meeting closed. Mr. Lawrence provided his email address, and Ms. Johnson confirmed receipt.

NOTE: All comments and questions submitted via the Q&A function follow the list of attendees attached to these minutes.

SECRETARY TO THE BOARD

PUBLIC ATTENDANCE SHEET
PHILADELPHIA LAND BANK BOARD OF DIRECTORS REGULAR MEETING
 Tuesday, February 14, 2023, at 10:00 AM, held remotely using Zoom Webinar.

User Name (Original Name)	Email
Andrey Zeygelshefer	GCGOFNY@GMAIL.COM
David Fecteau	David.Fecteau@phila.gov
NBC10 T62	wcaudesk@nbcuni.com
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PUBLIC COMMENTS SUBMITTED IN Q&A
PHILADELPHIA LAND BANK BOARD OF DIRECTORS REGULAR MEETING
Tuesday, January 17, 2023, at 10:00 AM, held remotely using Zoom Webinar

#	Question	Asker Name	Answer
	What is the processing time once an application is submitted?	L Elaine Johnson	Per our disposition policy, we have 120 days to review but we tend to wrap up our reviews in much less.

Exhibit A

RESOLUTION NO. 2023 - 3

RESOLUTION AUTHORIZING CONVEYANCE OF 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47 AND 49 RUDY ROBINSON WAY TO PHILADELPHIA HOUSING AUTHORITY

WHEREAS, Section 16-707 of the Philadelphia Code authorizes the Philadelphia Land Bank (the “**Land Bank**”) to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the Land Bank in the form and by the method determined to be in the best interests of the Land Bank, subject to the terms and conditions of Chapter 16-404 of the Philadelphia Code.

WHEREAS, the Board of Directors (the “**Board**”) has determined that it is in the best interest of the Land Bank to convey 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47 and 49 Rudy Robinson Way (collectively, the “**Property**”) to the Philadelphia Housing Authority (the “**PHA**”) for disposition, reuse and/or management as determined by the PHA.

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

1. The conveyance of the Property to the PHA for Twenty-Five and 00/100 U.S. Dollars (\$25.00) is in the best interests of the Land Bank and is hereby approved.
2. The conveyance of the Property complies with all applicable terms and conditions of Section 16-404 of the Philadelphia Code.
3. Subject to the terms of this Resolution, the Executive Director 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 (collectively, the “**Transaction Documents**”) and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate subject to the terms of this Resolution, 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. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
5. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on February 14, 2023.

Exhibit M

RESOLUTION NO. 2023 - 4

RESOLUTION AMENDING RESOLUTION 2022-47 TO SUBSTITUTE 3434 KENSINGTON, LLC FOR GM HOLDINGS, LLC

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 in the form and by the method determined to be in the best interests of the Land Bank, subject to approval by resolution of Philadelphia City Council, and subject further to the terms and conditions of Chapter 16-404 of the Philadelphia Code;

WHEREAS, the Board of Directors (the “**Board**”), pursuant to Resolution 2022-47 adopted on November 15, 2022 (the “**Resolution**”), approved the conveyance of 3418, 3420 and 3422 Kensington Avenue (collectively, the “**Premises**”) to GM Holdings, LLC to complete the expansion of an existing parking lot (the “**Project**”) located on adjacent properties owned by 3434 Kensington, LLC (the “**Adjacent Properties**”);

WHEREAS, completion of the Project requires the consolidation of the Premises with the Adjacent Properties under one owner;

WHEREAS, GM Holdings, LLC has requested that 3434 Kensington, LLC, an affiliate of GM Holdings, LLC, be substituted as the purchaser of 3418, 3420 and 3422 Kensington Avenue in order to facilitate the consolidation of the Premises with the Adjacent Properties;

WHEREAS, GM Holdings, LLC and 3434 Kensington, LLC are owned and managed by the same individual, and 3434 Kensington, LLC is in all respects qualified to serve as the purchaser of the Premises and developer of the Project;

WHEREAS, the Board has determined that it is in the best interests of the Land Bank to approve the substitution of 3434 Kensington, LLC for GM Holdings, LLC as purchaser of the Premises and developer of the Project, with all other terms of Resolution 2022-47 to remain in full force and effect;

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

1. The substitution of 3434 Kensington, LLC for GM Holdings, LLC as purchaser of the Premises and developer of the Project is in the best interests of the Land Bank and is hereby approved, subject to approval by resolution of Philadelphia City Council. All other terms and conditions of the approved disposition of the Premises shall remain in full force and effect.
2. The conveyance of the Premises to 3434 Kensington, LLC complies with all applicable terms and conditions of Section 16-404 of the Philadelphia Code.
3. Subject to the terms of this Resolution, the Executive Director 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 and other documents, as may be necessary or desirable, to consummate the conveyance of the Property (collectively, the “**Transaction Documents**”) and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate subject to the terms of this Resolution, and, when so executed and delivered by the Land Bank shall constitute the valid and binding obligations of the Land Bank.

Exhibit M

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. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
5. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on February 14, 2023.

MARCH 14, 2023 PLB BOARD MEETING

MATERIALS FOR AGENDA ITEM III

AWARDED TO DATE					STATUS 1			STATUS 2			DEVELOPER	
		Parcels	Units	AFFORDABLE	Deadline	# of Applicants						
1	CD 5 WEST POPLAR MELON ST et al (2 Sub-Areas - Developer choose 1)	32	54	54	3/20/2022	3	AWARDED	DEED TRANSFER/ SETTLEMENT	DEED TRANSFER/ SETTLEMENT	FE WEST POPLAR		
2	CD 5 LUDLOW W OXFORD ST et al	30	30	30	7/11/2022	2	AWARDED	DEED TRANSFER/ SETTLEMENT	DEED TRANSFER/ SETTLEMENT	FE OXFORD		
3	CD 1 East Kensington East Orleans et al	17	17	17	5/20/2022	1	AWARDED	DEED TRANSFER/ SETTLEMENT	DEED TRANSFER/ SETTLEMENT	NKCDC		
4	CD 5 Brewerytown - Myrtlewood (3 Sub-Areas - Developer choose 1)	53	61	61	7/11/2022	2	AWARDED	DEED TRANSFER/ SETTLEMENT	DEED TRANSFER/ SETTLEMENT	FE MYRTLEWOOD		
5	CD 5 LUDLOW N DARIEN ST 1 et al	24	36	36	8/26/2022	3	AWARDED	DEED TRANSFER/ SETTLEMENT	DEED TRANSFER/ SETTLEMENT	FE Ludlow		
6	CD 4 Pastor James Allen 012622	17	37	37	2/28/2022	2	DEED TRANSFER	SETTLEMENT LATE APRIL	SETTLEMENT LATE APRIL	CIVETTA		
7	CD 2 Grays Ferry Dover et al 012822	17	17	17	2/28/2022	2	DEED TRANSFER	SETTLEMENT LATE APRIL	SETTLEMENT LATE APRIL	AFFORDABLE ALLIANCE		
8	CD 2 Grays Ferry S Dover/Wharton St et al	13	22	22	7/11/2022	2	DEED TRANSFER	SETTLEMENT LATE APRIL	SETTLEMENT LATE APRIL	AFFORDABLE ALLIANCE		
9	CD 1 3001 MARTHA STREET 091322	1	17	17	10/24/2022	3	DEED TRANSFER	SETTLEMENT LATE APRIL	SETTLEMENT LATE APRIL	BMK Properties, LLC		
10	CD 5 STRAWBERRY MANSION CLIFFORD STREET 092122	12	12	12	10/24/2022	1	PLB BOARD APPROVAL- APRIL	RCO OUTREACH	RCO OUTREACH	BMK Properties, LLC		
11	CD 5 North Central Cecil B Moore Energy Efficient Homeownership Pilot	1	22	22	10/24/2022	2	PLB BOARD APPROVAL- APRIL	RCO OUTREACH	RCO OUTREACH	CIVETTA		
12	CD 5 HARTRAFT 9th & Diamond ST et al (6 Sub-Areas - Developer choose 1)	70	71	71	8/26/2022	2	PLB BOARD APPROVAL- MARCH	RCO OUTREACH	RCO OUTREACH	CIVETTA		
13	CD 2 Grays Ferry Wharton et al 0215222	25	25	25	3/14/2022	3	SETTLED	CONSTRUCTION START	CONSTRUCTION START	CIVETTA		
14	CD 5 Brewerytown - Jefferson/Marston (3 Sub-Areas - Developer choose 1)	86	95	95	7/11/2022	3	SUB AREA 1 SETTLED	CONSTRUCTION START	CONSTRUCTION START	CIVETTA		
Total Awarded to Date		398	516	516								

UNSOLICITED AFFORDABLE APPLICATIONS AWARDED TO DATE					STATUS			STATUS 2			DEVELOPER	
		Parcels	Units	AFFORDABLE	Deadline	# of Applicants						
1	CD 7 PASEO DE JARDINES	41	57	29	N/A	N/A	APPROVED	DEED TRANSFER/ SETTLEMENT	DEED TRANSFER/ SETTLEMENT	APM/SCANNEPICEO		
2	CD 1 Kensington Emerald St et al	43	43	22	N/A	N/A	DEED TRANSFER	SETTLEMENT APRIL	SETTLEMENT APRIL	BMK Properties LLC		
3	CD 1 William and Collins St et al	31	29	15	N/A	N/A	DEED TRANSFER	SETTLEMENT MARCH	SETTLEMENT MARCH	BMK Properties LLC		
4	CD 3 Pallas and Cambridge St et al	7	7	7	N/A	N/A	DEED TRANSFER	SETTLEMENT	SETTLEMENT	West NoMa Revitalization Group, LLC		
5	CD 5 Camac and N 13th St et al	6	6	6	N/A	N/A	DEED TRANSFER	SETTLEMENT	SETTLEMENT	Camac Commons LLC		
6	CD 2 Greenwich Ellsworth et al	8	8	8	N/A	N/A	DEED TRANSFER	SETTLEMENT APRIL	SETTLEMENT APRIL	Fine Print Construction LLC		
7	CD 7 American and Somerset et al	9	9	9	N/A	N/A	DEFAULT	UNDER CONSTRUCTION	UNDER CONSTRUCTION	HACE		
8	CD 1 E Birch and Stella St et al	15	18	12	N/A	N/A	SETTLED	CONSTRUCTION START	CONSTRUCTION START	BVG Property Group, LLC		
9	CD 1 Cantrell and Mercy St et al	12	12	8	N/A	N/A	SETTLED	CONSTRUCTION START	CONSTRUCTION START	BVG Property Group, LLC		
Totals		172	189	116								
				TOTAL AWARDED/APPROVED AFFORDABLE UNITS								
				632								

WITHDRAWN				
10	CD 2 Grays Ferry Sears et al 031022	19	19	19
			2	RE-POSTED IN MARCH
				VC IMPACT PROJECT

	Disposition Category	No. of DOR Parcels	No. of Lots in Parcels	Price/Rent	Appraisal Value	OPA Value (at time of approval)	Mortgage Amounts	Housing - # of Lots	Housing - Total # of Units	# of Units 30% AMI	# of Units 60%/80% AMI	# of Units 100%/120% AMI	# of Units Market	Sideyards	Gardens/ Open Sp.	Business/ Organ. Expansion/ Developmt	TOTALS	Total # of Lots
	FISCAL YEAR 2023 STRATEGIC PLAN DISPOSITION TARGETS							NA	316	63	95	79	79	124	50	10	500	
	PROPERTIES CONVEYED (Title Transfer, Longterm Lease)	121	140	\$122,331	\$6,503,000	\$4,239,700	\$439,994	134	167	39	80	37	21	7	0	0	174	141
	PARTIALLY OR FULLY APPROVED, NOT SETTLED (Title Transfer, Longterm Lease)	449	566	\$734,510	\$41,191,000	\$12,751,589	\$2,940,459	432	591	0	286	218	138	29	53	4	677	518
	AWAITING APPROVAL (Title Transfer, Longterm Lease)	49	64	\$8,025	TBD	\$281,100	TBD	61	187	7	62	22	0	3	1	0	191	65
	TOTAL - CONVEYED IN FY 2023, APPROVED, AWAITING APPROVAL	619	770	\$864,866	\$47,694,000	\$17,272,389		627	945	46	428	277	159	39	54	4	1042	724
								N/A	299.05%	73.02%	450.53%	350.63%	201.27%	31.45%	108.00%	40.00%	208.40%	
	VARIANCE TO ANNUAL GOAL							N/A	629	-17	333	198	80	-85	4	-6	542	
	TOTAL - CONVEYED IN FY 2023 or APPROVED - not including "Awaiting Approval"	570	706	\$856,841	\$47,694,000	\$16,991,289		566	758	39	366	255	159	36	53	4	851	659
								N/A	239.87%	61.90%	385.26%	322.78%	201.27%	29.03%	106.00%	40.00%	170.20%	
	VARIANCE TO ANNUAL GOAL - not including "Awaiting Approval"							N/A	442	-24	271	176	80	-88	3	-6	351	
	INDIVIDUAL GARDENS NOT BEING CONVEYED AS YARDS AT THIS TIME																	
	NOTE: TBD = To Be Determined													70				

MARCH 14, 2023 PLB BOARD MEETING
MATERIALS FOR AGENDA ITEM IV.A

RESOLUTION NO. 2023 - ____

RESOLUTION AUTHORIZING THE NON-IMPOSITION OF PENALTIES FOR AN INCURABLE DEFAULT UNDER THE PURCHASE AND DEVELOPMENT AGREEMENT AND THE DECLARATION OF RESTRICTIVE COVENANTS GOVERNING 3028 N. AMERICAN STREET AND THE TERMINATION OF THE DECLARATION OF RESTRICTIVE COVENANTS WITH RESPECT TO 3028 N. AMERICAN STREET

WHEREAS, the Philadelphia Land Bank Board of Directors (the “Board”) approved the disposition of 3028 N. American Street (the “Premises”) and eight (8) other properties to HACE Affordable Housing Corporation (the “Developer”) by Resolution 2021-17, adopted on April 13, 2021;

WHEREAS, the Philadelphia Land Bank (the “Land Bank”) and the Developer entered into a Purchase and Development Agreement dated July 9, 2021 (the “PDA”), requiring the development of the Premises for affordable homeownership and the sale of both the land and the improvements built thereon to an income-qualified purchaser;

WHEREAS, the Land Bank conveyed the Premises to the Developer by Deed dated June 1, 2021 and effective June 29, 2021;

WHEREAS, the Developer recorded a Declaration of Restrictive Covenants dated July 29, 2021 on November 20, 2021 in the Philadelphia Department of Records (the “DORC”), stating the requirements for the sale and resale of the Premises and the improvements erected thereon (the “Affordable Home”) and the qualifications to be met by the purchaser of said Affordable Home (“Qualified Purchaser”);

WHEREAS, the Developer violated the provisions of the PDA and the DORC by (1) conveying the Premises and the improvements erected thereon to Good Lands Trust (“GLT”), a non-profit corporation wholly owned by the Developer, without adhering to the requirements of the PDA, and (2) permitting GLT to convey a fee simple interest in the improvements erected on the Premises and a leasehold interest in the Premises to a purchaser, without adhering to the requirements of the PDA and the DORC;

WHEREAS, said violations resulted in an incurable default under the PDA and the DORC;

WHEREAS, the penalties for an unauthorized conveyance or sale of the Premises under the PDA is the payment to the Land Bank of half of the consideration received by the Developer or a related party for said conveyance or sale, without any set-offs or deductions, as well as a reversion of title to the Premises to the Land Bank (collectively, the “Penalties”);

WHEREAS, the imposition of the Penalties would present a financial hardship for the Developer and GLT and jeopardize the purchaser’s fee simple interest in the improvements and leasehold interest in the Premises;

WHEREAS, the provisions of GLT’s sale and lease documents conflict with the provisions of the recorded DORC, creating the possibility of future litigation regarding the purchaser’s interest in the

Premises and the improvements erected thereon;

WHEREAS, the Land Bank Board of Directors has determined that it is in the best interest of the Land Bank (1) to not impose the penalties under the PDA for the Developer's and GLT's incurable default under the PDA and the DORC, and (2) to terminate the DORC with respect to the Premises and the improvements erected thereon;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that, subject to the terms and conditions of this Resolution:

1. The Land Bank hereby authorizes (1) the non-imposition of the Penalties for the Developer's and GLT's incurable default under the Purchase and Development Agreement and the Declaration of Restrictive Covenants, and (2) the termination of the Declaration of Restrictive Covenants as it pertains to the Premises and the improvements erected thereon.
2. The Executive Director 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 effectuate the purposes and intents of this Resolution in accordance with the terms of this Resolution (collectively, the "Transaction Documents") and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate, subject to the terms of this Resolution, and, when so executed and delivered by the Land Bank, shall constitute the valid and binding obligations of the Land Bank.
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. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
4. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on _____.

NAME OF APPLICANT: HACE Affordable Housing Corporation (the “Developer”)

AUTHORIZED CONTACT: Maria Gonzalez, President

NATURE OF REQUEST: The Developer is asking the Board (1) to approve the termination of the DORC with respect to the Premises, and (2) to not impose any of the penalties provided in the PDA for such a default.

BACKGROUND: By Resolution No. 2021-17, adopted on April 13, 2022, the Board approved the conveyance of 19, 21, 23, 25 and 27 E. Somerset Street, and 3022, 3024, 3026 and 3028 N. American Street (the “Properties”) to the Developer for the development of the Properties for affordable homeownership and the sale of both land and improvements to income-qualified purchasers. The homes were to be sold to purchasers with a household income at or below 80% of AMI, with a minimum and maximum affordability period of 10 years and 30 years, respectively. That application was unsolicited and evaluated pursuant to the disposition policy, and the Properties were sold to the Developer for \$1.00 each.

Twelve months after conveyance of the Properties to the Developer, nearing completion of the first few homes, the Developer notified the Land Bank that it wished to transfer the Properties and the improvements (homes) to Good Lands Trust (“GLT”), a non-profit corporation wholly owned by the Developer, and to sell only the homes to purchasers, retaining ownership of the land in GLT. Four months after its initial inquiry, the Developer conveyed 3028 N. American Street (the “Premises”) with the improvements to GLT, and GLT then sold the home constructed on the Premises to a purchaser (“Buyer”) and retained title to the land, leasing it to the Buyer. These actions occurred without the Land Bank’s knowledge and consent and without complying with Developer’s obligations under the Purchase and Development Agreement (the “PDA”) and the Declaration of Restrictive Covenants (the “DORC”) governing the project. As a result, the Developer and its assignee GLT are now in default under the PDA and the DORC, and the default cannot be cured. Furthermore, the provisions of the sales agreement and lease used by GLT are incompatible with the provisions of the DORC.

Under the provisions of the PDA, the penalty for an unauthorized transfer is the payment of 50% of the sales price to the Land Bank. In addition, the Land Bank has the right to revert title to the Premises back to the Land Bank and to take possession of the Premises.

DISCUSSION: For a description of the events that resulted in the violations leading to the incurable default under the PDA and the DORC, see [Exhibit A](#) to this fact sheet.

STAFF RECOMMENDATION: Given that the Land Bank does not wish to penalize the Buyer as a result of the Developer’s and GLT’s actions, and given that the imposition of the financial penalty would present a hardship for the Developer, the staff recommends that the Board approve the termination of the DORC with respect to the Premises, and that the Board agree to not impose the penalties for the default provided in the PDA.

PREPARED BY: Andrea Imredy Saah

EXHIBIT A

Events leading to Developer's violations under the PDA and DORC with respect to 3028 N. American St.

- **7/21/2021:** Nine properties were conveyed to HACE Affordable Housing Corporation (the "Developer") by the Philadelphia Land Bank (the "PLB"). Under the PDA dated 7/9/2021, the 3-bedroom, 2-1/2 bath single-family homes were to be sold to purchasers with a household income between 61% and 80% of AMI, with the Declaration of Restrictive Covenants (the "DORC") setting the maximum sale price at \$195,000.
- **6/20/2022:** A Buyer signed an Agreement of Sale ("AoS") for the home constructed on 3028 N. American Street ("3028 Home").
- **7/5/2022:** The Developer requested the PLB's approval (1) assignment of the Premises to Developer's land trust ("GLT"), so that the land can remain owned by GLT and only the homes are sold, and/or (2) an increase in the sale price for the homes.
- **7/18/2022:** The Developer signed the AoS for the 3028 Home without the PLB's knowledge or consent and without following the requirements of the PDA for permission to enter into such agreement.
- **9/28/2022:** The Developer signed an amendment to the AoS for the 3028 Home, clarifying that the land would remain with GLT, the Buyer would take title only to the 3028 Home, and that the Buyer would pay a lease fee to GLT for the land.
- **10/3/2022:** The Buyer signed the amendment to the AoS and also signed the PLB's standard Rider to the AoS, which states that the Buyer has received a copy of the DORC.
- **10/11/2022:** The Developer signed a deed conveying the land ("3028 Land") and improvements ("3028 Home") at 3028 N. American St. to Developer's wholly owned land trust ("GLT") without the PLB's knowledge and consent.
- **10/11/2022:** GLT conveyed a fee simple interest in the 3028 Home and a leasehold interest in the 3028 Land to the Buyer without the PLB's knowledge or consent. The provisions of the AoS and of the lease are inconsistent with the provisions of the DORC.
- **10/11/2022:** The Buyer granted a mortgage and second lien on her fee simple interest in the improvements and leasehold interest in the land to WSFS Bank and Fed. Home Loan Bank of Pittsburgh without the PLB's knowledge.
- **10/31/2022:** The Developer notified PLB that it wished to sell its "first" property (3024 N. American Street).
- **12/5/2022:** The PLB learned of (a) the transfer of the land and improvements at 3028 N. American Street to GLT and (b) the sale of the 3028 Home and the lease of the 3028 Land by GLT to the Buyer. Following review of the documents pertaining to the transfer of 3028 N. American Street to GLT and the subsequent sale of the 3028 Home and lease of the 3028 Land to the Buyer, the PLB informed the Developer of its default under the PDA and the DORC.

Violations

Violation 1

To modify the use of the Premises from a homeownership project in which both the home and the land are sold to a purchaser to a project in which only the home is sold to a purchaser and the land is leased to the purchaser, with title to the land remaining with the Developer or another entity, the Developer must adhere to the following requirements:

- **PDA Section 9.03:** The Developer must (A) obtain the Land Bank Board's prior approval by resolution and (B)(iii) City Council's approval by resolution.
 - The Developer did not notify the PLB of its wish to modify the use of the Premises and to sell only the homes to purchasers until two weeks after it obtained Buyer's signature on the agreement of sale for the 3028 Home, which Developer did not disclose to the PLB.

EXHIBIT A continued

- GLT did not obtain the required Land Bank Board and City Council approvals for the change in the use of the Premises before it conducted the sale of the 3028 Home and the lease of the 3028 Land, neither of which was disclosed to the PLB until eight weeks after the transactions occurred.

Violation 2

To receive permission to proceed with sale of a completed home, the Developer must adhere to the following requirements:

- PDA Section 9.08(a): The Developer must notify the PLB of completion of the unit and provide a Certificate of Occupancy (“CO”), which allows the PLB to inspect the completed unit to ensure adherence to plans and to issue a Consent to Sell letter. A Certificate of Completion is issued and recorded only once all units are completed and there is no uncured default under the PDA.
 - The Developer did not notify PLB of the completion of the unit and did not provide a CO.
- PDA Section 9.10(b): The Developer may not market or enter into an agreement of sale for a property without first allowing the Philadelphia Housing Authority (PHA) to market the unit for 30 days, with the PLB determining the beginning of the marketing period.
 - The Developer did not notify the PLB regarding its marketing of the property and did not permit the PHA to market the unit as required.
- PDA Section 9.10(c): The Developer must notify the PLB of a prospective buyer by submitting documentation to the PLB for the buyer’s income certification, along with a required PLB rider to the agreement of sale signed by the prospective buyer.
 - The Developer did not notify PLB of the prospective sale of 3028 N. American St. or submit the required documentation until 8 weeks after the sale. Under the DORC, the Buyer was not a qualified purchaser at the time of purchase.

Violation 3

To receive permission to assign interests in the property or the developer’s obligations under the PDA, or to transfer the property prior to the PLB’s issuance of a Certificate of Completion, the Developer must adhere to the following requirements:

- PDA Section 12.01(a)(iii) and Section 12.01(b): The Developer must obtain the PLB Board’s approval by resolution and City Council’s approval by resolution in order to assign its interest in the PDA to another entity. A conveyance of the properties in the project to another entity, and the subsequent sale of the homes in the project by that entity, would require such an assignment.
 - The Developer did not notify PLB of its wish to transfer ownership of the land and homes in the project to GLT until two weeks after it obtained Buyer’s signature on the agreement of sale for the 3028 Home, which Developer did not disclose to PLB.
 - The Developer transferred its interest in both the 3028 Land and the 3028 Home to GLT, thus assigning its rights and obligations under the PDA and the DORC, without obtaining the required Board and Council approvals. GLT is not an approved assignee under the PDA and therefore has no rights under the PDA and DORC.
- PDA Section 12.01(a)(iv): The Developer must obtain the PLB Board’s approval by resolution in order to sell, lease or otherwise transfer the Premises or the improvements, or any portion thereof, or suffer or cause such a sale, lease or transfer to be made, prior to issuance of a Certificate of Completion for the project.
 - The Developer transferred ownership of both the 3028 Land and the 3028 Home to GLT without obtaining the required Board approval for the transfer. GLT is not an approved grantee of those interests under the PDA.

EXHIBIT A continued

Violation 4

To be in compliance with the DORC with respect to a sale of the Premises and the home constructed thereon to a purchaser, the Developer must adhere to the following requirements:

- DORC Section 3: The Developer, and any successor in title, may not sell or transfer the Premises or any portion thereof without the prior written consent of the Land Bank.
 - The Developer transferred the Premises and the improvements erected thereon to GLT without the Land Bank's written consent.
 - GLT conveyed a fee simple interest in the improvements and a leasehold interest in the Premises to the Buyer without the Land Bank written consent.
- DORC Section 4: The Developer and any successor in title must sell each Home (Premises and improvements) to an Original Buyer.
 - The Developer's successor in title (GLT) sold only the improvements to the Buyer and conveyed only a leasehold interest in the Premises.
 - The Buyer is not an Original Buyer, as the Buyer was not approved by the Land Bank prior to the sale.

Violation 5

The provisions of the documents governing GLT's sale of the improvements and lease of the Premises conflict with those of the DORC – see attached Exhibit B for details.

EXHIBIT B

Comparison of PLB and GLT Sale, Resale and Lease Provisions

Provision	PLB	GLT
Residency requirement (primary residence)	Yes	Yes
Renting of the home	Not permitted	Permitted with GLT's consent, rent amount is restricted
Income level restriction	Up to 80% AMI	Up to 80% AMI
Term of restrictions	Min. 10 years, max. 30 years	99-year lease, can be renewed
Sale price	No greater than \$195,000	\$160,000 (1 st GLT home), \$190,000 for others
Ownership	Land and Improvements	Improvements
Lease payments	None	\$30/month, may change over time
Buyer's property tax payment responsibility	Land and Improvements	Land and Improvements
Utilities	Owner's responsibility	Owner's responsibility
Maintenance & Repair of both Land and Improvements	Owner's responsibility; PLB consent not required	Owner's responsibility; anything requiring a building permit must have GLT consent
Right of first refusal	Yes, PLB retains	Yes, GLT retains
Resale price	Adjusted Purchase Price, including original price paid by Owner, plus closing costs paid at purchase and closing costs to be paid at resale by Owner, all adjusted for inflation	<u>The lower of:</u> (1) <u>Purchaser's Ownership Interest at Resale</u> : ratio of original price to original appraisal value, multiplied by the appraisal value at resale (2) <u>Formula Price</u> : during 1 st 10 years, original price (not including closing costs paid) plus ½ percent for every year of ownership; thereafter, the income of a family of 4 at 60% AMI multiplied by 3
Resale Price based on: \$160,000 purchase price \$200,000 appraised value of home and land \$15,000 closing costs at original purchase and resale No capital improvements 2% per year increase in value of home and land 2% per year increase in AMI income levels	After 3 years: \$185,711 After 9 years but before the 10-year affordability period ends: \$213,324 If the Owner still owns the home after 10 years, the resale restrictions terminate, and the Owner can sell the home at market value.	After 3 years: \$162,400 (the Formula Price of \$162,400 being lower than the Homeowner's Ownership Interest at Resale price of \$169,794). After 10 years: \$195,039 (the Homeowner's Ownership Interest at Resale price of \$195,039 being lower than the Formula Price of \$231,267). The Owner can never sell the home at market value.
Resale Price based on: \$190,000 purchase price \$237,500 appraised value of home and land \$18,000 closing costs at original purchase and resale No capital improvements 2% per year increase in value of home and land 2% per year increase in AMI income levels	After 3 years: \$220,731 After 9 years but before the 10-year affordability period ends: \$253,551 If the Owner still owns the home after 10 years, the resale restrictions terminate, and the Owner can sell the home at market value.	After 3 years: \$192,850 (the Formula Price of \$192,850 being lower than the Homeowner's Ownership Interest at Resale price of \$201,630). After 10 years: \$231,267 (the Formula Price of \$231,267 being lower than the Homeowner's Ownership Interest at Resale price of \$231,609). The Owner can never sell the home at market value.

EXHIBIT B

Provision	PLB	GLT
Capital improvements	No provision in the resale calculation, based on the limited affordability period (10 to 30 years)	If capital improvement occurred with GLT's consent, 50% of cost is added to resale price calculation and depreciated over 10 years.
Insurance	No requirements, is up to mortgage lender to require	Both replacement and liability insurance required under GLT provisions
Proceeds of a mortgage foreclosure	Upon foreclosure, the resale and purchaser restrictions end. Proceeds from a sale pursuant to foreclosure, after satisfaction of the mortgage, are paid to the Owner.	Upon foreclosure, GLT has the right to purchase the mortgage for the amount owed to the lender. Proceeds from a sale to another party pursuant to foreclosure, after satisfaction of the mortgage, are paid to the Owner up to the amount the Owner would have received if the home had been resold at the Purchase Option Price; any excess proceeds are paid to GLT

MARCH 14, 2023 PLB BOARD MEETING

MATERIALS FOR AGENDA ITEM IV.B

RESOLUTION NO. 2023 - ____

**RESOLUTION AUTHORIZING ISSUANCE OF CONSENT TO SELL LETTERS AND A
CERTIFICATE OF COMPLETION FOR THE HOMES LOCATED AT 19, 21, 23, 25 AND 27 E.
SOMERSET STREET AND 3022, 3024 AND 3026 N. AMERICAN STREET, SUBJECT TO THE
DEVELOPER'S COMPLIANCE WITH ITS OBLIGATIONS UNDER THE PURCHASE AND
DEVELOPMENT AGREEMENT**

WHEREAS, the Philadelphia Land Bank Board of Directors (the "Board") approved the disposition of 19, 21, 23, 25 and 27 E. Somerset Street and 3022, 3024, 3026 and 3028 N. American Street (collectively, the "Properties") to HACE Affordable Housing Corporation (the "Developer") by Resolution 2021-17, adopted on April 13, 2021, for the development of affordable homes to be sold to income-qualified purchasers (the "Affordable Homes");

WHEREAS, the Philadelphia Land Bank (the "Land Bank") and the Developer entered into a Purchase and Development Agreement dated July 9, 2021 and recorded November 20, 2021 in the Philadelphia Department of Records (the "PDA"), stating, among other obligations and requirements, the Developer's obligations thereunder pertaining to the Economic Opportunity Plan ("EOP") and the requirements for the sale of the Affordable Homes, including inspection and marketing requirements and income certification requirements for prospective purchasers, which are necessary preconditions to the Land Bank's issuance of Consent to Sell letters and a final Certificate of Completion for the project;

WHEREAS, the Land Bank conveyed the Properties to the Developer by Deed dated June 1, 2021, effective June 29, 2021, and recorded November 2021 in the Philadelphia Department of Records;

WHEREAS, the Developer is only partially compliant with its obligations under the EOP, with the project nearing completion;

WHEREAS, the Developer sold the Affordable Home at 3028 N. American Street on October 11, 2022 without complying with any of the requirements under the PDA with respect to said sale;

WHEREAS, given the Developer's partial compliance with the EOP obligations and lack of compliance with any of the PDA's requirements for the sale of 3028 N. American Street, Board approval is required for the issuance of Consent to Sell letters for the sale of the remaining Affordable Homes at 19, 21, 23, 25 and 27 E. Somerset Street and at 3022, 3024 and 3026 N. American Street and for the issuance of a Certificate of Completion following completion of the project;

WHEREAS, the Land Bank Board of Directors has determined that it is in the best interest of the Land Bank to issue Consent to Sell letters for the Affordable Homes at 19, 21, 23, 25 and 27 E. Somerset Street and at 3022, 3024 and 3026 N. American Street and to issue a Certificate of Completion upon the Developer's completion of the project, subject to the Developer's full and unconditional compliance with its obligations under the PDA as determined by the Land Bank in its sole discretion;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that, subject to the terms and conditions of this Resolution:

1. The Land Bank authorizes the issuance of Consent to Sell letters for the Affordable Homes located at 19, 21, 23, 25 and 27 E. Somerset Street and at 3022, 3024 and 3026 N. American Street and the issuance of a Certificate of Completion upon the Developer's completion of the project, subject to the Developer's full and unconditional compliance with its obligations under the Purchase and Development Agreement governing the project as determined by the Land Bank in its sole discretion.
2. The Executive Director 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 effectuate the purposes and intents of this Resolution in accordance with the terms of this Resolution (collectively, the "Transaction Documents") and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate, subject to the terms of this Resolution, and, when so executed and delivered by the Land Bank, shall constitute the valid and binding obligations of the Land Bank.
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. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
4. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on _____.

NAME OF DEVELOPER: HACE Affordable Housing Corporation (“HACE”)

AUTHORIZED CONTACT: Maria Gonzalez, President

NATURE OF REQUEST: The Board is asked to authorize the issuance of Consent to Sell letters to HACE for homes constructed on 19, 21, 23, 25 and 27 E. Somerset Street and on 3022, 3024 and 3026 N. American Street (collectively, the “Premises”) and the issuance of a Certificate of Completion upon completion of the entire project.

BACKGROUND: The Philadelphia Land Bank (“PLB”) entered into a Purchase and Development Agreement (“Agreement”) with HACE dated July 9, 2021 for the development of nine (9) affordable homeownership units located on 3022, 3024, 3026 and 3028 N. American Street and 19, 21, 23, 25 and 27 E Somerset Street (the “Project”). Pursuant to the Agreement, HACE was required to, among other things, adhere to the following requirements with regard to the Project:

- Economic Opportunity Plan (“EOP”) requirements
- Permission to proceed with the sale of the units in the Project
- Marketing requirements
- Income certification requirements
- Inspection requirements

On October 31, 2022, HACE requested PLB’s consent to sell the unit completed at 3024 N. American Street (“3024”) and was provided with the checklist of items above. It was then brought to PLB’s attention on December 5, 2022 that HACE had already sold the unit completed at 3028 N. American Street (“3028”) on October 11, 2022 without adhering to any of the requirements in the Agreement, thus placing HACE in default of the executed Agreement. To address HACE’s request to sell 3024 and its unauthorized sale of 3028, PLB took the following steps and corrective actions to bring the developer back into compliance to the extent possible:

EOP: Staff reached out to the City’s Compliance Unit (“Compliance”) to confirm if these requirements were met and determined that the EOP was not monitored due to an oversight. Because of this, the department tasked with monitoring the EOP cannot sign off on the project. HACE was contacted to ascertain if documentation was available to evidence the efforts made to hire minority-owned business enterprises and women-owned business enterprises. In response, HACE provided information that would allow the Compliance Unit to assess HACE’s EOP performance. Upon its review, Compliance determined that HACE met its requirement for hiring women-owned business enterprises but did not meet its requirement for hiring minority-owned business enterprises. The project’s current near-completion status minimizes the likelihood of meeting this requirement.

Income Certifications: HACE submitted Income Certification Packages to PLB for the homebuyers of 3024 and 3028 on December 7, 2022. Staff approved each homebuyer as compliant with the income requirements of the Project on December 15, 2022.

Inspections: PLB received Certificates of Occupancy for all four (4) units built on American Street, and these units were inspected on December 9, 2022. PLB staff confirmed that the development of these units adhered to approved plans.

Should the Board approve the issuance of Consent to Sell letters to HACE for the Affordable Homes and the issuance of a Certificate of Completion upon completion of the entire Project, HACE must comply with all its obligations and requirements under the Agreement in order to receive a Consent to Sell letter for an Affordable Home and to receive the Certificate of Completion following its completion of the Project, including, but not limited to, the following:

- HACE may not market or enter into an agreement of sale for a unit without first allowing PHA to market the unit for 30 days, with PLB determining the beginning of the marketing period.
- PLB must be notified of completion of the unit and receive a Certificate of Occupancy from HACE.
- PLB must inspect the completed unit to ensure adherence to plans and may then issue a Consent to Sell letter to HACE.
- HACE must notify PLB of a prospective buyer by submitting documentation to PLB for the buyer's income certification, along with a required PLB rider to the agreement of sale signed by the prospective buyer.

STAFF RECOMMENDATION: The staff recommends that the Board approve this resolution to permit the issuance of Consent to Sell letters for the homes constructed on 3022, 3024 and 3026 N. American Street and on 19, 21, 23, 25 and 27 E. Somerset Street and the issuance of a Certificate of Completion for the Project, subject to the Developer's full compliance with the terms of the Agreement.

PREPARED BY: Jessie Lawrence

MARCH 14, 2023 PLB BOARD MEETING

MATERIALS FOR AGENDA ITEM IV.C

RESOLUTION NO. 2023 - ____

**RESOLUTION AMENDING RESOLUTION 2021-17 TO AUTHORIZE A MODIFIED USE OF
19, 21, 23, 25 AND 27 E. SOMERSET STREET AND 3022 AND 3026 N. AMERICAN STREET
AND THE CONVEYANCE OF SAID PREMISES AND THE ASSIGNMENT OF DEVELOPER'S
RIGHTS AND OBLIGATIONS PERTAINING THERETO TO GOOD LANDS TRUST
FOR SUCH MODIFIED USE**

WHEREAS, the Philadelphia Land Bank Board of Directors (the "Board") approved the disposition of 19 E. Somerset Street, 21 E. Somerset Street, 23 E. Somerset Street, 25 E. Somerset Street, 27 E. Somerset Street, 3022 N. American Street, and 3026 N. American Street (collectively, the "Premises") and two other properties to HACE Affordable Housing Corporation (the "Developer") by Resolution 2021-17, adopted on April 13, 2021;

WHEREAS, the Philadelphia Land Bank (the "Land Bank") and the Developer entered into a Purchase and Development Agreement dated July 9, 2021 and recorded November 20, 2021 in the Philadelphia Department of Records (the "PDA"), requiring the development of the Premises for affordable homeownership and the sale of both land and improvements erected thereon to income-qualified purchasers;

WHEREAS, the Land Bank conveyed the Premises to the Developer by Deed dated June 1, 2021, effective June 29, 2021, and recorded November 20, 2021 in the Philadelphia Department of Records;

WHEREAS, a Declaration of Restrictive Covenants dated July 29, 2021 was recorded November 20, 2021 in the Philadelphia Department of Records (the "DORC"), stating the requirements for the sale and resale of the Premises and the improvements erected thereon (the "Affordable Homes") and the qualifications to be met by the purchasers of said Affordable Homes ("Qualified Purchasers") for a specified period of affordability not to exceed thirty (30) years from the date of sale to the first homeowner;

WHEREAS, the Developer desires to extend the affordability period indefinitely and to provide greater affordability and has therefore requested that the Land Bank permit (1) a modification in the use of the Premises, allowing the Developer to retain title to the Premises indefinitely, to sell only the improvements erected on the Premises and to lease the Premises to Qualified Purchasers, under different provisions than those contained in the PDA and the DORC (the "Modified Use"); (2) to convey the Premises, together with any improvements erected thereon, to Good Lands Trust (the "Assignee"), a Pennsylvania non-profit corporation wholly owned by the Developer, for said Modified Use; and (3) to assign the Developer's rights and responsibilities under the PDA and the DORC, as amended for said Modified Use, to the Assignee;

WHEREAS, the PDA provides that (a) any modification in the use of the Premises requires the Board's prior approval by resolution, and (2) any conveyance of the Premises and/or assignment of interests in the PDA prior to issuance of a Certificate of Completion requires the Board's prior approval by resolution and Philadelphia City Council's prior approval by resolution, in accordance with and subject to the terms and conditions of Section 16-404 of the Philadelphia Code;

WHEREAS, the Assignee shall assume, undertake and perform the rights and obligations to develop, maintain and manage the Premises, as modified for the Modified Use, in accordance with an Amendment, Assignment and Assumption Agreement (the “Agreement”) and an amended DORC, both to be entered into by the Land Bank, the Developer and the Assignee;

WHEREAS, the Land Bank Board of Directors has determined that it is in the best interest of the Land Bank (1) to consent to the modification in the use of the Premises, allowing the Assignee to retain title to the Premises indefinitely, to sell only the improvements erected thereon and to lease the Premises to Qualified Purchasers; (2) to permit the Developer to convey the Premises, together with any improvements erected thereon, to the Assignee for said Modified Use; and (3) to permit the Developer to assign the Developer’s rights and responsibilities under the PDA and the DORC, as amended for said Modified Use, to the Assignee, all pursuant to this Resolution;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Philadelphia Land Bank that, subject to the terms and conditions of this Resolution:

1. The Land Bank authorizes (1) the modification in the use of the Premises, allowing the Developer to retain title to the Premises indefinitely, to sell only the improvements erected thereon and to lease the Premises to Qualified Purchasers; (2) the conveyance of the Premises by the Developer to the Assignee under for said Modified Use; and (3) the assignment by the Developer of its rights and obligations under the PDA and DORC, as amended for said Modified Use, to the Assignee, subject to approval by resolution of Philadelphia City Council.
2. The Executive Director 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 effectuate the purposes and intents of this Resolution in accordance with the terms of this Resolution (collectively, the “Transaction Documents”) and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate, subject to the terms of this Resolution, and, when so executed and delivered by the Land Bank, shall constitute the valid and binding obligations of the Land Bank.
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. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
4. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on _____.

Philadelphia City Council Resolution No. _____ dated _____

NAME OF APPLICANT: HACE Affordable Housing Corporation (the “Developer”)

AUTHORIZED CONTACT: Maria Gonzalez, President

NATURE OF REQUEST: The Developer is asking the Board to approve (1) a modification in the use of the Premises, allowing the Developer to retain title to the Premises indefinitely, to sell only the improvements erected on the Premises and to lease the Premises to Qualified Purchasers, under different provisions than those contained in the PDA and the DORC (the “Modified Use”); (2) to convey the Premises, together with any improvements erected thereon, to Good Lands Trust (the “Assignee”), a Pennsylvania non-profit corporation wholly owned by the Developer, for said Modified Use; and (3) to assign the Developer’s rights and responsibilities under the PDA and the DORC, as amended for said Modified Use, to the Assignee.

BACKGROUND: By Resolution No. 2021-17, adopted on April 13, 2022, the Board approved the conveyance of 19, 21, 23, 25 and 27 E. Somerset Street, and 3022, 3024, 3026 and 3028 N. American Street (the “Properties”) to the Developer for the development of the Properties for affordable homeownership and the sale of both land and improvements to income-qualified purchasers. The homes were to be sold to purchasers with a household income at or below 80% of AMI, with a minimum and maximum affordability period of 10 years and 30 years, respectively. The resale provisions during the affordability period allow for a modest increase in equity during the affordability compliance period while ensuring that the asset can be sold to a future homebuyer who is income-qualified at or below 80% AMI. That application was unsolicited and evaluated pursuant to the disposition policy, and the Properties were sold to the Developer for \$1.00 each.

Twelve months after conveyance of the Properties to the Developer, the Developer notified the Land Bank that it wished to transfer the properties and the improvements (homes) to Good Lands Trust (“GLT”), a non-profit corporation wholly owned by the Developer, and to sell only the homes to purchasers, retaining ownership of the land in GLT. Four months after its initial inquiry, and in violation of the Purchase and Development Agreement and Declaration of Restrictive Covenants governing the Properties, the Developer transferred 3028 N. American St to GLT, and GLT subsequently sold the home constructed on the land and leased the land to the home purchaser. The Developer has Indicated that it intends to sell 3024 N. American St. under the original provisions of the project. This request therefore pertains only to the remaining seven properties in the project: 19, 21, 23, 25 and 27 E. Somerset Street, and 3022 and 3026 N. American Street.

DISCUSSION: For an extensive discussion of the differences between the original project and the project as modified, please review [Exhibit A](#). For a summary of the differences, please review [Exhibit B](#).

STAFF RECOMMENDATION: Staff recommends that the Board reject this request and maintain this project as originally approved, requiring the homes to be sold at a maximum price of \$195,000 to purchasers at or below 80% of AMI, with the recorded Declaration of Restrictive Covenants governing the sale and resale of the homes and the affordability period.

PREPARED BY: Andrea Imredy Saah

EXHIBIT A

Outline of Issues pertaining to Developer's request to convey seven properties (land and improvements) to the Good Lands Trust and to sell only the improvements and lease the land to purchasers, all under the provisions of the Good Lands Trust's lease and other documents.

Existing PLB Provisions

Under the terms of the Declaration of Restrictive Covenants (DORC) for this project:

1. Developer must sell both land and improvements to income-certified households with income at or below 80% AMI. The income restriction remains in place as long as the DORC is in place.
2. The maximum sale price to the 1st buyer is \$195,000.
 - a. If the 1st buyer remains in the home for 10 years, the resale restrictions on resale price and buyer income certification terminate. Transfer of the property for nominal consideration that occurs due to the buyer's marriage, divorce or death is not considered a resale.
 - b. If the 1st buyer decides to sell before the 10-year affordability term ends, they must notify PLB, and PLB has a right of first refusal at the resale price:
 - original sale price to the 1st buyer
 - closing costs paid by 1st buyer at purchase
 - estimated closing costs to be paid by 1st buyer at resale
 - adjusted for inflation for the period between 1st buyer's purchase and resale of the property.

Based on sale of 3028 N. American St.: \$160,000 original sale price, plus \$1,204.05 closing costs paid by buyer at purchase, plus estimated \$5,500 in closing costs and \$8,000 in broker fees upon resale = approximately \$175,000; assume a 2% per year increase in the market value of the home.

Resale Price assuming a 2% per year increase in housing prices between time of purchase and time of sale:

- **After 3 years: \$185,711**
- **After 9 years but before the 10-year affordability period ends: \$213,324**
- **If the Owner still owns the home after 10 years, the resale restrictions terminate, and the Owner can sell the home at market value.**

- c. Upon resale of the property within the 10-year affordability period, a new 10-year affordability term begins.
 - d. If the 2nd buyer resells within that 10-year term to a 3rd buyer, the same restrictions apply and a new affordability term begins.
3. The resale price restriction and buyer income restriction terminate no later than 30 years after the sale to the 1st buyer.
4. Construction on the home does not require the PLB's knowledge or consent.
5. There is no restriction against liens attaching to the property.
6. The owner may mortgage or refinance the home without submitting documentation of the proposed loan and obtaining PLB's consent.

The homeowner ("Owner") assumes responsibility for paying, at purchase or during their ownership of the property:

- Half of transfer taxes
- All property taxes on the land and the improvements
- All utility services
- All maintenance and repairs during their ownership of the property
- Insurance for full replacement cost (as required by mortgage lender).

EXHIBIT A continued

GLT Home Sale and Land Lease Provisions

Under the terms of GLT's agreement of sale for the improvements and the lease for the land:

1. The improvements are sold and the land is leased to income-certified households with an income at or below 80% AMI at the time of purchase and lease. Heirs (who must be a spouse, child, or a household member for at least one year prior to Owner's death) must also meet the income limit if Owner dies during the lease period.
2. The sale price of the 3028 Home to the buyer was \$160,000. The appraised value of the 3028 Land and Home (without any use or sale restriction) at the time of the sale was \$200,000. The Developer intends to sell the seven remaining homes, once conveyed to GLT, for \$190,000 each.

- a. If Owner decides to sell, they must notify GLT, and GLT has a right of first refusal at the Purchase Option Price, which is the lower of two calculations: (1) the Homeowner's Ownership Interest at Resale, and (2) the Formula Price (as defined below). If GLT does not exercise the option, the Owner cannot sell for more than the Purchase Option Price. If GLT believes that (1) will be lower than (2), GLT can request a market valuation of the land and the home as though there were no restrictions on use, occupancy and transfer of the property and calculate the Homeowner's Ownership Interest at Resale; otherwise, the Formula Price determines the Purchase Option Price.

- (1) Homeowner's Ownership Interest at Resale = Appraised Value of both home and land time of resale multiplied by the ratio of the Owner's purchase price for the home to the appraised value of the home and land at the time of the Owner's purchase. For the 3028 Home, the purchase price was \$160,00 and the appraised value of the home and land at time of purchase was \$200,000, so the ratio would be 0.8 or 80%.

Resale after 3 years: Assuming a 2% per year increase in the Appraised Value, after 3 years, the Appraised Value would be \$212,242, and the Homeowner's Ownership Interest at Resale would be **\$169,794**, which is \$212,242 multiplied by .8.

Resale after 10 years: Assuming the same increase in value (2% per year), the Appraised Value would be \$243,799 after 10 years, and the Homeowner's Ownership Interest at Resale would be **\$195,039**, which is \$243,799 multiplied by .8.

At the time of resale, the Homeowner's Ownership Interest at Resale must be compared to the Formula Price as calculated below, and the lower of the two determines the Purchase Option Price at which the Owner may sell the home to GLT or to an income-qualified purchaser.

- (2) Formula Price within first 10 years of ownership = HO's purchase price plus half of one percent of the purchase price added for each full year of ownership. A credit for 50% of a major capital improvement to the property, depreciated over 10 years, may also be included.

Resale after 3 years: The Formula Price would be the purchase price plus 3 times .5% (1.5%) of the purchase price, or **\$162,400**: \$160,000 plus \$2,400.

Formula Price after 10 years of ownership = the annual household income for a family of four at 60% AMI multiplied by three.

If no change in AMI income levels over 10 years: If AMI income levels in 10 years were the same as when the Buyer purchased the home, the Formula Price in 10 years would be **\$189,720**: \$63,240 multiplied by 3.

Assuming a 2% per year increase in AMI income levels over 10 years: The median income for a family of four at 60% AMI would be \$77,089 in 10 years, and the Formula Price would therefore be **\$231,267**: \$77,089 multiplied by 3.

EXHIBIT A continued

- **Assuming a 2% per year increase in the Appraised Value of the home and land, and assuming a 2% per year increase in AMI income levels, the Purchase Option Price for the 3028 Home sold for \$160,000 would be:**

After 3 years: \$162,400 (the Formula Price of \$162,400 being lower than the Homeowner's Ownership Interest at Resale price of \$169,794).

After 10 years: \$195,039 (the Homeowner's Ownership Interest at Resale price of \$195,039 being lower than the Formula Price of \$231,267).

3. The resale price restriction and buyer income restriction remain in effect for the full term of the lease.
4. The monthly lease fee for the land is \$30. The lease fee can be reduced or suspended from time to time and may be increased to keep up with inflation or when use restrictions or transfer restrictions on the Home are suspended or invalidated.
5. Any construction on the home requiring a building permit must obtain GLT's consent and must not change the footprint, square footage or height of the home, and any new structures also require GLT's consent. GLT may deny consent if it deems that the change will affect the home's affordability, marketability, durability, livability or structural integrity or will create unsafe conditions.
6. Owner may not allow liens to attach to or remain against the home or the leased land; if they do, GLT may pay them and add them to costs to be paid by the Owner.
7. Owner may not mortgage or refinance the home without submitting documentation of the proposed loan and obtaining GLT's consent. A purchase money mortgage is permitted in conjunction with signing of the lease.

Owner assumes responsibility for paying, at purchase and during their ownership of the home and lease of the land:

- Half of transfer taxes
- All property taxes on the land and the improvements
- All utility services
- All maintenance and repairs during their ownership of the property.
- Insurance for replacement cost of the home
- General liability insurance for the improvements and the land, with GLT to determine the amount to be insured.
- Owner must also defend and indemnify GLT against all liability claims for occurrences in the home or on the land, except those due to grossly negligent or intentional acts or omissions by GLT agents/employees.

EXHIBIT B

Comparison of PLB and GLT Sale, Resale and Lease Provisions

Provision	PLB	GLT
Residency requirement (primary residence)	Yes	Yes
Renting of the home	Not permitted	Permitted with GLT's consent, rent amount is restricted
Income level restriction	Up to 80% AMI	Up to 80% AMI
Term of restrictions	Min. 10 years, max. 30 years	99-year lease, can be renewed
Sale price	No greater than \$195,000	\$160,000 (1 st GLT home), \$190,000 for others
Ownership	Land and Improvements	Improvements
Lease payments	None	\$30/month, may change over time
Buyer's property tax payment responsibility	Land and Improvements	Land and Improvements
Utilities	Owner's responsibility	Owner's responsibility
Maintenance & Repair of both Land and Improvements	Owner's responsibility; PLB consent not required	Owner's responsibility; anything requiring a building permit must have GLT consent
Right of first refusal	Yes, PLB retains	Yes, GLT retains
Resale price	Adjusted Purchase Price, including original price paid by Owner, plus closing costs paid at purchase and closing costs to be paid at resale by Owner, all adjusted for inflation	<p><u>The lower of:</u></p> <p>(1) <u>Purchaser's Ownership Interest at Resale</u>: ratio of original price to original appraisal value, multiplied by the appraisal value at resale</p> <p>(2) <u>Formula Price</u>: during 1st 10 years, original price (not including closing costs paid) plus ½ percent for every year of ownership; thereafter, the income of a family of 4 at 60% AMI multiplied by 3</p>
Resale Price based on: \$160,000 purchase price \$200,000 appraised value of home and land \$15,000 closing costs at original purchase and resale No capital improvements 2% per year increase in value of home and land 2% per year increase in AMI income levels	After 3 years: \$185,711 After 9 years but before the 10-year affordability period ends: \$213,324 If the Owner still owns the home after 10 years, the resale restrictions terminate, and the Owner can sell the home at market value.	After 3 years: \$162,400 (the Formula Price of \$162,400 being lower than the Homeowner's Ownership Interest at Resale price of \$169,794). After 10 years: \$195,039 (the Homeowner's Ownership Interest at Resale price of \$195,039 being lower than the Formula Price of \$231,267). The Owner can never sell the home at market value.
Resale Price based on: \$190,000 purchase price \$237,500 appraised value of home and land \$18,000 closing costs at original purchase and resale No capital improvements 2% per year increase in value of home and land 2% per year increase in AMI income levels	After 3 years: \$220,731 After 9 years but before the 10-year affordability period ends: \$253,551 If the Owner still owns the home after 10 years, the resale restrictions terminate, and the Owner can sell the home at market value.	After 3 years: \$192,850 (the Formula Price of \$192,850 being lower than the Homeowner's Ownership Interest at Resale price of \$201,630). After 10 years: \$231,267 (the Formula Price of \$231,267 being lower than the Homeowner's Ownership Interest at Resale price of \$231,609). The Owner can never sell the home at market value.

EXHIBIT B

Provision	PLB	GLT
Capital improvements	No provision in the resale calculation, based on the limited affordability period (10 to 30 years)	If capital improvement occurred with GLT's consent, 50% of cost is added to resale price calculation and depreciated over 10 years.
Insurance	No requirements, is up to mortgage lender to require	Both replacement and liability insurance required under GLT provisions
Proceeds of a mortgage foreclosure	Upon foreclosure, the resale and purchaser restrictions end. Proceeds from a sale pursuant to foreclosure, after satisfaction of the mortgage, are paid to the Owner.	Upon foreclosure, GLT has the right to purchase the mortgage for the amount owed to the lender. Proceeds from a sale to another party pursuant to foreclosure, after satisfaction of the mortgage, are paid to the Owner up to the amount the Owner would have received if the home had been resold at the Purchase Option Price; any excess proceeds are paid to GLT

Summary

The GLT provisions facilitate long-term or close to permanent affordability by retaining permanent ownership of an asset that is likely to increase in value (the land). However, all financial responsibility (property taxes that will likely increase over time, maintenance, and repairs) that attach to both the land and the home are transferred to the homeowner. Considering the financial investment required of the homeowner (taxes, maintenance, repairs, mortgage interest), the homeowner will build very little equity and will likely lose financial ground during their ownership of a GLT home. A GLT home will not help a homeowner move into the unsubsidized housing market in the future, as any accumulated equity under the GLT resale provisions will not have kept pace with the likely rate of inflation in the housing market. The GLT model is weighted heavily in favor of long-term affordability, with minimal financial risk to GLT, and does not create wealth for the homeowners unless the initial purchase is subsidized with grants or other types of financial assistance that accrue to the homeowner.

The PLB provisions in effect for this project facilitate only medium-term affordability (minimum of 10 years to maximum of 30 years). However, they permit the home to serve as a wealth creation instrument by providing for a resale price that takes into consideration the homeowner's closing costs paid at purchase, the approximate closing costs to be paid at resale, and an adjustment for inflation in home prices in Philadelphia during the years of ownership. The homeowner will at least break even in terms of the total financial investment required of the homeowner, as adjusted for inflation, by being able to recoup closing costs and receiving an adjustment for inflation. The PLB model is weighted heavily in favor of wealth creation, in exchange for a far more limited period of affordability (10 – 30 years).

Recommendations for Future Unsolicited Land Trust Dispositions

Any future dispositions to a developer for a land trust project shall require notice to the Land Bank of the developer's intentions at the time when the application is submitted, as well as agreement between the developer and the Land Bank regarding the terms of the project, including but not limited to sale and resale price restrictions, the affordability period, land trust and Land Bank purchase options, payment obligations for property taxes, and maintenance and repair obligations, prior to the Board's approval of such a disposition, and the agreed-upon terms shall be memorialized in the land trust's and the Land Bank's documents governing the project to avoid conflicting rights and responsibilities. The Land Bank will prepare template documents, including a Purchase and Development Agreement and a Declaration of Restrictive Covenants, which set forth the Land Bank's required terms for such a project.

MARCH 14, 2023 PLB BOARD MEETING
MATERIALS FOR AGENDA ITEM V.A.1

RESOLUTION NO. 2023 – ____

**RESOLUTION AUTHORIZING CONVEYANCE OF
621, 623, 625, 637, 917 DIAMOND STREET; 924, 927, 928, 936 EDGLEY STREET; 926, 928
FRENCH STREET; 2106, 2112, 2140, 2141, 2142, 2143, 2151, 2166, 2170, 2172, 2215, 2217, 2219
N. FRANKLIN STREET; 2112, 2130, 2144, 2214 N. MARSHALL STREET; 2105, 2107, 2109,
2110, 2111, 2112, 2113, 2119, 2121, 2133, 2140, 2143, 2146, 2150 N. PERCY STREET; 904, 910,
912 W. SUSQUEHANNA AVENUE; 2102, 2109, 2114, 2126, 2128, 2130, 2131, 2134, 2135, 2136,
2150, 2210 N. 7TH STREET; 2101, 2113, 2121, 2155, 2167-69, 2201 N. 8TH STREET; 2124,
2126, 2132, 2150, 2165 N. 9TH STREET; 2121 N. 10TH STREET
TO CIVETTA PROPERTY GROUP, LLC**

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 in the form and by the method determined to be in the best interests of the Land Bank, subject to approval by resolution of Philadelphia City Council, and subject further to the terms and conditions of Chapter 16-404 of the Philadelphia Code.

WHEREAS, the Board of Directors (the “**Board**”) has determined that it is in the best interest of the Land Bank to convey 621, 623, 625, 637 and 917 Diamond Street; 924, 927, 928 and 936 Edgley Street; 926 and 928 French Street; 2106, 2112, 2140, 2141, 2142, 2143, 2151, 2166, 2170, 2172, 2215, 2217 and 2219 N. Franklin Street; 2112, 2130, 2144 and 2214 N. Marshall Street; 2105, 2107, 2109, 2110, 2111, 2112, 2113, 2119, 2121, 2133, 2140, 2143, 2146 and 2150 N. Percy Street; 904, 910 and 912 W. Susquehanna Avenue; 2102, 2109, 2114, 2126, 2128, 2130, 2131, 2134, 2135, 2136, 2150 and 2210 N. 7th Street; 2101, 2113, 2121, 2155, 2167-69 and 2201 N. 8th Street; 2124, 2126, 2132, 2150 and 2165 N. 9th Street; and 2121 N. 10th Street (collectively, the “**Property**”) to Civetta Property Group, LLC (the “**Purchaser**”) for the construction of seventy (70) single-family affordable homeownership units.

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

1. The conveyance of the Property to the Purchaser for Seven Thousand and 00/100 Dollars (\$7,000.00) is in the best interests of the Land Bank and is hereby approved, subject to approval by resolution of Philadelphia City Council.
2. The conveyance of the Property complies with all applicable terms and conditions of Section 16-404 of the Philadelphia Code, subject to approval by resolution of Philadelphia City Council.
3. Subject to the terms of this Resolution, the Executive Director 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 (collectively, the “**Transaction Documents**”) and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate subject to the terms of this Resolution, 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. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
5. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on _____.

Approved by Philadelphia City Council Resolution No. _____ dated _____.

DEVELOPMENT FACT SHEET

Last Updated: 3.9.2023

1. ADDRESS: 621, 623, 625, 637, 917 Diamond Street; 924, 927, 928, 936 Edgley Street; 926, 928 French Street; 2106, 2112, 2140, 2141, 2142, 2143, 2151, 2166, 2170, 2172, 2215, 2217, 2219 N. Franklin Street; 2112, 2130, 2144, 2214 N. Marshall Street; 2105, 2107, 2109, 2110, 2111, 2112, 2113, 2119, 2121, 2133, 2140, 2143, 2146, 2150 N. Percy Street; 904, 910, 912 W. Susquehanna Avenue; 2102, 2109, 2114, 2126, 2128, 2130, 2131, 2134, 2135, 2136, 2150, 2210 N. 7th Street; 2101, 2113, 2121, 2155, 2167-69, 2201 N. 8th Street; 2124, 2126, 2132, 2150, 2165 N. 9th Street; 2121 N. 10th Street

2. PROPERTY INFORMATION

Zip Code: 19122	Census Tract: 03770, 016500	Council District: 5
Zoning: RSA-5, RM-1, CMX-2 and I-2	Lot Area: 63,599 SF	
OPA Value: \$3,632,000	Appraised Value: \$6,690,000	
Redevelopment Area: N/A	Urban Renewal Area: N/A	

3. APPLICANT INFORMATION

Applicant Name: Civetta Property Group, LLC	Type: Business / Legal Entity
Entity Owners: Michael Tomasetti and Brennan Mease Tomasetti	
Mailing Address: 51 N. 3rd Street, Philadelphia, PA 19106	
Authorized Contact: Michael Tomasetti	
Application Date: July 20, 2022	

4. PROJECT INFORMATION

Disposition Type: RFP	Strategic Plan Goal (Land Bank Only): Housing - Workforce (61%-120% AMI)
Price Paid at Settlement: \$7,000	Proposed Use: Residential
Development Type: New Construction	No. of Buildings: 70
Units: 70 units - Residential / 0 units - Commercial	End User: Sale to Homebuyer
Gross Floor Area (sq. ft.): 98,000 SF	Construction Cost / sq. ft.: \$155
Construction Costs: \$15,190,000	Project Funding Available: Committed and Verified - Applicant has provided documentation of available, committed funds in an amount no less than total project costs.
Total Project Costs: \$17,801,068	Mortgage Amount: \$N/A

5. APPROVALS, DEADLINES, EOP

Agreement Executed: TBD	Economic Opportunity Plan Goals: MBE – 23% and WBE – 20%
Land Bank Board Approval: TBD	PRA Board Approval: N/A
Construction Commencement Deadline: 3 months after settlement	Construction Completion Deadline: 18 months after settlement

DEVELOPMENT FACT SHEET

Last Updated: 3.9.2023

6. DEVELOPMENT SUMMARY

A. How was title acquired?

Title for most properties was acquired by the City of Philadelphia through Sheriff sale. The remaining properties that are currently owned by the City and the PRA have all the approvals to be transferred to the Land Bank.

B. Application Summary:

Civetta Property Group will develop seventy (70) affordable single-family units. Applications were solicited via a Request for Proposals (RFP) for the properties, and the applicant was the most qualified bidder for the properties. An EOP plan will apply for this project.

C. Unit Details:

- 70 Total Units
- Homeownership, as specified by the RFP.
- Maximum sale price of \$280,000, as specified by the RFP.
- Target households with incomes at or below 100% AMI, as specified by the RFP.
- Three stories, without a basement, containing 3 bedrooms and 2 baths.
- Approximately between 1,300 to 1,400 SF each.
- Eligible for Neighborhood Preservation Initiative's Turn The Key Program.

D. Summary of Restrictions or Covenants:

This transaction is subject to the following only if the box is checked:

☒ Irrevocable Power of Attorney ☒ Right of Re-entry/Reverter

A Declaration of Restrictive Covenants will be placed on all the units to ensure that the homes will remain affordable for a minimum of 15 years, and purchasers for the affordable units will be income-certified.

E. Community Outreach:

- Staff received a completed Community Outreach Package to confirm a community meeting was held:
☒ Yes ☐ No ☐ N/A
- Meeting Date (if applicable): February 22, 2023

7. STAFF RECOMMENDATION

Staff recommends the disposition of 621, 623, 625, 637, 917 Diamond Street; 924, 927, 928, 936 Edgley Street; 926, 928 French Street; 2106, 2112, 2140, 2141, 2142, 2143, 2151, 2166, 2170, 2172, 2215, 2217, 2219 N. Franklin Street; 2112, 2130, 2144, 2214 N. Marshall Street; 2105, 2107, 2109, 2110, 2111, 2112, 2113, 2119, 2121, 2133, 2140, 2143, 2146, 2150 N. Percy Street; 904, 910, 912 W. Susquehanna Avenue; 2102, 2109, 2114, 2126, 2128, 2130, 2131, 2134, 2135, 2136, 2150, 2210 N. 7th Street; 2101, 2113, 2121, 2155, 2167-69, 2201 N. 8th Street; 2124, 2126, 2132, 2150, 2165 N. 9th Street; 2121 N. 10th Street to Civetta Property Group LLC for development as affordable homeownership units.

Prepared by: Brian Romano – Project Manager II

Reviewed by: Jessie Lawrence – Director, Real Estate

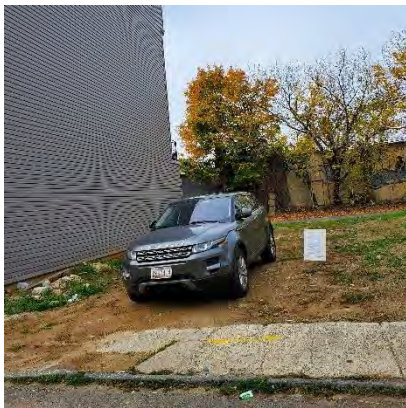
Attachments - If box below is checked, the item is attached.

- ☒ Property photos
- ☒ Site Map
- ☒ Floor Plans
- ☒ Sources and Uses (Excel spreadsheet)
- ☒ Appraisal Summary Pages

DEVELOPMENT FACT SHEET

Last Updated: 3.9.2023

Site Photos



DEVELOPMENT FACT SHEET

Last Updated: 3.9.2023



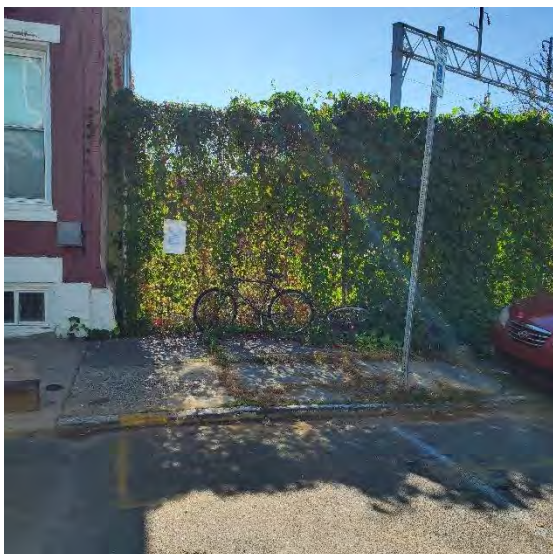
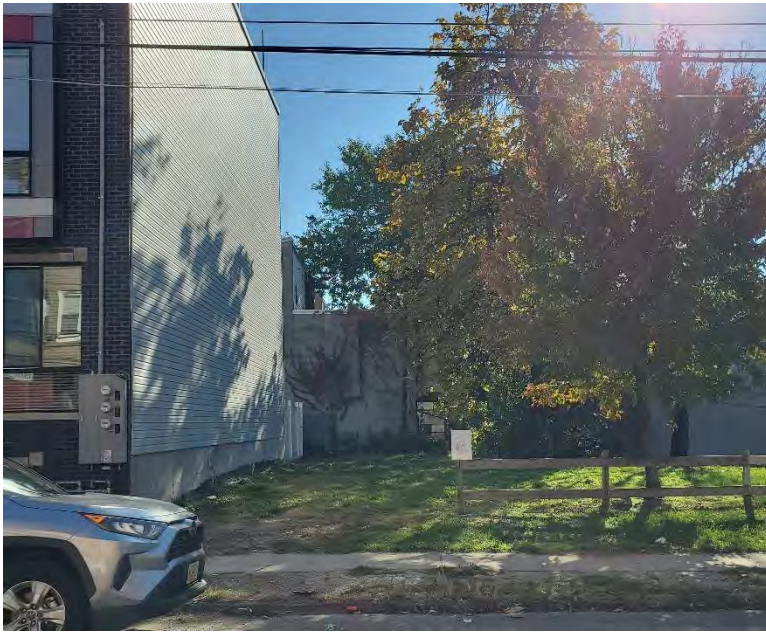
DEVELOPMENT FACT SHEET

Last Updated: 3.9.2023



DEVELOPMENT FACT SHEET

Last Updated: 3.9.2023



DEVELOPMENT FACT SHEET

Last Updated: 3.9.2023

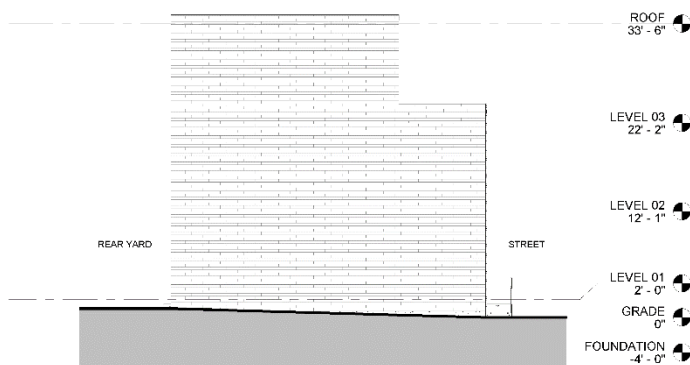
SITE MAP



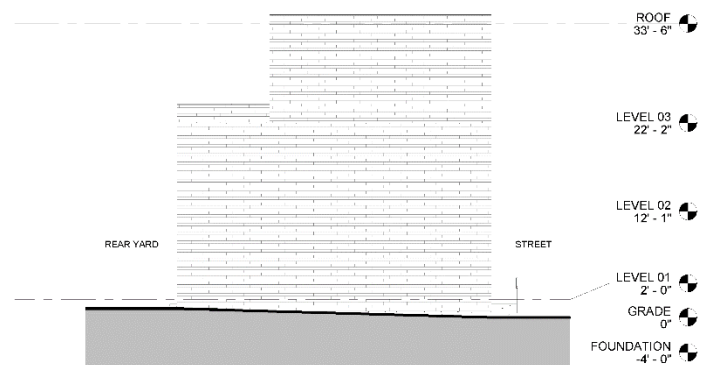
DEVELOPMENT FACT SHEET

Last Updated: 3.9.2023

PLANS



5 SIDE ELEVATION - THIRD FLOOR SETBACK
1/8" = 1'-0"



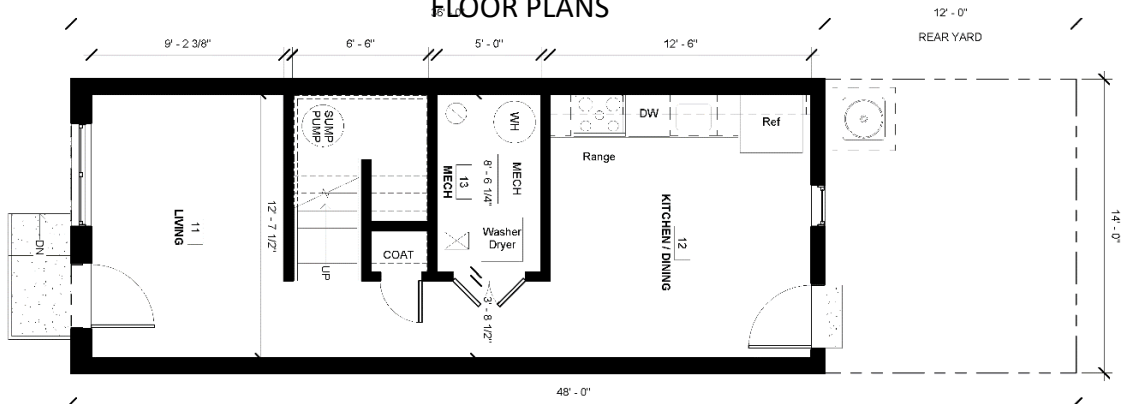
6 SIDE ELEVATION - NO THIRD FLOOR SETBACK
1/8" = 1'-0"

DEVELOPMENT FACT SHEET

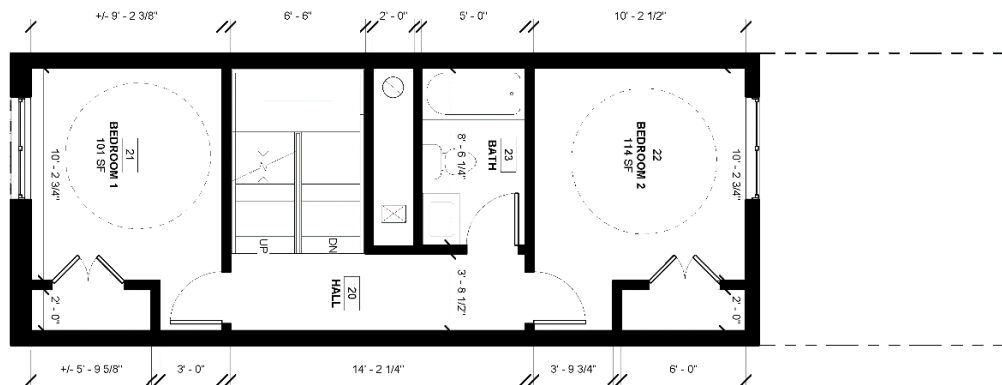
Last Updated: 3.9.2023

FLOOR PLANS

1 LEVEL 1
1/4" = 1'-0"

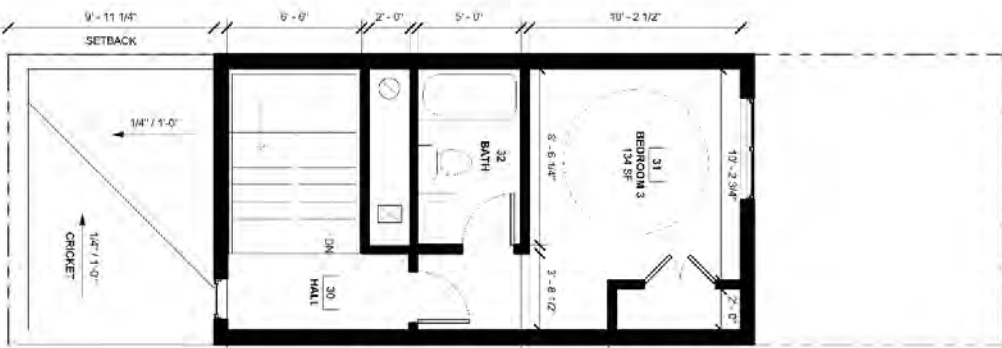


2 LEVEL 2
1/4" = 1'-0"

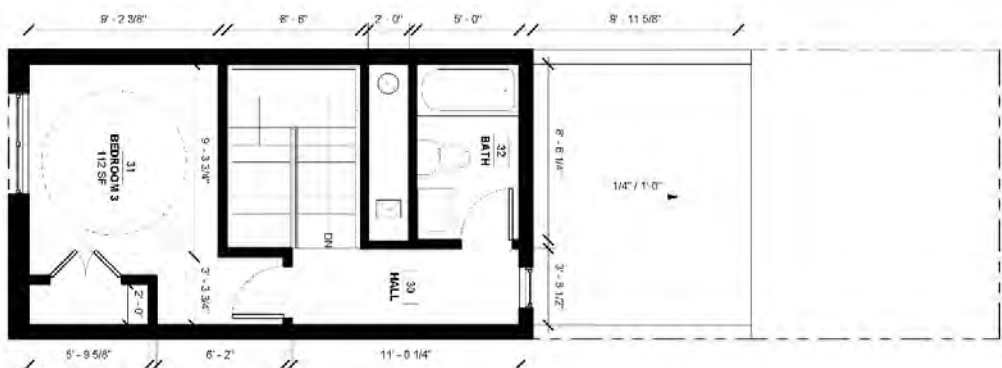


3 LEVEL 3
1/4" = 1'-0"

THIRD FLOOR SETBACK



NO THIRD FLOOR SETBACK



DEVELOPMENT FACT SHEET

Last Updated: 3.9.2023

Land Development Financial Worksheet

DEVELOPMENT BUDGET/ SOURCES AND USES OF FUNDS

Applicant: Hartranft 9th & Diamond RFP
Property Address: 70 Home Development

SOURCE OF FUNDS

	Committed (Y/N)	Source	% Total	Indicate Source and, if applicable, describe
Senior Debt	Yes	\$13,350,787.00	75.00%	WSFS
Subordinate Debt		\$0.00	0.00%	
Developer Equity	Yes	\$4,450,281.00	25.00%	Civetta Cash
Other - describe to the right		\$0.00	0.00%	
TOTAL SOURCE OF FUNDS		\$17,801,068.00	100.00%	

USE OF FUNDS

HARD COSTS

ACQUISITION

	Cost	% Total	
Property Acquisition	\$7,000.00	0.04%	
Closing Costs	\$14,200.00	0.08%	Landbank Settlement
Other - describe in space to the right		0.00%	

UNIT CONSTRUCTION

Complete table at bottom of page	\$15,190,000.00	85.33%
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OTHER CONSTRUCTION

Landscaping	\$49,700.00	0.28%
Permits	\$105,999.00	0.60%
Clearance and Demolition	\$35,500.00	0.20%
Utility Connections & Tap Fees	\$71,999.00	0.40%

INFRASTRUCTURE

Streets and Sidewalks	\$80,000.00	0.45%
Water and Sewer	\$56,800.00	0.32%
Stormwater & Drainage	\$66,821.00	0.38%
Impact Fees	\$37,999.00	0.21%

OTHER HARD COSTS

Hard Cost Contingency	\$800,000.00	4.49%
Other - describe in space to the right	\$0.00	0.00%

TOTAL HARD COSTS	\$16,516,018.00	92.78%
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SOFT COSTS

PROFESSIONAL FEES

Site Planning	\$237,998.00	1.34%	Structural + Civil + Zoning
Architecture & Engineering	\$298,998.00	1.68%	
Legal	\$5,000.00	0.03%	
Consultant	\$0.00	0.00%	
Survey	\$0.00	0.00%	
Market Study	\$0.00	0.00%	
Environmental	\$17,000.00	0.10%	
Organization Expense	\$0.00	0.00%	
Other Consultants	\$0.00	0.00%	

FINANCE COSTS

Construction Loan Interest	\$257,994.00	1.45%	
Construction Origination	\$180,000.00	1.01%	Construction Closing Cost
Appraisal	\$20,000.00	0.11%	
Construction Insurance	\$99,400.00	0.56%	
Property Taxes	\$85,200.00	0.48%	

OTHER SOFT COSTS

Holding Costs	\$18,460.00	0.10%	Water + Electric
Soft Cost Contingency	\$65,000.00	0.37%	
Developer Fee, if applicable	\$0.00	0.00%	
Other - describe in space to the right	\$0.00	0.00%	

TOTAL SOFT COSTS	\$1,285,050.00	7.22%
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TOTAL DEVELOPMENT COST	\$17,801,068.00	100.00%
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Construction/Rehab. Costs

	Unit Description	Unit Sq. Ft.	Cost/Sq. Ft.	Unit Cost	# Units	Total Const. Cost	Total Sq. Ft.	Total Sq. Ft. %
1	3 Story Single Family Home	1,400	\$155.00	\$217,000.00	70	\$15,190,000.00	98,000	100.00%
2				\$0.00		\$0.00	0	0.00%

DEVELOPMENT FACT SHEET

Last Updated: 3.9.2023

APPRAISAL SUMMARY

Address	Zoning	Lot Area	OPA	Value	Current Ownership
SUB AREA #1					
2105 N Percy Street	RM-1	616	\$ 50,900.00	\$ 85,000.00	PLB
2107 N Percy Street	RM-1	616	\$ 50,900.00	\$ 85,000.00	PUB
2109 N Percy Street	RM-1	616	\$ 50,900.00	\$ 85,000.00	PUB
2110 N Percy Street	RM-1	616	\$ 55,400.00	\$ 85,000.00	PUB
2112 N Percy Street	RM-1	616	\$ 55,400.00	\$ 85,000.00	PUB
2111 N Percy Street	RM-1	616	\$ 50,900.00	\$ 85,000.00	PUB
2113 N Percy Street	RM-1	616	\$ 50,900.00	\$ 85,000.00	PLB
2119 N Percy Street	RM-1	616	\$ 50,900.00	\$ 85,000.00	PUB
2121 N Percy Street	RM-1	616	\$ 50,900.00	\$ 85,000.00	PUB
2133 N Percy Street	RM-1	616	\$ 50,900.00	\$ 85,000.00	PLB
2140 N Percy Street	RM-1	742	\$ 55,400.00	\$ 85,000.00	PUB
2143 N Percy Street	RM-1	605.44	\$ 51,300.00	\$ 85,000.00	PUB
2146 N Percy Street	RM-1	736.17	\$ 55,400.00	\$ 85,000.00	PUB
2150 N Percy Street	RM-1	718.15	\$ 55,800.00	\$ 85,000.00	PLB
SUB AREA #2					
621 Diamond St	CMX-2	1096.1	\$ 71,000.00	\$ 145,000.00	PUB
623 Diamond St	RM-1	1060.6	\$ 80,000.00	\$ 145,000.00	PUB
625 Diamond St	RM-1	1060.6	\$ 79,500.00	\$ 145,000.00	PUB
637 Diamond St	RM-1	1019.3	\$ 77,100.00	\$ 145,000.00	PUB
2106 N Franklin St	RM-1	991.2	\$ 67,200.00	\$ 125,000.00	PUB
2112 N Franklin St	RM-1	991.2	\$ 67,200.00	\$ 125,000.00	PUB
2140 N Franklin St	RM-1	991.2	\$ 67,200.00	\$ 125,000.00	PUB
2142 N Franklin St	RM-1	991.2	\$ 67,200.00	\$ 125,000.00	PUB
2141 N Franklin St	RM-1	920.4	\$ 64,100.00	\$ 125,000.00	PUB
2143 N Franklin St	RM-1	920.4	\$ 64,100.00	\$ 125,000.00	PUB
2151 N Franklin St	RM-1	920.4	\$ 64,100.00	\$ 125,000.00	PUB
2166 N Franklin St	RM-1	991.2	\$ 67,200.00	\$ 125,000.00	PLB
2170 N Franklin St	CMX-2	991.2	\$ 6,300.00	\$ 125,000.00	PLB
2172 N Franklin St	CMX-2	1201.2	\$ 7,100.00	\$ 125,000.00	PLB
2215 N Franklin St	RM-1	762	\$ 46,000.00	\$ 125,000.00	PLB
2217 N Franklin St	RM-1	762	\$ 46,000.00	\$ 125,000.00	PUB
2219 N Franklin St	RM-1	996.45	\$ 53,700.00	\$ 125,000.00	PUB
SUB AREA #3					
2112 N Marshall St	RM-1	1360	\$ 94,300.00	\$ 95,000.00	PUB
2130 N Marshall St	RM-1	650	\$ 55,200.00	\$ 85,000.00	PHDC
2144 N Marshall St	RM-1	650	\$ 55,600.00	\$ 85,000.00	PUB
2214 N Marshall St	CMX-2	1272.1	\$ 5,900.00	\$ 95,000.00	PUB
2102 N 7th St	RM-1	1095.3	\$ 72,900.00	\$ 90,000.00	PUB

DEVELOPMENT FACT SHEET

Last Updated: 3.9.2023

2109 N 7th St	RM-1	1453.3	\$	91,900.00	\$	95,000.00	PUB
2114 N 7th St	RM-1	1063.3	\$	71,800.00	\$	90,000.00	PUB
2126 N 7th St	RM-1	1038.2	\$	70,400.00	\$	90,000.00	PUB
2128 N 7th St	RM-1	1047.4	\$	70,200.00	\$	90,000.00	PUB
2130 N 7th St	RM-1	1028.6	\$	70,000.00	\$	90,000.00	PUB
2131 N 7th St	RM-1	1670.2	\$	107,500.00	\$	100,000.00	PLB
2134 N 7th St	RM-1	1019	\$	69,100.00	\$	90,000.00	PUB
2136 N 7th St	RM-1	1014.3	\$	69,500.00	\$	90,000.00	PUB
2135 N 7th St	RM-1	1676.8	\$	107,500.00	\$	100,000.00	PUB
2150 N 7th St	RM-1	991.2	\$	67,800.00	\$	90,000.00	PUB
2210 N 7th St	RM-1	1027.5	\$	55,300.00	\$	90,000.00	PUB
SUB AREA #4							
2101 N 8th St	CMX-2	1242.5	\$	7,900.00	\$	95,000.00	PUB
2113 N 8th St	RM-1	1065	\$	69,700.00	\$	90,000.00	PLB
2121 N 8th St	RM-1	1065	\$	69,700.00	\$	90,000.00	PUB
2155 N 8th St	RM-1	1065	\$	69,700.00	\$	90,000.00	PUB
2167-69 N 8th St	CMX-2	2141.4	\$	15,000.00	\$	135,000.00	PUB
2201 N 8th St	CMX-2	1181.5	\$	5,500.00	\$	95,000.00	PLB
2124 N 9th St	RM-1	784	\$	56,700.00	\$	90,000.00	PLB
2126 N 9th St	RM-1	784	\$	56,700.00	\$	90,000.00	PLB
2132 N 9th St	RM-1	784	\$	56,700.00	\$	90,000.00	PUB
2150 N 9th St	RM-1	798	\$	50,100.00	\$	90,000.00	PUB
2165 N 9th St	RM-1	811.35	\$	57,600.00	\$	90,000.00	PUB
SUB AREA #5							
2121 N 10th St	I-2	640.05	\$	6,600.00	\$	90,000.00	PUB
917 Diamond St	CMX-2	1188	\$	7,400.00	\$	95,000.00	PUB
904 W. Susquehanna A	RM-1	910	\$	56,800.00	\$	90,000.00	PUB
910 W. Susquehanna A	RM-1	910	\$	56,800.00	\$	90,000.00	PLB
912 W. Susquehanna A	CMX-2	975	\$	6,200.00	\$	90,000.00	PLB
924 Edgley St	I-2	595	\$	6,500.00	\$	55,000.00	PUB
927 Edgley St	RM-1	595	\$	33,200.00	\$	55,000.00	PUB
928 Edgley St	I-2	595	\$	6,500.00	\$	55,000.00	PUB
936 Edgley St	I-2	595	\$	6,500.00	\$	55,000.00	PUB
926 French St	RM-1	595	\$	32,300.00	\$	55,000.00	PLB
928 French St	RM-1	595	\$	32,100.00	\$	55,000.00	PLB

MARCH 14, 2023 PLB BOARD MEETING

MATERIALS FOR AGENDA ITEM V.B.1

RESOLUTION NO. 2023 – ____

**RESOLUTION AUTHORIZING CONVEYANCE OF
1901 NORTH RINGGOLD STREET AND 1910 NORTH 24TH STREET
TO SANCTUARY FARM PHILA**

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 in the form and by the method determined to be in the best interests of the Land Bank, subject to approval by resolution of Philadelphia City Council, and subject further to the terms and conditions of Chapter 16-404 of the Philadelphia Code.

WHEREAS, the Board of Directors (the “Board”) has determined that it is in the best interest of the Land Bank to convey 1901 North Ringgold Street and 1910 North 24th Street (collectively, the “Property”) to Sanctuary Farm Phila (the “Purchaser”).

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

1. The conveyance of the Property to the Purchaser for Two and 00/100 Dollars (\$2.00) and a thirty (30) year mortgage Seventy-Four Thousand Nine Hundred Ninety-Eight and 00/100 U.S. Dollars (\$74,998.00) is in the best interests of the Land Bank and is hereby approved, subject to approval by resolution of Philadelphia City Council.
2. The conveyance of the Property complies with all applicable terms and conditions of Section 16-404 of the Philadelphia Code, subject to approval by resolution of Philadelphia City Council.
3. Subject to the terms of this Resolution, the Executive Director 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 (collectively, the “Transaction Documents”) and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate subject to the terms of this Resolution, 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. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
5. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on _____.

Approved by Philadelphia City Council Resolution No. _____ dated _____.

GARDEN / OPEN SPACE FACT SHEET

Last Updated: 3/9/2023

1. **ADDRESS(ES):** 1901 N. Ringgold Street; 1910 N. 24th Street

2. **PROPERTY INFORMATION**

Zip Code: 19121	Census Tract: 015200	Council District: 5
Zoning: RSA-5	Lot Area: 1,808 sq ft	
OPA Value: \$77,800	Appraised Value: \$75,000	
Redevelopment Area: N/A	Urban Renewal Area: N/A	

3. **APPLICANT INFORMATION**

Applicant Name: Sanctuary Farm Phila	Type: Nonprofit
Entity Board: Andrea Vettori, Metty Vithayathil, Shivanne Raj, Diane Scutti, Marie Kelly	
Mailing Address: 252 Cricket Avenue, Glenside, PA 19038	
Authorized Contact: Andrea Vettori	
Application Date: 1/31/2023	

4. **PROJECT INFORMATION**

Disposition Type: Non-Comp: Garden (Non-Profit only)	Strategic Plan Goal (Land Bank Only): Garden / Open Space
Price: \$2.00	Proposed Use: Community Garden
Total Project Costs: \$20,000	Project Funding Available: Committed and Verified - Applicant has provided documentation of available, committed funds in an amount no less than total project costs.

5. **APPROVALS, DEADLINES, EOP**

Agreement Executed: TBD	Economic Opportunity Plan Goals: N/A
Land Bank Board Approval: TBD	PRA Board Approval: N/A
Project Start Date: One month after settlement	Project Completion Date: Three months after settlement

GARDEN / OPEN SPACE FACT SHEET

Last Updated: 3/9/2023

6. DEVELOPMENT SUMMARY

Project Summary:

Sanctuary Farm Phila plans to install a fencing on these properties. Garden beds, a shed, a honey house and beehives will be installed at 1910 N. 24th Street. Vegetables grown on the lot will be for the neighborhood. Fruit trees will be planted at 1901 N. Ringgold Street.

Evidence of project financing has been provided in the form of a bank statement.

The applicant is compliant and in good standing with the City of Philadelphia.

The project will not be subject to an Economic Opportunity Plan.

The property will be subject to use restrictions as a community garden/open space.

Summary of Restrictions or Covenants: This transaction is subject to the following:

<input checked="" type="checkbox"/> Irrevocable Power of Attorney	<input checked="" type="checkbox"/> Right of Re-entry/Reverter
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Permitted Use and Ancillary Use(s).

- "Permitted Use" - growing, harvesting, and storing flowers, fruits, vegetables, small ornamental plants, and cover crops (collectively "Crops") for personal or group consumption, for donation, or for sale, but excluding any plants regulated or prohibited by federal law.
- "Ancillary Use(s)" - (i) installing and maintaining compost storage containers, fencing, a storage shed, raised garden beds or planter boxes, rain barrels, cisterns, and other items for water collection and irrigation, refuse bins, a single bulletin board not greater than nine (9) square feet, washing stations, and sitting areas; (ii) social, meeting, and educational activities related to the Permitted Use; and (iii) other uses which are reasonably necessary to growing and maintaining Crops and are not in conflict with the agreement.

Permanent Use Restrictions.

- No later than one (1) year following Settlement and at all times thereafter, at least fifty percent (50%) of the total land area of the Premises must be actively used for the Permitted Use for at least five (5) consecutive months in each calendar year.
- No more than fifty percent (50%) of the total land area of the Premises may be used for any of the Ancillary Use(s) at any time.
- All compost and refuse must be stored in rodent-resistant containers, and refuse must be removed weekly.
- No structures, with the exception of a storage shed that does not require the issuance of a zoning permit or a building permit, are permitted on the Premises unless expressly permitted by the agreement.
- The site must be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- Fencing or dense vegetative screening on the Premises must comply with the requirements of the Philadelphia Code.
- Parking, maintaining, and storage of motor vehicles, trailers, non-gardening machinery, motorcycles, ATVs, boats, and watercrafts is prohibited.
- No outdoor work activity involving power equipment or generators may occur between sunset and sunrise.
- Keeping or breeding any pets, animals, fowl, poultry, fish, or livestock on the Premises is prohibited.

The properties will have a 30-year self-amortizing mortgage that will decrease by 1/30th of the initial mortgage value each year and be considered satisfied on the 30th anniversary of the mortgage. A sale of the property is possible only with permission of the Land Bank Board, and if granted, any mortgage balance must be paid in full.

7. STAFF RECOMMENDATION

Staff recommends the disposition of 1901 N. Ringgold Street and 1910 N. 24th Street as a community garden to Sanctuary Farm Phila in accordance with the Disposition Policy.

Prepared by: Cristina Martinez, Development Specialist

Reviewed by: Jessie Lawrence, Director, Real Estate

GARDEN / OPEN SPACE FACT SHEET

Last Updated: 3/9/2023

SITE PHOTO 1910 N. 24th Street



GARDEN / OPEN SPACE FACT SHEET

Last Updated: 3/9/2023

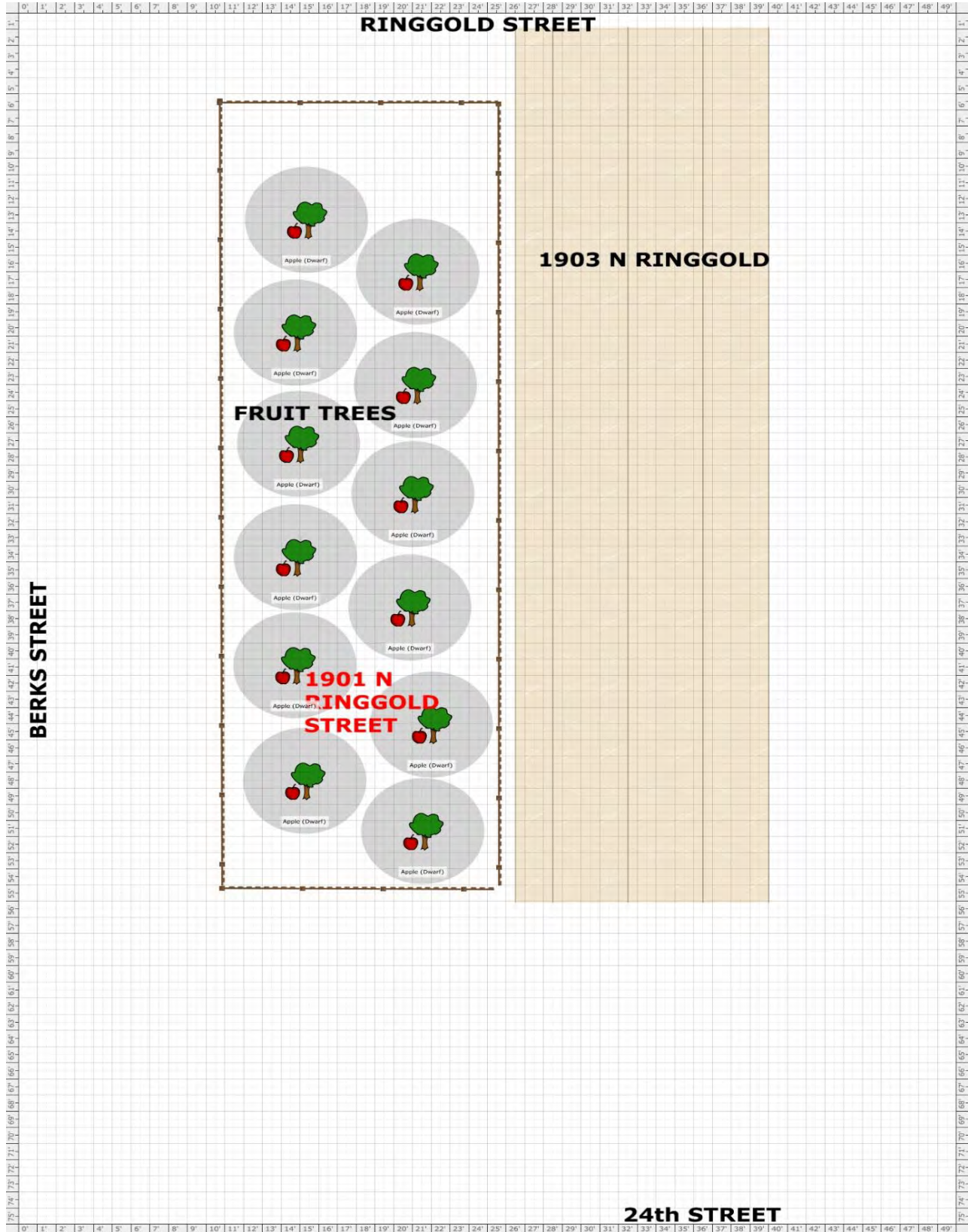
SITE PHOTO 1901 N. Ringgold Street



GARDEN / OPEN SPACE FACT SHEET

Last Updated: 3/9/2023

SITE PLAN 1901 N. Ringgold Street



GARDEN / OPEN SPACE FACT SHEET

Last Updated: 3/9/2023

PROPERTY APPRAISAL(S)

PHILADELPHIA LAND BANK Danielle Deuber, Staff Appraiser

This is a Restricted Use Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2 (c) of the Uniform Standards of Professional Appraisal Practice (“USPAP”). As such, it does not present discussion of the data, reasoning and analyses used to develop the opinion of value, except for commentary contained in the scope of work section of this report. Supporting documentation concerning the data, reasoning, and analyses is retained in the work file of the appraiser. The depth of discussion contained in this report is specific to the needs of the Philadelphia Land Bank of the and for the intended use stated in the report. The appraiser is not responsible for the unauthorized use of this report. The analyses, opinions and conclusions relating to the subject property were developed, and this report has been prepared in conformity with USPAP requirements. The estimate of value is subject to certain Limiting Conditions and Assumptions outlined in this report.

IDENTIFICATION OF SUBJECT PROPERTY: 1901 Ringgold St
Philadelphia, PA 19121

OPINION OF VALUE: \$35,000

USE OF REAL ESTATE EXISTING AS OF
FEBRUARY 27, 2023 THE EFFECTIVE DATE OF VALUE: Vacant Land

USE OF REAL ESTATE REFLECTED
IN THIS APPRAISAL AS OF FEBRUARY 27, 2023 Vacant Land

SUBJECT PROPERTY OWNERSHIP AND SALES HISTORY: The subject property is owned by The City of Philadelphia.

IDENTIFICATION OF THE CLIENT:

Philadelphia Land Bank

-1-

Value only good for 6 months

GARDEN / OPEN SPACE FACT SHEET

Last Updated: 3/9/2023

PHILADELPHIA LAND BANK Danielle Deuber, Staff Appraiser

This is a Restricted Use Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2 (c) of the Uniform Standards of Professional Appraisal Practice (“USPAP”). As such, it does not present discussion of the data, reasoning and analyses used to develop the opinion of value, except for commentary contained in the scope of work section of this report. Supporting documentation concerning the data, reasoning, and analyses is retained in the work file of the appraiser. The depth of discussion contained in this report is specific to the needs of the Philadelphia Land Bank of the and for the intended use stated in the report. The appraiser is not responsible for the unauthorized use of this report. The analyses, opinions and conclusions relating to the subject property were developed, and this report has been prepared in conformity with USPAP requirements. The estimate of value is subject to certain Limiting Conditions and Assumptions outlined in this report.

IDENTIFICATION OF SUBJECT PROPERTY: 1910 N 24th Street
Philadelphia, PA 19121

OPINION OF VALUE: \$40,000

USE OF REAL ESTATE EXISTING AS OF
FEBRUARY 3, 2023 THE EFFECTIVE DATE OF VALUE: Vacant Land

USE OF REAL ESTATE REFLECTED
IN THIS APPRAISAL AS OF FEBRUARY 3, 2023 Vacant Land

SUBJECT PROPERTY OWNERSHIP AND SALES HISTORY: The subject property is owned by The Philadelphia Landbank.

IDENTIFICATION OF THE CLIENT:

Philadelphia Land Bank

-1-

Report Good for 6 months

MARCH 14, 2023 PLB BOARD MEETING
MATERIALS FOR AGENDA ITEM V.C.1

RESOLUTION NO. 2023 – ____

**RESOLUTION AUTHORIZING CONVEYANCE OF
1217 PENNOCK STREET
TO JONATHAN D’ALBA AND LIANNE EARLEY**

WHEREAS, Section 16-707 of the Philadelphia Code authorizes the Philadelphia Land Bank (the “**Land Bank**”) to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the Land Bank in the form and by the method determined to be in the best interests of the Land Bank, subject to approval by resolution of Philadelphia City Council, and subject further to the terms and conditions of Chapter 16-404 of the Philadelphia Code.

WHEREAS, the Board of Directors (the “**Board**”) has determined that it is in the best interests of the Land Bank to convey 1217 Pennock Street (the “**Property**”) to Jonathan D’Alba and Lianne Earley (the “**Purchasers**”).

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

1. The conveyance of the Property to the Purchasers for One and 00/100 U.S. Dollar (\$1.00) and a thirty (30) year mortgage for Thirty-Nine Thousand Nine Hundred Ninety-Nine and 00/100 U.S. Dollars (\$39,999.00) is in the best interests of the Land Bank and is hereby approved, subject to approval by resolution of Philadelphia City Council.
2. The conveyance of the Property complies with all applicable terms and conditions of Section 16-404 of the Philadelphia Code, subject to approval by resolution of Philadelphia City Council.
3. Subject to the terms of this Resolution, the Executive Director 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 (collectively, the “Transaction Documents”) and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate subject to the terms of this Resolution, 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. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
5. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on _____.

Philadelphia City Council Resolution No. _____ dated _____

SIDE YARD FACT SHEET

Last Updated: 3/9/2023

1. **ADDRESS:** 1217 Pennock Street

2. PROPERTY INFORMATION

Zip Code: 19121	Census Tract: 013700	Council District: 5
Zoning: RSA-5	Lot Area: 722 sq ft	
OPA Value: \$25,200	Appraised Value: \$40,000	
Redevelopment Area: N/A	Urban Renewal Area: N/A	

3. APPLICANT INFORMATION

Applicant Name: Jonathan D’Alba and Lianne Earley	Type: Side/Rear Yard
Homeowner Name(s): Jonathan D’Alba and Lianne Earley	
Mailing Address: 1219 Pennock Street, Philadelphia, PA 19121	
Authorized Contact: Jonathan D’Alba and Lianne Earley	
Application Date: 02/07/2023	

4. PROJECT INFORMATION

Disposition Type: Side/Rear Yard (Individual only)	Strategic Plan Goal (Land Bank Only): Side/Rear Yard
Price Paid at Settlement: \$1.00	Proposed Use: Side/Rear Yard
Mortgage Amount: \$39,999	Type of Mortgage: 30-year, forgiven at end of 30 years
Total Project Costs: \$1,000	Project Funding Available: Committed and Verified - Applicant has provided documentation of available, committed funds in an amount no less than total project costs.

5. APPROVALS, DEADLINES, EOP

Agreement Executed: TBD	Economic Opportunity Plan Goals: N/A
Land Bank Board Approval: TBD	PRA Board Approval: N/A
Project Start Date: One month after settlement	Project Completion Date: Three months after settlement

SIDE YARD FACT SHEET

Last Updated: 3/9/2023

6. DEVELOPMENT SUMMARY

Project Summary:

The applicant proposes to rehabilitate 1217 Pennock Street as a side yard. Improvements include fencing, planting grass and a garden. Evidence of project financing has been provided in the form of a bank statement. The applicant is compliant and in good standing with the City of Philadelphia. The project will not be subject to an Economic Opportunity Plan. The property will be subject to use restrictions as a side/rear yard.

Summary of Restrictions or Covenants: This transaction is subject to the following:

<input checked="" type="checkbox"/> Irrevocable Power of Attorney	<input checked="" type="checkbox"/> Right of Re-entry/Reverter
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I. Side/Rear Yards

A. Permitted Use.

- Premises shall only be used as a side yard or rear yard, as applicable, incidental to the Adjacent Residence and not for any other use or purpose whatsoever.
- Parking, maintaining, and storage of motor vehicles, trailers, machinery, motorcycles, ATVs, boats, and watercrafts is prohibited.
- No commercial activities.
- The Premises must be fenced. Any alley way located adjacent to the Premises shall not be fenced or obstructed in any way.
- Must be used, operated, and maintained in accordance with the agreement and all applicable laws.

B. Mortgages and Deed Restrictions.

- Side/Rear Yards will have a 30-year mortgage that will be considered satisfied on the 30th anniversary of the mortgage and shall have use restrictions during and after the term of the mortgage to ensure that the property continues to be utilized as a side/rear yard. If the purchaser desires to sell the property prior to the end of the term, approval must be granted, and the mortgage must be paid in full.

7. STAFF RECOMMENDATION

Staff recommends the disposition of 1217 Pennock Street as a side yard to Jonathan D'Alba and Lianne Earley in accordance with the Disposition Policy.

Prepared by: Cristina Martinez – Development Specialist

Reviewed by: Jessie Lawrence – Director, Real Estate

SIDE YARD FACT SHEET

Last Updated: 3/9/2023


SITE PHOTO

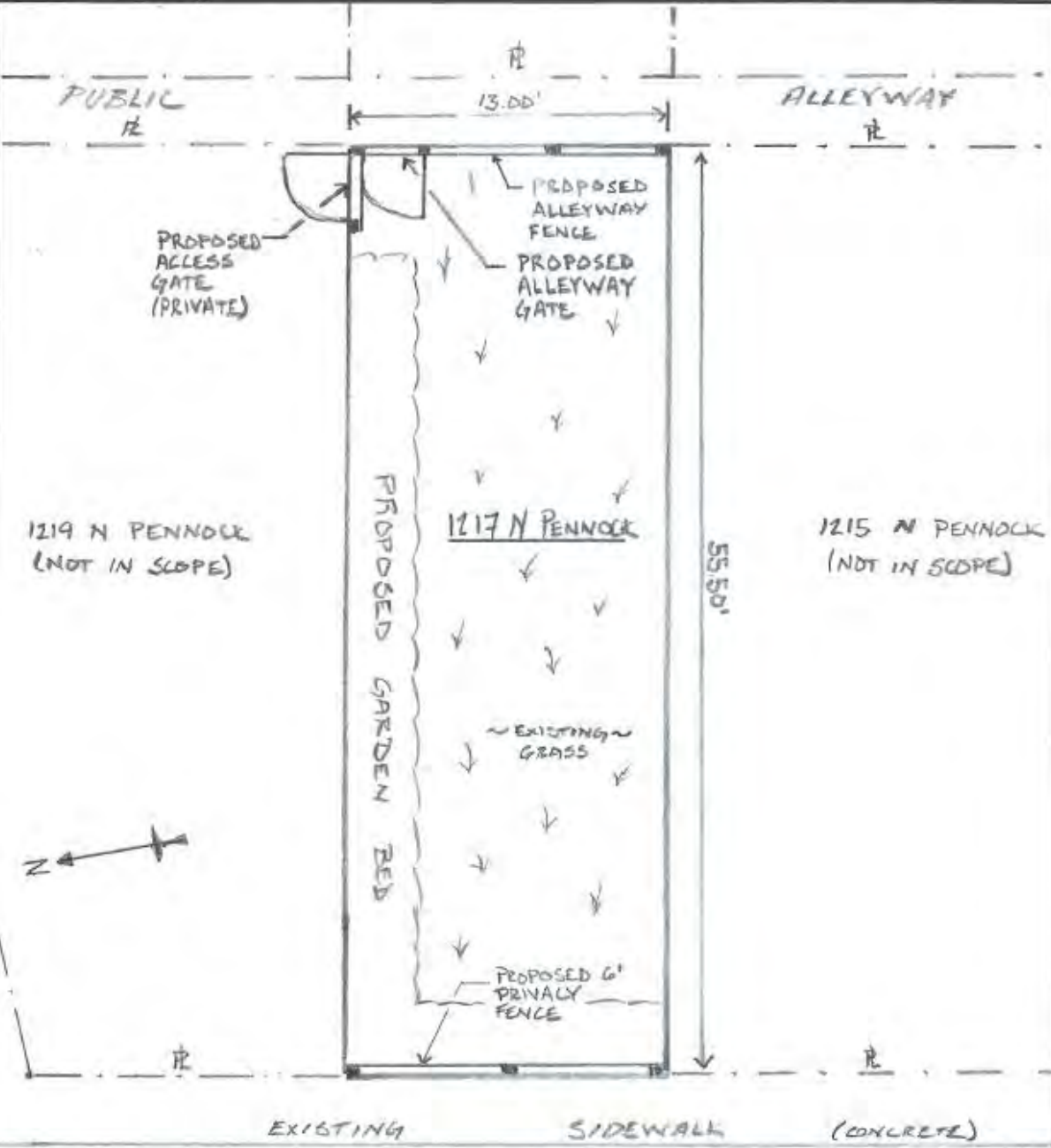


SIDE YARD FACT SHEET

Last Updated: 3/9/2023

SITE PLAN

	SUBJECT <u>1217 N PENNOCK</u>	SHEET NO. _____ OF _____
	<u>SIDE-LOT PLAN</u>	JOB NO. _____
	_____	BY _____ DATE _____
	_____	CHK'D _____ DATE _____
	_____	REV _____ DATE _____



N PENNOCK ST

NOT TO SCALE

SIDE YARD FACT SHEET

Last Updated: 3/9/2023

PROPERTY APPRAISAL

PHILADELPHIA LAND BANK

Danielle Deuber, Staff Appraiser

This is a Restricted Use Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2 (c) of the Uniform Standards of Professional Appraisal Practice (“USPAP”). As such, it does not present discussion of the data, reasoning and analyses used to develop the opinion of value, except for commentary contained in the scope of work section of this report. Supporting documentation concerning the data, reasoning, and analyses is retained in the work file of the appraiser. The depth of discussion contained in this report is specific to the needs of the Philadelphia Land Bank of the and for the intended use stated in the report. The appraiser is not responsible for the unauthorized use of this report. The analyses, opinions and conclusions relating to the subject property were developed, and this report has been prepared in conformity with USPAP requirements. The estimate of value is subject to certain Limiting Conditions and Assumptions outlined in this report.

IDENTIFICATION OF SUBJECT PROPERTY: 1217 Pennock St
Philadelphia, PA 19121

OPINION OF VALUE: \$40,000

USE OF REAL ESTATE EXISTING AS OF
FEBRUARY 23, 2023 THE EFFECTIVE DATE OF VALUE: Vacant Land

USE OF REAL ESTATE REFLECTED
IN THIS APPRAISAL AS OF FEBRUARY 23, 2023 Vacant Land

SUBJECT PROPERTY OWNERSHIP AND SALES HISTORY: The subject property is owned by Philadelphia Land Bank.

IDENTIFICATION OF THE CLIENT:

Philadelphia Land Bank

-1-

Value only good for 6 months

RESOLUTION NO. 2023 – ____

**RESOLUTION AUTHORIZING CONVEYANCE OF
2032 EAST BOSTON STREET
TO CHARLES J. KESSLER AND COLLEEN FOSTER**

WHEREAS, Section 16-707 of the Philadelphia Code authorizes the Philadelphia Land Bank (the “**Land Bank**”) to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the Land Bank in the form and by the method determined to be in the best interests of the Land Bank, subject to approval by resolution of Philadelphia City Council, and subject further to the terms and conditions of Chapter 16-404 of the Philadelphia Code.

WHEREAS, the Board of Directors (the “**Board**”) has determined that it is in the best interests of the Land Bank to convey 2032 East Boston Street (the “**Property**”) to Charles J. Kessler and Colleen Foster (the “**Purchasers**”).

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

1. The conveyance of the Property to the Purchasers for One and 00/100 U.S. Dollar (\$1.00) and a thirty (30) year mortgage for Forty-Four Thousand Nine Hundred Ninety-Nine and 00/100 U.S. Dollars (\$44,999.00) is in the best interests of the Land Bank and is hereby approved, subject to approval by resolution of Philadelphia City Council.
2. The conveyance of the Property complies with all applicable terms and conditions of Section 16-404 of the Philadelphia Code, subject to approval by resolution of Philadelphia City Council.
3. Subject to the terms of this Resolution, the Executive Director 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 (collectively, the “Transaction Documents”) and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate subject to the terms of this Resolution, 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. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
5. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on _____.

Philadelphia City Council Resolution No. _____ dated _____

SIDE YARD FACT SHEET

Last Updated: 3/9/2023

1. **ADDRESS:** 2032 E. Boston Street

2. PROPERTY INFORMATION

Zip Code: 19125	Census Tract: 016100	Council District: 7
Zoning: RSA-5	Lot Area: 633 sq ft	
OPA Value: \$21,700	Appraised Value: \$45,000	
Redevelopment Area: N/A	Urban Renewal Area: N/A	

3. APPLICANT INFORMATION

Applicant Name: Charles J. Kessler & Colleen Foster	Type: Side/Rear Yard
Homeowner Name(s): Charles J. Kessler & Colleen Foster	
Mailing Address: 2034 E. Boston Street, Philadelphia, PA 19125	
Authorized Contact: Charles J. Kessler & Colleen Foster	
Application Date: 02/20/2021	

4. PROJECT INFORMATION

Disposition Type: Side/Rear Yard (Individual only)	Strategic Plan Goal (Land Bank Only): Side/Rear Yard
Price Paid at Settlement: \$1.00	Proposed Use: Side/Rear Yard
Mortgage Amount: \$44,999	Type of Mortgage: 30-year, forgiven at end of 30 years
Total Project Costs: \$5,000	Project Funding Available: Committed and Verified - Applicant has provided documentation of available, committed funds in an amount no less than total project costs.

5. APPROVALS, DEADLINES, EOP

Agreement Executed: TBD	Economic Opportunity Plan Goals: N/A
Land Bank Board Approval: TBD	PRA Board Approval: N/A
Project Start Date: One month after settlement	Project Completion Date: Three months after settlement

SIDE YARD FACT SHEET

Last Updated: 3/9/2023

6. DEVELOPMENT SUMMARY

Project Summary:

The applicant proposes to rehabilitate 2032 E. Boston Street as a side yard. Improvements include fencing, planting flower beds and paving the sidewalk. Evidence of project financing has been provided in the form of a bank statement. The applicant is compliant and in good standing with the City of Philadelphia. The project will not be subject to an Economic Opportunity Plan. The property will be subject to use restrictions as a side/rear yard.

Summary of Restrictions or Covenants: This transaction is subject to the following:

<input checked="" type="checkbox"/> Irrevocable Power of Attorney	<input checked="" type="checkbox"/> Right of Re-entry/Reverter
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I. Side/Rear Yards

A. Permitted Use.

- Premises shall only be used as a side yard or rear yard, as applicable, incidental to the Adjacent Residence and not for any other use or purpose whatsoever.
- Parking, maintaining, and storage of motor vehicles, trailers, machinery, motorcycles, ATVs, boats, and watercrafts is prohibited.
- No commercial activities.
- The Premises must be fenced. Any alley way located adjacent to the Premises shall not be fenced or obstructed in any way.
- Must be used, operated, and maintained in accordance with the agreement and all applicable laws.

B. Mortgages and Deed Restrictions.

- Side/Rear Yards will have a 30-year mortgage that will be considered satisfied on the 30th anniversary of the mortgage and shall have use restrictions during and after the term of the mortgage to ensure that the property continues to be utilized as a side/rear yard. If the purchaser desires to sell the property prior to the end of the term, approval must be granted, and the mortgage must be paid in full.

7. STAFF RECOMMENDATION

Staff recommends the disposition of 2032 E. Boston Street as a side yard to Charles J. Kessler and Colleen Foster in accordance with the Disposition Policy.

Prepared by: Cristina Martinez – Development Specialist

Reviewed by: Jessie Lawrence – Director, Real Estate

SIDE YARD FACT SHEET

Last Updated: 3/9/2023

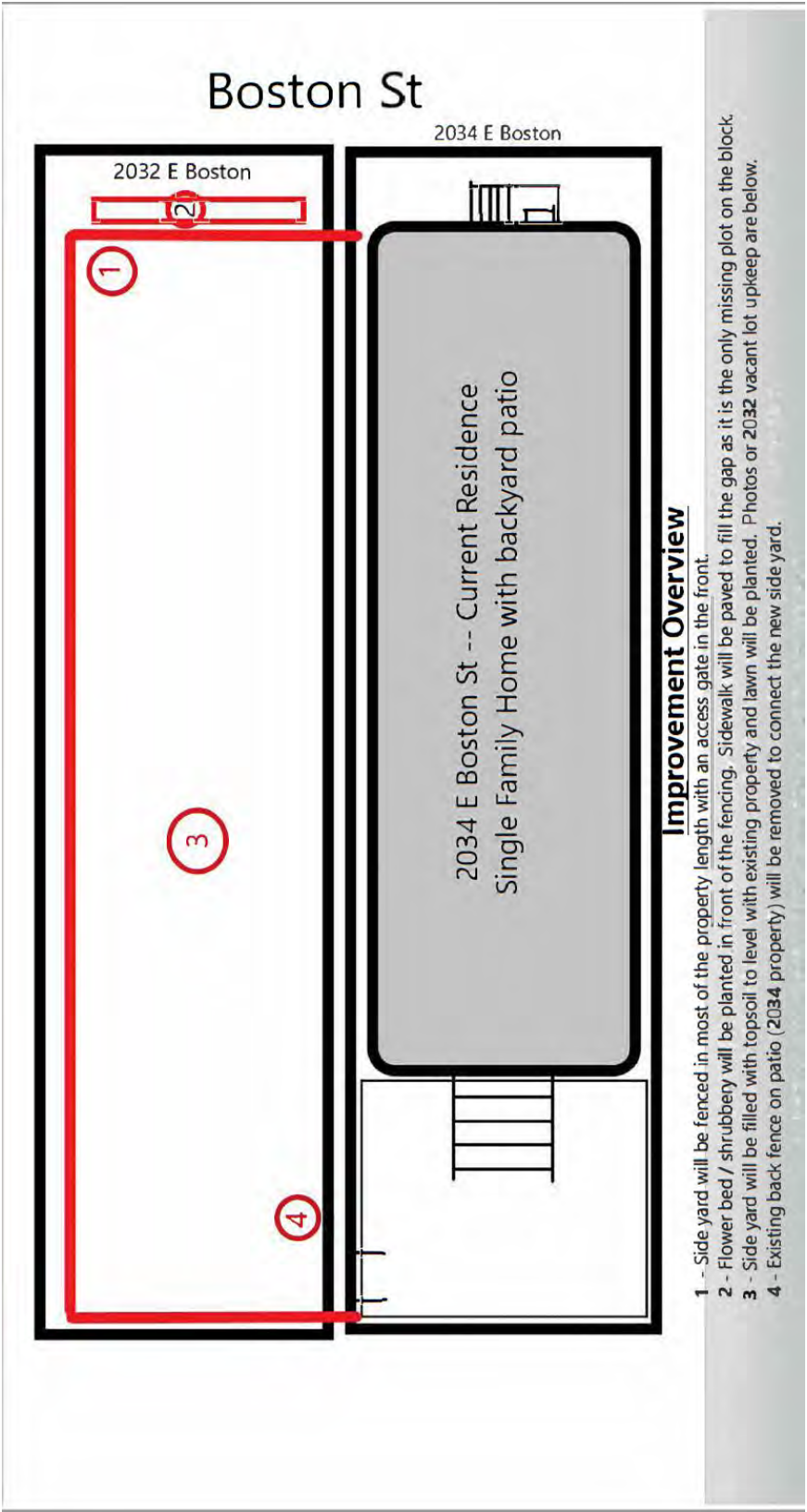
SITE PHOTO



SIDE YARD FACT SHEET

Last Updated: 3/9/2023

SITE PLAN



SIDE YARD FACT SHEET

Last Updated: 3/9/2023

PROPERTY APPRAISAL

PHILADELPHIA LAND BANK
Danielle Deuber, Staff Appraiser

This is a Restricted Use Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2 (c) of the Uniform Standards of Professional Appraisal Practice (“USPAP”). As such, it does not present discussion of the data, reasoning and analyses used to develop the opinion of value, except for commentary contained in the scope of work section of this report. Supporting documentation concerning the data, reasoning, and analyses is retained in the work file of the appraiser. The depth of discussion contained in this report is specific to the needs of the Philadelphia Land Bank of the and for the intended use stated in the report. The appraiser is not responsible for the unauthorized use of this report. The analyses, opinions and conclusions relating to the subject property were developed, and this report has been prepared in conformity with USPAP requirements. The estimate of value is subject to certain Limiting Conditions and Assumptions outlined in this report.

IDENTIFICATION OF SUBJECT PROPERTY: 2032 E. Boston St
Philadelphia, PA 19125

OPINION OF VALUE: \$45,000

USE OF REAL ESTATE EXISTING AS OF
FEBRUARY 23, 2023 THE EFFECTIVE DATE OF VALUE: Vacant Land

USE OF REAL ESTATE REFLECTED
IN THIS APPRAISAL AS OF FEBRUARY 23, 2023 Vacant Land

SUBJECT PROPERTY OWNERSHIP AND SALES HISTORY: The subject property is owned by PHDC.

IDENTIFICATION OF THE CLIENT:

Philadelphia Land Bank

-1-

Value only good for 6 months

RESOLUTION NO. 2023 – ____

**RESOLUTION AUTHORIZING CONVEYANCE OF
2410 AND 2412 NORTH ORIANNA STREET
TO DANIEL MCSHANE AND VICTORIA NOLL**

WHEREAS, Section 16-707 of the Philadelphia Code authorizes the Philadelphia Land Bank (the “**Land Bank**”) to convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the Land Bank in the form and by the method determined to be in the best interests of the Land Bank, subject to approval by resolution of Philadelphia City Council, and subject further to the terms and conditions of Chapter 16-404 of the Philadelphia Code.

WHEREAS, the Board of Directors (the “**Board**”) has determined that it is in the best interests of the Land Bank to convey 2410 and 2412 North Orianna Street (collectively, the “**Property**”) to Daniel McShane and Victoria Noll (the “**Purchasers**”).

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

1. The conveyance of the Property to the Purchasers for One and 00/100 U.S. Dollar (\$1.00) and a thirty (30) year mortgage for Sixty-Nine Thousand Nine Hundred Ninety-Nine and 00/100 U.S. Dollars (\$69,999.00) is in the best interests of the Land Bank and is hereby approved, subject to approval by resolution of Philadelphia City Council.
2. The conveyance of the Property complies with all applicable terms and conditions of Section 16-404 of the Philadelphia Code, subject to approval by resolution of Philadelphia City Council.
3. Subject to the terms of this Resolution, the Executive Director 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 (collectively, the “Transaction Documents”) and, from time to time and at any time, amend, supplement, and modify the Transaction Documents, or any of them, as may be necessary or desirable. The Transaction Documents and any amendments, supplements, and modifications thereto shall contain such terms and conditions as the Executive Director and Senior Counsel shall deem necessary or appropriate subject to the terms of this Resolution, 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. The Executive Director or Senior Counsel will notify the Board of all modifications to this Resolution at the next Board meeting following the date of such modifications.
5. This Resolution shall take effect immediately upon adoption by the Board.

Adopted by Philadelphia Land Bank Board of Directors on _____.

Philadelphia City Council Resolution No. _____ dated _____

SIDE YARD FACT SHEET

Last Updated: 3/9/2023

1. **ADDRESS:** 2410 & 2412 N. Orianna Street

2. PROPERTY INFORMATION

Zip Code: 19133	Census Tract: 016300	Council District: 7
Zoning: RSA-5	Lot Area: 1,076 sq ft	
OPA Value: \$73,000	Appraised Value: \$70,000	
Redevelopment Area: N/A	Urban Renewal Area: N/A	

3. APPLICANT INFORMATION

Applicant Name: Daniel McShane and Victoria Noll	Type: Side/Rear Yard
Homeowner Name(s): Daniel McShane and Victoria Noll	
Mailing Address: 2409 N. 4th Street, Philadelphia, PA 19133	
Authorized Contact: Daniel McShane and Victoria Noll	
Application Date: 02/14/2023	

4. PROJECT INFORMATION

Disposition Type: Side/Rear Yard (Individual only)	Strategic Plan Goal (Land Bank Only): Side/Rear Yard
Price Paid at Settlement: \$2.00	Proposed Use: Side/Rear Yard
Mortgage Amount: \$69,998	Type of Mortgage: 30-year, forgiven at end of 30 years
Total Project Costs: \$5,000	Project Funding Available: Committed and Verified - Applicant has provided documentation of available, committed funds in an amount no less than total project costs.

5. APPROVALS, DEADLINES, EOP

Agreement Executed: TBD	Economic Opportunity Plan Goals: N/A
Land Bank Board Approval: TBD	PRA Board Approval: N/A
Project Start Date: One month after settlement	Project Completion Date: Three months after settlement

SIDE YARD FACT SHEET

Last Updated: 3/9/2023

6. DEVELOPMENT SUMMARY

Project Summary:

The applicant proposes to rehabilitate 2410 & 2412 N. Orianna Street as a rear yard. Improvements include fencing, installing a brick patio and a garden. Evidence of project financing has been provided in the form of a bank statement. The applicant is compliant and in good standing with the City of Philadelphia. The project will not be subject to an Economic Opportunity Plan. The property will be subject to use restrictions as a side/rear yard.

Summary of Restrictions or Covenants: This transaction is subject to the following:

<input checked="" type="checkbox"/> Irrevocable Power of Attorney	<input checked="" type="checkbox"/> Right of Re-entry/Reverter
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I. Side/Rear Yards

A. Permitted Use.

- Premises shall only be used as a side yard or rear yard, as applicable, incidental to the Adjacent Residence and not for any other use or purpose whatsoever.
- Parking, maintaining, and storage of motor vehicles, trailers, machinery, motorcycles, ATVs, boats, and watercrafts is prohibited.
- No commercial activities.
- The Premises must be fenced. Any alley way located adjacent to the Premises shall not be fenced or obstructed in any way.
- Must be used, operated, and maintained in accordance with the agreement and all applicable laws.

B. Mortgages and Deed Restrictions.

- Side/Rear Yards will have a 30-year mortgage that will be considered satisfied on the 30th anniversary of the mortgage and shall have use restrictions during and after the term of the mortgage to ensure that the property continues to be utilized as a side/rear yard. If the purchaser desires to sell the property prior to the end of the term, approval must be granted, and the mortgage must be paid in full.

7. STAFF RECOMMENDATION

Staff recommends the disposition of 2410 and 2412 N. Orianna Street as a rear yard Daniel McShane and Victoria Noll in accordance with the Disposition Policy.

Prepared by: Cristina Martinez – Development Specialist

Reviewed by: Jessie Lawrence – Director, Real Estate

SIDE YARD FACT SHEET

Last Updated: 3/9/2023

SITE PHOTOS



SIDE YARD FACT SHEET

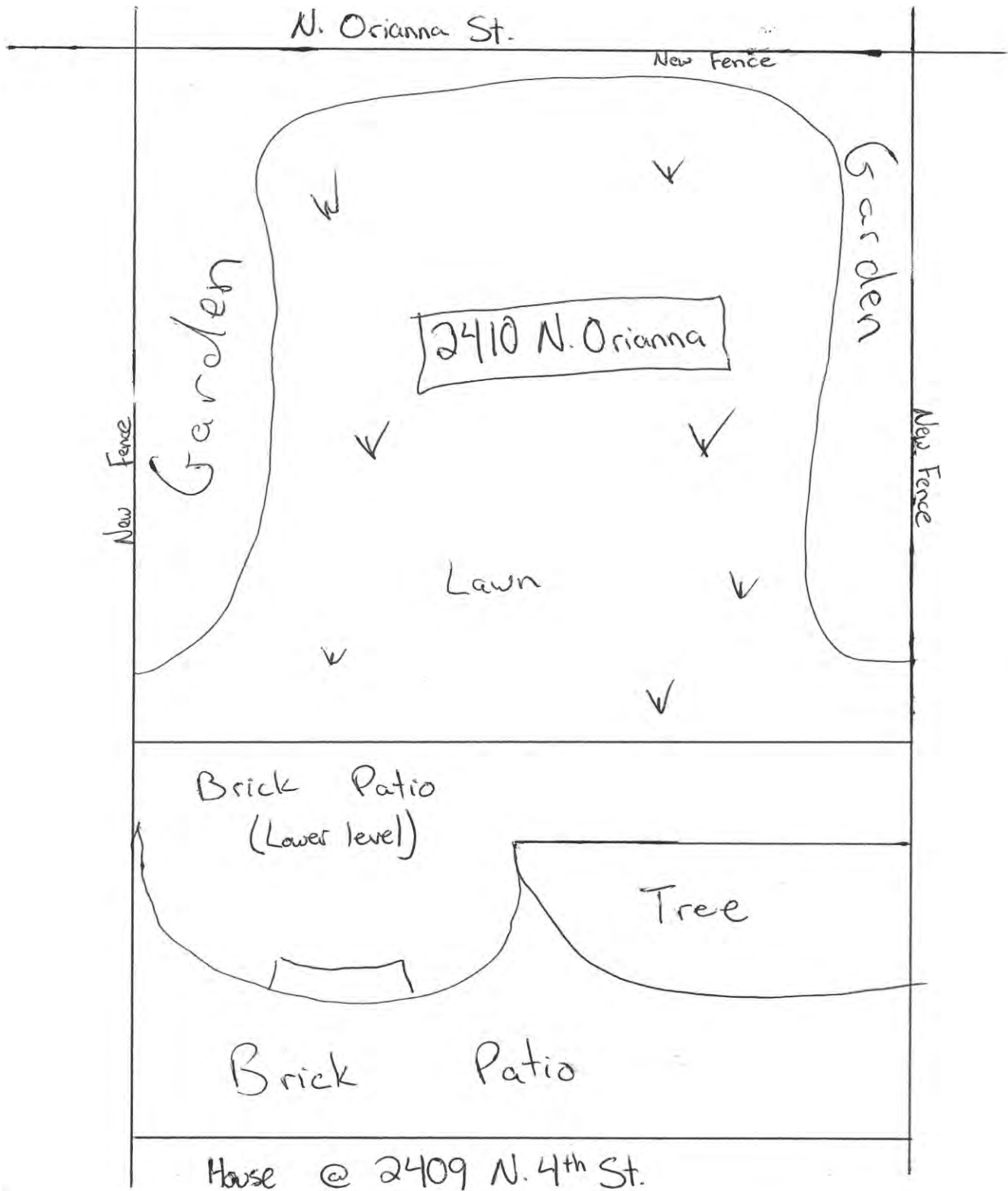
Last Updated: 3/9/2023



SIDE YARD FACT SHEET

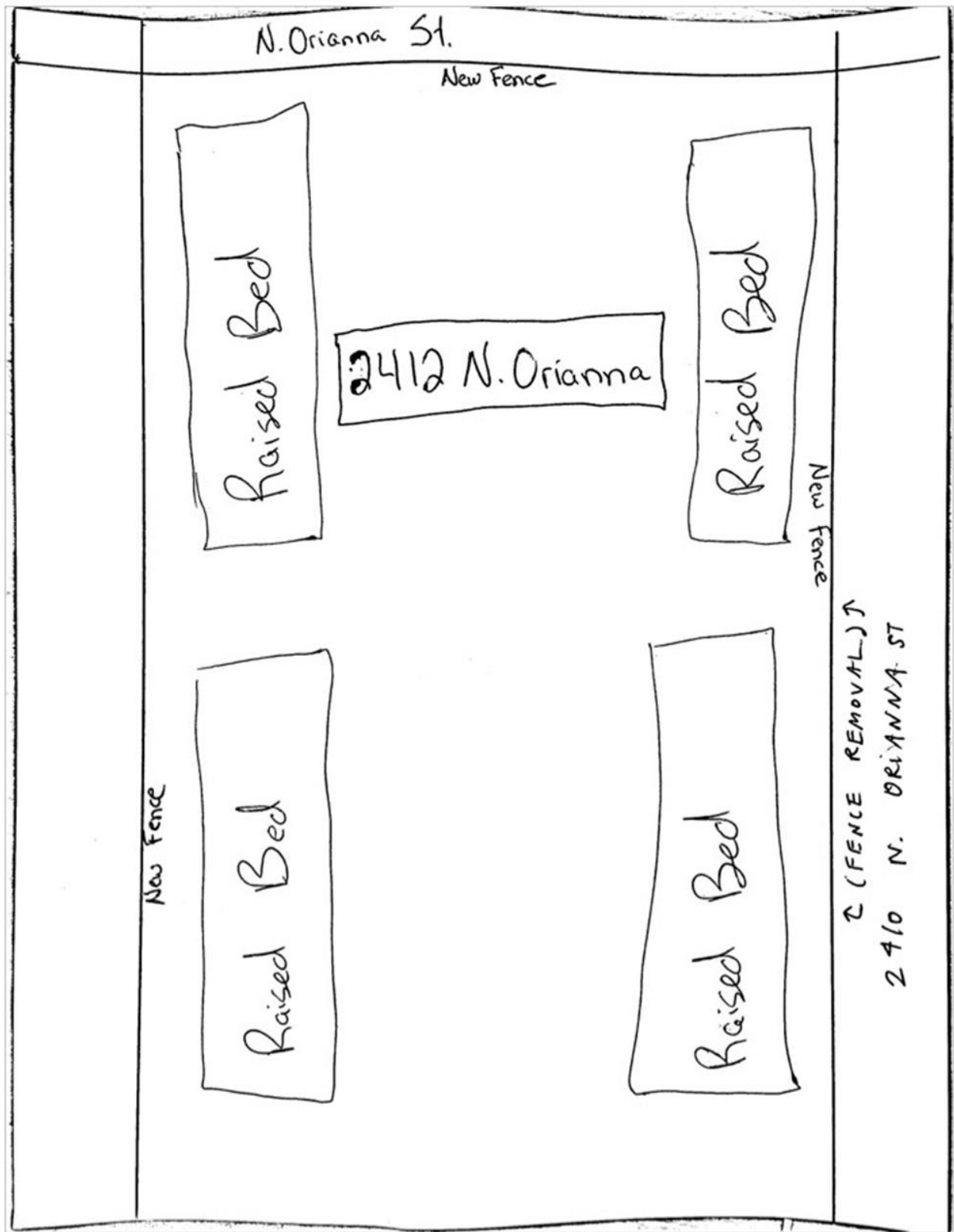
Last Updated: 3/9/2023

SITE PLAN(S)



SIDE YARD FACT SHEET

Last Updated: 3/9/2023



SIDE YARD FACT SHEET

Last Updated: 3/9/2023

PROPERTY APPRAISALS

PHILADELPHIA LAND BANK
Danielle Deuber, Staff Appraiser

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IDENTIFICATION OF SUBJECT PROPERTY: 2410 Orianna St
Philadelphia, PA 19133

OPINION OF VALUE: \$35,000

USE OF REAL ESTATE EXISTING AS OF
FEBRUARY 23, 2023 THE EFFECTIVE DATE OF VALUE: Vacant Land

USE OF REAL ESTATE REFLECTED
IN THIS APPRAISAL AS OF FEBRUARY 23, 2023 Vacant Land

SUBJECT PROPERTY OWNERSHIP AND SALES HISTORY: The subject property is owned by Philadelphia Land Bank.

IDENTIFICATION OF THE CLIENT:

Philadelphia Land Bank

-1-

Value only good for 6 months

SIDE YARD FACT SHEET

Last Updated: 3/9/2023

PHILADELPHIA LAND BANK

Danielle Deuber, Staff Appraiser

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IDENTIFICATION OF SUBJECT PROPERTY: 2412 Orianna St
Philadelphia, PA 19133

OPINION OF VALUE: \$35,000

USE OF REAL ESTATE EXISTING AS OF
FEBRUARY 23, 2023 THE EFFECTIVE DATE OF VALUE: Vacant Land

USE OF REAL ESTATE REFLECTED
IN THIS APPRAISAL AS OF FEBRUARY 23, 2023 Vacant Land

SUBJECT PROPERTY OWNERSHIP AND SALES HISTORY: The subject property is owned by Philadelphia Land Bank.

IDENTIFICATION OF THE CLIENT:

Philadelphia Land Bank

-1-

Value only good for 6 months