

**NOMINATION OF HISTORIC BUILDING, STRUCTURE, SITE, OR OBJECT**  
**PHILADELPHIA REGISTER OF HISTORIC PLACES**  
**PHILADELPHIA HISTORICAL COMMISSION**

SUBMIT ALL ATTACHED MATERIALS ON PAPER AND IN ELECTRONIC FORM ON CD (MS WORD FORMAT)

**1. ADDRESS OF HISTORIC RESOURCE** (must comply with a Board of Revision of Taxes address)

Street address: **1227-37 Beach Street; 1301 Beach Street**

Postal code: **19125-4306**

Councilmanic District: **1st**

**2. NAME OF HISTORIC RESOURCE**

Historic Name: **Penn Treaty Park**

Common Name: **Penn Treaty Park**

**3. TYPE OF HISTORIC RESOURCE**

☐ Building

☐ Structure

☒ Site

☐ Object

**4. PROPERTY INFORMATION**

Condition: ☒ excellent ☐ good ☐ fair ☐ poor ☐ ruins

Occupancy: ☒ occupied ☐ vacant ☐ under construction ☐ unknown

Current use: Public park

**5. BOUNDARY DESCRIPTION**

***SEE ATTACHED***

**6. DESCRIPTION**

***SEE ATTACHED***

**7. SIGNIFICANCE**

Period of Significance (from year to year): **c.1682 - present**

Date(s) of construction and/or alteration: **1827; 1893; 1987**

Architect, engineer, and/or designer:

Builder, contractor, and/or artisan:

Original owner: **Matthew Vandusen; City of Philadelphia**

Other significant persons: **William Penn; Chief Tamanend; Roberts Vaux**

**CRITERIA FOR DESIGNATION:**

The historic resource satisfies the following criteria for designation (check all that apply):

- ☒ (a) Has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, Commonwealth or Nation or is associated with the life of a person significant in the past; or,
- ☒ (b) Is associated with an event of importance to the history of the City, Commonwealth or Nation; or,
- ☐ (c) Reflects the environment in an era characterized by a distinctive architectural style; or,
- ☐ (d) Embodies distinguishing characteristics of an architectural style or engineering specimen; or,
- ☐ (e) Is the work of a designer, architect, landscape architect or designer, or engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the City, Commonwealth or Nation; or,
- ☐ (f) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or,
- ☒ (g) Is part of or related to a square, park or other distinctive area which should be preserved according to an historic, cultural or architectural motif; or,
- ☒ (h) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or City; or,
- ☒ (i) Has yielded, or may be likely to yield, information important in pre-history or history; or
- ☒ (j) Exemplifies the cultural, political, economic, social or historical heritage of the community.

**8. MAJOR BIBLIOGRAPHICAL REFERENCES**

***SEE ATTACHED***

**9. NOMINATOR**

Name with Title: **Barbara Morehead**

Email:

Organization:

Date: **January 17, 2012**

Street Address: **2171 E. Letterly Street**

Telephone: **215-425-0393**

City, State, and Postal Code: **Philadelphia, PA 19125**

Nominator ☐ is ☒ is not the property owner.

**PHC USE ONLY**

Date of Receipt: \_\_\_\_\_

☐ Correct-Complete ☐ Incorrect-Incomplete

Date: \_\_\_\_\_

Date of Notice Issuance: \_\_\_\_\_

Property Owner at Time of Notice

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Date(s) Reviewed by the Committee on Historic Designation: \_\_\_\_\_

Date(s) Reviewed by the Historical Commission: \_\_\_\_\_

Date of Final Action: \_\_\_\_\_

☐ Designated ☐ Rejected

3/16/07

## 5. Boundary Description

*Note: Penn Treaty Park occupies an area of land situated between Delaware Avenue and the Delaware River in the general proximity of Marlborough Street and East Columbia Avenue. The park is situated at a point along the Delaware River where the city's street grid sits at an angle relative to the cardinal directions. In this description and the document which follows, the following directional conventions will apply: Delaware Avenue, Beach Street, and the Delaware River define the area's north/south axis, while Columbia Avenue defines its east/west axis.*

*The present boundaries of Penn Treaty Park are the result of multiple parcel acquisitions by the City of Philadelphia between 1892 and 1988. Therefore the park's boundaries do not follow a single set of parcel boundaries as described in one or more legal land descriptions, but are instead the sum of a large number of smaller parcels, vacated portions of city-owned rights-of-way, and unassigned interstitial spaces (see Figure 5-1). The following description is therefore a close approximation of the current park boundaries as provided by the Philadelphia Parks and Recreation Department (see Figure 5-2). See Appendix 3 for individual parcel descriptions.*

From a point along the shore of the Delaware River sitting in line with the south side of Marlborough Avenue (now vacated), the boundary of Penn Treaty Park runs west a distance of approximately 480 feet to the east side of Delaware Avenue, then northward for a distance of approximately 600 feet along Delaware Avenue and its transition into Beach Street, thence east a distance of approximately 490 feet to the shore of the Delaware River, thence southward along the river approximately 650 feet to the point of origin. The shore of the Delaware follows an inversed "S"-shaped curve that projects approximately 150 feet outward relative to the shoreline established at its northern boundary, then curves inward to form a shallow bay approximately 65 feet deep relative to the shoreline at its southern boundary. A second section of Penn Treaty Park sits to the west of this area, separated from it by Beach Street. From the point formed by the intersection of the east side of Delaware Avenue and the south side of Columbia Avenue, this boundary runs east along Columbia Avenue a distance of approximately 65 feet to the west side of Beach Street, then extending south along Beach Street a distance of approximately 224 feet to the intersection of Beach Street and Delaware Avenue, then north along Delaware Avenue approximately 239 feet to the point of origin.

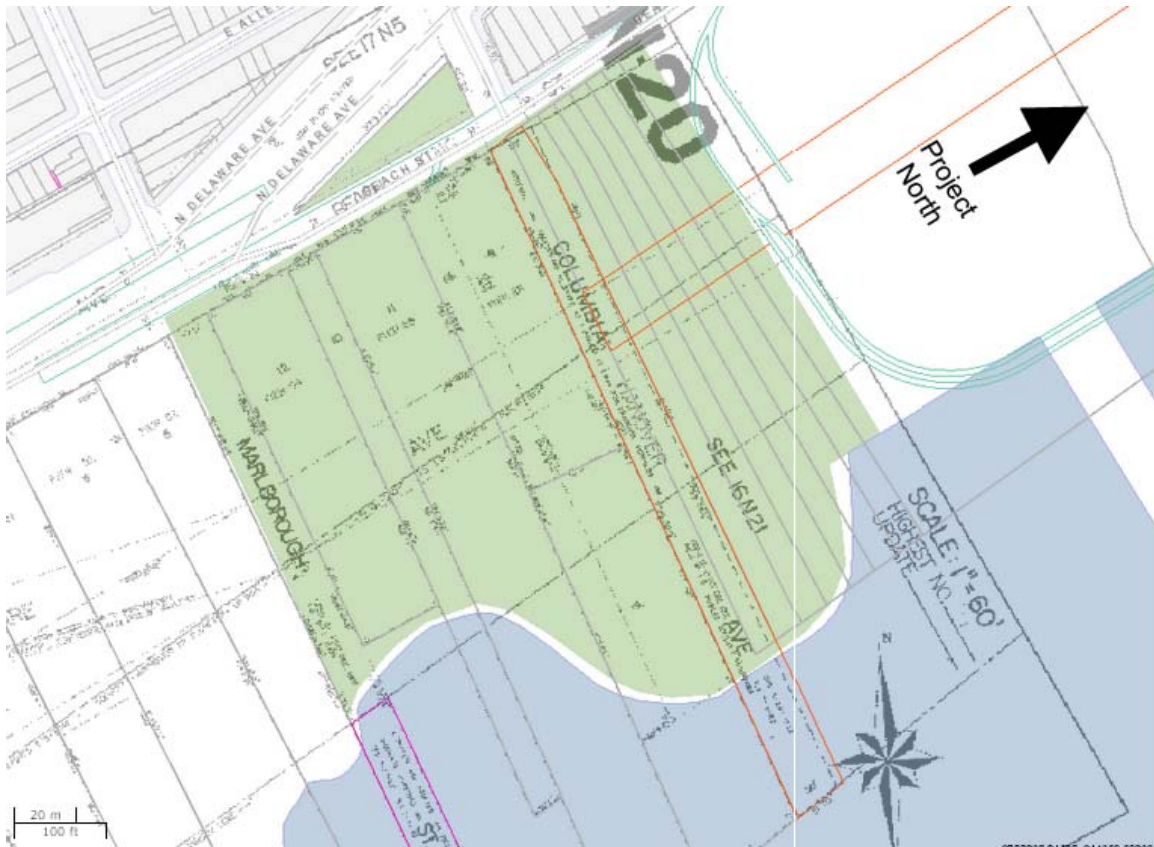


Figure 5-1: Penn Treaty Park overlaid onto City Registry Map 16-N-20.



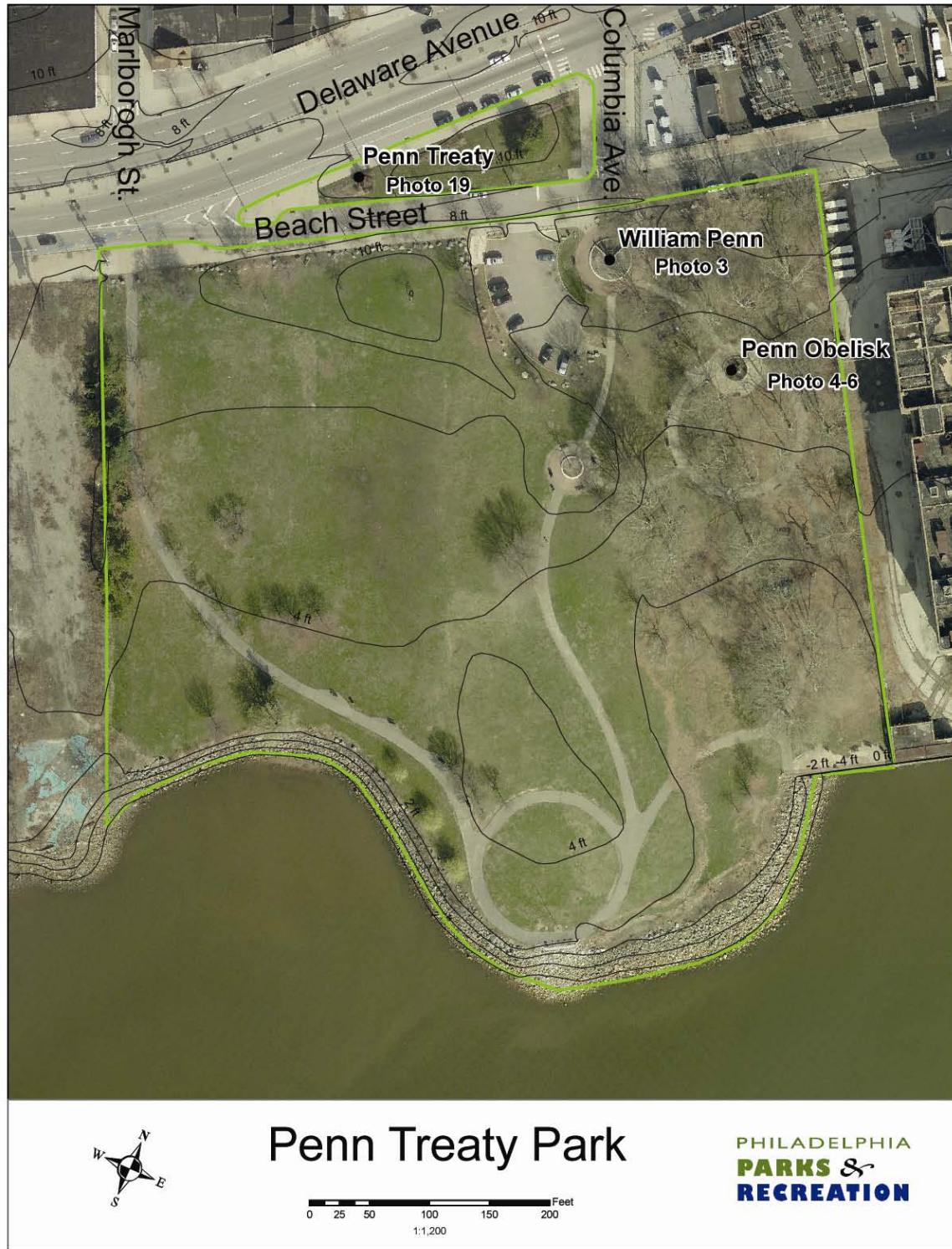


Figure 5-2: Current park boundaries outlined in green

## 6. Description

Penn Treaty Park is a public park owned by the City of Philadelphia and managed by Philadelphia Parks & Recreation on the site traditionally associated with William Penn's 1682 treaty with Chief Tamanend under the Great Elm in the Lenni-Lenape village of Shackamaxon. Located on the shore of the Delaware River in the Fishtown area of Philadelphia's Kensington neighborhood, it occupies approximately 7.5 acres of land. This portion of the city has traditionally been largely industrial; one of the area's most prominent structures, the Philadelphia Electric Company's Delaware Generating Station, stands directly to the north of the park. The park's other boundaries are defined by the Delaware River to the east, a large warehouse parcel to the south, and Delaware Avenue to the west. The park is mostly grass-covered open space traversed by winding paved walkways and scattered clusters of shade trees and other landscape features [Figs 6-16, 6-17]. The site slopes gently down towards the river from an elevation of approximately 10 feet above river level along the park's western edge. Its eastern shoreline is a rip rap embankment following a loose "S"-shaped curve projecting outward into the Delaware River [Fig. 6-12], with a fenced concrete platform at its northern edge [Fig 6-11]. The westernmost portion of the park sits on a small sliver of land separated from the main area by Beach Street [Fig 6-18]. A series of small granite boulders line the sidewalk on the south side of Beach Street, blocking vehicular access onto the park lawn and providing informal sitting areas for pedestrians [Fig. 6-1].

Penn Treaty Park was officially established by the City of Philadelphia on October 28, 1893. It has undergone multiple reconfigurations and expansions since that time. As originally designed, the park occupied a narrow parcel of land that followed the current park's northern and eastern boundaries, but terminated to the south at Columbia Avenue, which then ran through to the river. The park also extended to the river as it does today, but originally featured a long pier (Pier 57) that projected farther out into the Delaware River. The original park parcel occupies roughly the northern third of today's park boundaries, which were assembled from adjacent brownfield sites between 1980 and 1988. Major expansion occurred in the 1980s with the acquisition of two former industrial sites immediately to the south of the original park. Following designs by the

Hexagon Architectural Group, this land was remediated, unsafe piers removed, and the shoreline reconfigured and stabilized between 1983 and 1986, with the expanded Penn Treaty Park rededicated in 1987. In 1988, the city purchased the triangular parcel of land directly across Beach Street from the park, razing a gas station and two-story warehouse on the site to further expand the park to its current boundaries.

The original park's major feature was a marble obelisk erected in 1827 to mark the site of the Treaty Elm, the site associated with William Penn and Chief Tamanend. The tree fell during a wind storm in 1810 [Fig. 6-5]. Between 1827 and 1893, the grounds on which this obelisk stood remained in private ownership, and the obelisk was reportedly moved many times around the site. Upon establishment of the park in 1893, it stood at the park's far northwest corner. It was relocated to its present location to the southeast, near the center of the original park boundaries, c. 1979. It stands approximately five feet tall and sits on a contemporary square granite base which replaced the original simple marble plinth. It has inscriptions reading:

*Treaty ground of William Penn, and the Indian Nations, 1682, Unbroken faith.*

*William Penn, Born 1644, Died 1718.*

*Pennsylvania, Founded, 1681, by Deeds of Peace.*

*Placed by the Penn Society, A.D. 1827, to mark the site of the Great Elm Tree.*

When it was relocated to its present location, it was placed within a circular metal fence enclosure and accompanied by an additional metal plaque further describing the significance of the site and depicting an image of the wampum belt thought to have been exchanged at the time of the treaty [Figs. 6-4, 6-5]. Besides the obelisk, no other major elements of the park's original design, which included a decorative fountain and the aforementioned pier, have survived to the present time.

In addition to the original marble obelisk, the park's current design features a number of other notable characteristics. The original northern area of the park is characterized by a density of mature sycamore trees planted in 1905. This area also

contains a small recreational area. [Fig. 6-7]. At the southwest corner of the original park boundary, directly opposite the eastern terminus of Columbia Avenue, stands a granite statue of William Penn carved by Frank C. Gaylord in 1982. Originally installed in a different location in the park, it was moved to its present location in 1987, in the center of a large round concrete base fronted by a small planting bed [Fig. 6-3]. South of the William Penn statue, a small parking lot curves into the park from Beach Street, following an arc established by the statue's base. A Pennsylvania State Historical Marker stands near the mouth of the parking lot. East of the lot, a circular concrete planter once contained a descendent tree from the original Treaty Elm planted in 1993 [Fig. 6-8]. However, it did not survive, and another descendant elm was planted in the lawn area to the east in 2000 [Fig. 6-9]. Other tree species within the park's boundaries include weeping willow, apple, smoke bush, Japanese zelkova, red maple, London plane, and sawtooth oak. Across Beach Street, the triangular park annex features at its southern tip a large Cor-Ten steel sculpture by Bob Haozous entitled *Penn Treaty* [Fig. 6-19].





**Figure 6-1**

View of Penn Treaty Park from northern boundary looking south toward parking area  
August 2011



**Figure 6-2**

PHMC Marker





**Figure 6-3**

*William Penn* sculpture by Frank C. Gaylord commissioned by the Daughters of the American Colonists. Dedicated in the park on April 22, 1982, the enlarged base was added when the piece was moved to this location during the park expansion and rededication in 1987.



**Figure 6-4**

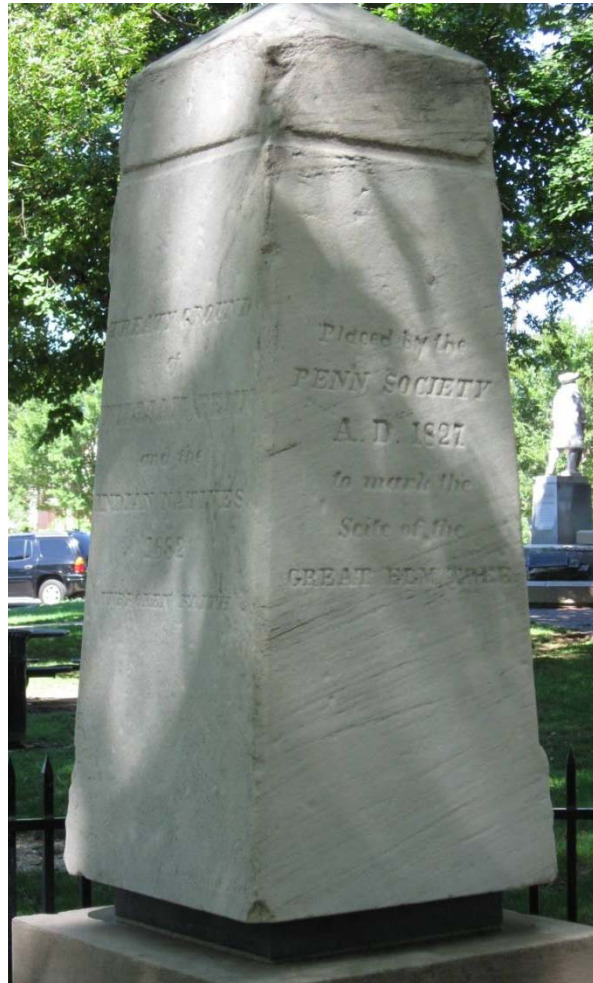
The obelisk monument (1827) commissioned by the Penn Society was moved from its original location at the northwest corner of Penn Treaty Park to its existing location c. 1979. The fence and plaque were added at that time.





**Figure 6-5**

William L. Breton, "Treaty Ground of William Penn and the Indian Natives, 1682 of Shackamaxon [now Kensington]," 1830 watercolor, Historical Society of Pennsylvania.



**Figure 6-6**

Obelisk (1827) detail, August 2011



**Figure 6-7**

Playground area, Penn Treaty Park north side, August 2011





**Figure 6-8**

A descendent tree from the original Treaty Elm was planted in this location in 1993. The tree did not survive and was replaced by another descendent tree (see Photo 9).



**Figure 6-9**

The current descendent elm tree from the Treaty Elm planted in June 2000.





**Figure 6-10**

View from the center of Penn Treaty Park looking north toward the Philadelphia Electric Company Power Station



**Figure 6-11**

Northeast corner of Penn Treaty Park. Fence line demarks property line between the park and the Philadelphia Electric Company.





**Figure 6-12**

Penn Treaty Park shoreline looking south towards Ben Franklin Bridge.





**Figure 6-13**

Penn Treaty Park Shoreline in the southeast corner of the park looking northeast across the Delaware River to New Jersey.



**Figure 6-14**

Southern property boundary of Penn Treaty Park from the Southeastern corner looking East.





**Figure 6-15**

Penn Treaty Park entrance located in the southwestern corner of the park.



**Figure 6-16**

Penn Treaty Park from the approximate center of the park looking south showing the expansion area acquired in the 1980s.





**Figure 6-17**

View of Penn Treaty Park from the approximate center of the park looking Northeast toward the original park acreage.



**Figure 6-18**

View of Penn Treaty Park along N. Beach Street. The triangle lot, bounded by E. Columbia Avenue, N. Delaware Avenue and N. Beach Street, was acquired by the City as part of the park in 1988 and a gas station and two-story brick warehouse located there was demolished.





**Figure 6-19**

*Penn Treaty* by sculptor Bob Haozous, a Native American, was commissioned by Fairmount Park during the park expansion project. Located on the southern end of the triangle section of the park it was placed in the park in 1990.

## Section 7: Statement of Significance

### Introduction

*“I think few events in history have stronger claims on our serious reflection, on our humanity, on our sense of right, and on our judgment than the treaty which was made under [the Great Elm of Kensington] and the consequences which followed from the treaty.”*

—John Marshall, Chief Justice of the Supreme Court, 1831<sup>1</sup>

Penn Treaty Park was established by the City of Philadelphia in 1893 on a piece of land that, since at least the eighteenth century, has been widely venerated for its association with an event central to the founding narrative of Philadelphia: William Penn's peace treaty with the Native American tribes of the area. The site has been the object of both civic pride and civic concern for more than two centuries, and contains one of the oldest monuments erected in the city of Philadelphia. The park meets the following criteria for designation as set forth by the Philadelphia Historic Preservation Ordinance, Section 14-2007(5), of the Philadelphia Code:

- (a) Has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, Commonwealth or Nation or is associated with the life of a person significant in the past,
  - (b) Is associated with an event of importance to the history of the City, Commonwealth or Nation,
  - (g) Is part of or related to a square, park or other distinctive area which should be preserved according to an historic, cultural or architectural motif,
  - (h) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or City,
  - (i) Has yielded, or may be likely to yield, information important in pre-history or history,
- and
- (j) Exemplifies the cultural, political, economic, social or historical heritage of the community.

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<sup>1</sup> Quoted by John Connors in the forward to Kenneth Milano's *The History of Penn Treaty Park*. Charleston, South Carolina: The History Press, 2009, p. 10.



***Criteria A, B & J: Penn Treaty Park as symbol of Penn's "Holy Experiment"***

As the site traditionally associated with William Penn's famous treaty with the area's Native American tribes in 1682, Penn Treaty Park has significant value as part of the development, heritage, and culture of the City, Commonwealth, and Nation; is associated with an event central to the founding narrative of the Commonwealth; and exemplifies the cultural, social, and historical heritage of the community as a place of veneration for the ideals of Penn's "Holy Experiment."

According to popular belief, William Penn met with Lenni-Lenape Chief Tamanend and other Native American leaders under a large elm tree in the village of Shackamaxon on the shores of the Delaware River in 1682 (an area that would later become the District of Kensington before its annexation by Philadelphia in 1854). Here, Penn expressed his intention for a peaceful coexistence between the local indigenous tribes and the newly-arriving European settlers by proclaiming, "We meet on the broad pathway of good faith and good-will; no advantage shall be taken on either side, but all shall be openness and love. We are the same as if one man's body was to be divided into two parts; we are of one flesh and one blood." Tamanend replied, "We will live in love with William Penn and his children as long as the creeks and rivers run, and while the sun, moon, and stars endure."<sup>2</sup>

The historical veracity of this founding narrative has long been debated, since no eyewitness accounts of the event have survived in the historical record. The earliest known references to a treaty between Penn and Native Americans date to the early eighteenth century and ostensibly rely on an oral tradition that such an event took place in Kensington under what became known as the Great Elm. Nevertheless, this oral tradition was sufficiently prevalent to inspire a number of events and works that cemented the story and the site into the popular narrative of Penn's "Holy Experiment," both here in Philadelphia and beyond.

First, the French philosopher and historian Voltaire praised Penn in his *Dictionnaire philosophique* in 1764 by eulogizing, "He began by making a league with the American Indians which were his neighbors. This is the only treaty between those persons and the Christians which has not been sworn to, and which has not been broken."

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<sup>2</sup> Milano, p. 21.

Roughly six years later, in Great Britain, William Penn's son Thomas commissioned *Penn's Treaty with the Indians at Shackamaxon* by Pennsylvania-born painter Benjamin West. West's epic painting depicts a group of Native Americans and European settlers gathered beneath a large elm tree, exchanging a piece of white fabric representing a treaty belt. The image became immensely popular, was widely reproduced in a series of engravings in both America and Europe, and inspired numerous copies and reinterpretations (the most famous of which being Edward Hicks' iconic *Peaceable Kingdom* series of sixty-one paintings begun in 1820, juxtaposing the Penn Treaty scene with images from the Book of Isaiah). The "Treaty Elm" itself became equally venerated; during the British occupation of Philadelphia in 1777-1778, General Simcoe assigned British troops to protect the tree from being felled by either soldiers or townspeople for firewood. In William Birch's famous 1800 *Views of Philadelphia*, a depiction of the Treaty Elm serves as the work's frontispiece.

The historical accuracy of this purported event is largely immaterial to its significance in the cultural history of the city, state and nation, and to the importance of the site as a place commemorating the ideals of William Penn and his "Holy Experiment" in establishing Pennsylvania as a land of tolerance and cooperation. Though the events attributed to William Penn and Tamanend in 1682 lack hard corroboration in the historical record, another event significant to the history and development of the site is well-documented: on March 5, 1810, the Treaty Elm was toppled in a storm. This widely-reported event, notices of which appeared in newspapers across the country, confirms the reputation the tree held at the time of its demise. As reported in *Poulson's American Daily Advertiser* on March 8,

During the tremendous gale of Monday night last, the Great Elm Tree at Kensington, under which, it is said, William Penn, the Founder of Pennsylvania, ratified his first treaty with the Aborigines, was torn up by the roots. This celebrated tree, having stood the blast of more than a century since that memorable event, is at length prostrated to the dust! It had long been used as a land-mark, and handsomely terminated a north-east view of the city and liberties on the Delaware.<sup>3</sup>

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<sup>3</sup> Quoted at <http://www.penntratymuseum.org/park.php> [accessed 1/17/12].

In a pattern which would repeat itself more than once over the course of the site's history, the loss of the Treaty Tree led to a renewed interest in the legacy of Penn's Treaty and a desire to secure the future of the site, though it would take a number of years for this vision to materialize. Between 1810 and 1824, little change to the site seems to have occurred. The land on which the tree had stood was owned since 1795 by shipbuilder Matthew Vandusen, who purchased the property from the founder of Kensington, Anthony Palmer. The plot included the adjacent Fairman Mansion, where William Penn stayed in the winter of 1683. But by 1825, the Delaware waterfront was undergoing rapid development. As reported in Philadelphia's *Aurora and Franklin Gazette* on April 12th, 1825,

The District of Kensington at present exhibits a scene of animation in business seldom before witnessed. The hum of industry along its wharves and the building materials scattered profusely over all its streets, betoken a state of prosperous increase in wealth. Nearly 4,000 tons of shipping are on the stocks and it is intended shortly to commence two more large vessels. The street near the site of the "Treaty Tree" is to be straightened and an old building [Fairman's Mansion] to be removed. The whole district in appearance and wealth is advancing rapidly.<sup>4</sup>

At the same time, interest in the history of Philadelphia and the United States was growing among many of the city's leading citizens. The 1824 return of Revolutionary War hero General Lafayette on a goodwill tour of America stoked an increased appreciation for the early history of Philadelphia and the nation. This same year witnessed the founding of the Historical Society of Pennsylvania and the Society for the Commemoration of the Landing of William Penn, a group which grew out of the Committee of History, Moral Science, and Literature at the American Philosophical Society. The Penn Society, as it would come to be known, was led by Robert Vaux, a Quaker abolitionist and vocal supporter of Native American rights, and John Fanning Watson, an early chronicler of the city's history. The following year, in 1825, Vaux proposed the erection of a monument to commemorate the site of the Penn's Treaty. This is the same monument, dedicated in 1827, which survives at Penn Treaty Park today.

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<sup>4</sup> Ibid.

### ***Criteria G & H: Penn Treaty Park as open space***

As a city park established in 1893 to both commemorate the site of Penn's Treaty and to provide an area of open space and recreation for the heavily populated and industrial neighborhood of Kensington, Penn Treaty Park represents a familiar visual feature of the Delaware riverfront and constitutes a distinctive park area worthy of preservation.

The marble obelisk erected by the Penn Society in 1827 was an early public monument in the city. However, the land on which it stood remained privately owned and vulnerable to development pressures for many decades following the monument's placement. Despite an 1848 report by the Philadelphia County Board which urgently recommended public acquisition of the site to protect it from "irreverent use" or its disposition "in such manner as may forever bury it from view and bar the public from its possession," no immediate action was taken to purchase the land from the Vandusen family, which continued to use the it as a wharf and lumberyard for the next forty years.<sup>5</sup> Calls for its public acquisition by either the city or county were as regular as they were ineffectual: resolutions in 1852 and 1870 both failed to garner the support necessary to purchase the land, and the monument survived only through a combination of modest repair appropriations (in 1869 and 1880) and the benign neglect of the Vandusens, who left the parcel largely unimproved.

But by the late nineteenth century, Philadelphia was experiencing a significant expansion of its parks system, due in large measure to an active civic reform effort which embraced the ideals of open space advocates like Thomas Meehan, a botanist-turned-politician who used his sixteen-year tenure on City Council to promote the cause of park expansion city-wide. After the creation of the activist City Parks Association in 1888, Philadelphia added at least twenty-six neighborhood parks through a combination of land donation and acquisition.<sup>6</sup> In March of 1890, the treaty grounds were finally put up for sale by the Vandusen family, supporters of a public park on the site found a more

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<sup>5</sup> Quoted at <http://www.penntratymuseum.org/park.php> [accessed 1/17/12].

<sup>6</sup> "Public Parks of Leading Cities," *New York Times*, September 1, 1895.

sympathetic ear in the political and civic leadership of the day. A coalition of groups soon endorsed the idea, including Meehan's City Council Committee on New Public Squares, the Fairmount Park Art Association, and the City Parks Association. From the outset, the plan's supporters all recognized the unique confluence of benefits a "memorial park" would provide, inasmuch as it would both protect an historical site from development *and* serve the current needs of a densely-populated neighborhood for open space. For example Herbert Walsh, writing on behalf of the City Parks Association, remarked in 1892,

It is an admirable suggestion to create a small park covering the site where the Penn Treaty with the Indians was made. Your suggestion seems to me a happy union of beauty and utility, since it aims to secure an additional space for fresh air and green trees, which will be greatly to the advantage of those who are unable to seek, beyond city limits, these necessities of our hot summers, and that it will also call attention perennially to an instance of just dealing with the Indians that is succinctly rare in our history.<sup>7</sup>

With broad support for the park thus secured, City Council voted favorably in March of 1892 to place Penn Treaty Park on the city plan, allocating \$85,000 for its purchase. Improvement plans were drawn up and presented to the public in July and in January 1893 an additional \$15,000 was allocated for site improvements. Construction began in the spring and the park began seeing use in the summer. On October 28, 1893, it was officially dedicated with an opulent parade and pageant celebrating the 211<sup>th</sup> anniversary of William Penn's arrival to Philadelphia.

Since that time, Penn Treaty Park has been a character-defining element of both the Fishtown area of the Kensington neighborhood and the Delaware waterfront. Though the park's size and layout have been altered repeatedly over the ensuing 120 years, its use as a site of commemoration and of recreation has remained consistent. Furthermore, the park's original 1893 boundaries are still discernable, given the high density of mature trees which occupy the oldest portion of the park. The park's more recent alterations and improvements, including the 1982 statue of William Penn, the 1980s southern and western expansions, and the 1990 *Penn Treaty* sculpture, do little to detract from the

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<sup>7</sup> Quoted at <http://www.penntratymuseum.org/park.php> [accessed 1/17/12].

site's historic significance. Indeed, all serve to compliment the park's historic role as both a community asset and a site of commemoration for an event central to the founding narrative of the city and state.

***Criterion I: The archaeological potential of Penn Treaty Park***

Despite the fact that much of the current Penn Treaty Park exists on either previously disturbed land or land added as fill, the site's potential to yield information important in pre-history or history remains high. The park's proximity to or location within a significant Native American settlement site (Shackamaxon), an early colonial dwelling (the Thomas Fairman House), and a major industrial area (the Delaware waterfront) all contribute to its potential archaeological significance. In a 1987 letter to the Pennsylvania Bureau for Historic Preservation, Dr. Richard Tyler, then-Executive Director of the Philadelphia Historical Commission, determined that proposed (and later executed) alterations to the park would have no adverse effect to potential archaeological resources [see Appendix 1]. His conclusion did not suggest that archeological resources did not exist, but rather they did not exist at a depth which would be affected by the proposed changes. Potential future activity at the site could very well impact archaeologically significant areas.

## 8. Major Bibliographic References

Du Ponceau, Peter S. & Fisher, J. Francis. *A Memoir on the History of the Celebrated Treaty made by William Penn with the Indians: Under the Elm Tree at Shackamaxon, in the Year 1682*, pages 141-204 [Within] *Memoirs of the Historical Society of Pennsylvania*. Vol. III. Part II. Philadelphia: M'Carty & Davis, 1836.

Milano, Kenneth W. *The History of Penn Treaty Park*. Charleston, S.C.: The History Press, 2009.

*Penn Treaty Museum* online exhibition, <http://www.penntreatymuseum.org/park.php> [accessed 1/17/2012]

“Penn Treaty Park: Growth and Evolution,” Planning, Preservation, Development and Facilities Management Division, Fairmount Park Commission, 2008 [see Appendix 2].

“Public Parks of Leading Cities,” *New York Times*, September 1, 1895.

Tyler, Richard Letter to Donna Williams, Bureau for Historic Preservation, March 12, 1987 [see Appendix 1].



*Penn Treaty Park*

## CITY OF PHILADELPHIA

PHILADELPHIA HISTORICAL COMMISSION  
1313 City Hall Annex  
Philadelphia, Pennsylvania 19107  
MU 6-4543 and Mu 6-4583

EDWARD A. MONTGOMERY, JR.  
Chairman

RICHARD TYLER, Ph.D.  
Historic Preservation Officer

PATRICIA SIEMIONTKOWSKI  
Assistant Historic Preservation Officer

12 March 1987

Donna Williams, Director  
William Penn Memorial Museum  
Bureau for Historic Preservation  
Box 1026  
Harrisburg, PA 17120

Dear Miss Williams:

The Fairmount Park Commission proposes to extend and relandscape Penn Treaty Park at Columbia Avenue and Beach Street with participation by the Pennsylvania Department of Community Affairs. We have reviewed the design for this undertaking and its effect on potential historical and archeological resources at the site.

In our judgment, Penn Treaty Park meets the criteria for entry on the National Register of Historic Places and the Pennsylvania Register of Historic Places. Although no document exists for a treaty between Penn and the Native Americans at this site, the tradition of the Great Treaty of Amity under the Treaty Elm at Shackamaxon dates to at least the middle of the eighteenth century. Voltaire wrote about; Benjamin West painted it, and General Simcoe of the British army ordered the tree protected during the occupation of Philadelphia in 1777-1778. The Treaty Elm blew down during a storm in 1810; seventeen years later, the Penn Society erected a monument to mark its location. By ordinance of City Council in 1892, the City acquired Penn Treaty Park; Baist's Atlas of 1895 indicates that the City landscaped the parcel by that year.

The antiquity of the tradition of the Great Treaty of Amity under the Treaty Elm at Shackamaxon and its place in literature, art and legend for over two centuries give to Penn Treaty Park a legitimate place in the history of social and political values and of historical perception. The early veneration of the tree and the erection of the obelisk in 1827 adds further stature to the Park as an artifact of the history of tradition and ideas.

Clearly, the archeology of an event that did not occur poses a methodological problem in the formulation of a research design. Nevertheless, the generalizations contained in Jay F. Custer, "Prehistoric Archaeological Resources of Pennsylvania's Piedmont and Coastal Plain," and Marshall J. Becker, "The European Contact/Early Historic Period in the Lenape Realm of Pennsylvania's Piedmont and Coastal Plain," A





Comprehensive State Plan for the Conservation of Archaeological Resources (Harrisburg, 1985), II, and the proximity to the Park of the site of Thomas Fairman's house, which predated Penn's arrival, suggest the possibility of archeological remains in and around the project area. Moreover, perhaps archeological evidence survives for the extensive shipping activity that characterized this section of the city in the eighteenth and nineteenth centuries.

A study of a series of maps indicates, however, that much of modern Penn Treaty Park occupies fill in the Delaware River and that any archeological resources, if not destroyed by historic land engineering, lay deeply buried. In this survey, the cartographic representations of Beach Street afford an important baseline. A map prepared by Captain John Montresor, Chief Engineer, for Sir Henry Clinton, c. 1777, shows the irregular shoreline of the Delaware River in Kensington with several wharves extending into the River and places Beach Street at Hanover Street, now Columbia Avenue, very close to the River's edge (Figure A). William Faden's A Plan of the City and Environs of Philadelphia, with the Works and Encampments of His Majesty's Forces published in 1779 and John Hills' 1796 Plan of the City of Philadelphia contain topographical data that supplement the information on streets and development (Figures B and C). Both mark the presence of decided rises in the land from the River with Hall Street, now Beach Street, between these bluffs and the Delaware and Hanover Street reaching to the waterfront.

Although Hills carries Penn Street as a straight cartway abutting the River with Hall (Beach) about 160 feet inland, William Allen (Plan of the City of Philadelphia, 1828), J. C. Sidney (Map of the City of Philadelphia, 1849), and Samuel L. Smedley (Atlas of the City of Philadelphia [1862], pl. 12) all show Penn Street as a paper street traversing water or piers (Figures D, E and F). The three also have a dimension of approximately 190 feet from Beach Street to the shore. The configuration of wharf construction, the tongues of water penetrating inland and Hills' error confirm the earlier maps that ran Beach Street very close to the shore. G. M. Hopkins (City Atlas of Philadelphia [1875] IV, P) and G. William Baist (Property Atlas of the City and County of Philadelphia [1895], pl. 26) provide further evidence of the narrowness of the strand between Beach Street and the River (Figures G and H). Baist's delineation of the "New Bulkhead Line" cutting through Penn Treaty Park also suggests official and cartographic recognition of the continuing process of encroachment upon the Delaware. Since 1895, extensive filling has occurred. Indeed, according to the current Sanborn, the present actual bulkhead line is some 465 feet east of Beach Street with the former bulkhead line about 230 feet inland and a "Crib Substructure" (Figure I).

Although a degree of license perhaps mars the iconography of the



Donna Williams  
Page 3  
12 March 1987

site, particularly in the earlier years, extant graphic evidence also places Beach Street close to the Delaware River. William Birch's The City and Port of Philadelphia, on the River Delaware from Kensington (1800) shows a tree, presumably the Treaty Elm, on a rise close to the shore (Figure J). John F. Watson's Annals of Philadelphia, and Pennsylvania, in the Olden Time (Philadelphia, 1887, 3 vols. [I, 134]), always to be treated very critically, contains an illustration of Thomas Fairman's mansion on a road (Beach Street?) with the Treaty Elm on a modest rise immediately on the River (Figure K). More reliably, a series of photographs taken in 1919 and 1920 records the extensive work undertaken then to extend the Park further into the Delaware River and to fill the former berth at the end of Columbia Avenue, the southern edge of the Park as it existed at that time (Figures L - 1 - 11).

The historic maps and pictorial material for that portion of Penn Treaty Park recently acquired by the City below Columbia Avenue seem to indicate similar conditions or an even lesser distance between Beach Street and the River.

From this data, we conclude that the proposed undertaking will have no effect on any surviving significant archeological resources 150 east of Beach Street. We premise this on the historical evidence of fill beyond that line and the absence of any deep excavation associated with the project. West of that line, only field testing can demonstrate the presence or absence of archeological material. Here, however, we anticipate no disturbance, for Fairmount Park's plan entails mounding not excavating. Any excavation that takes place in this zone should be subject to archeological testing and monitoring.

Although the Fairmount Park Commission's proposal for improvements at Penn Treaty Park may not result in the destruction of significant archeological remains, it does pose another preservation question. As the commemorative site of an important historic tradition, Penn Treaty Park and its historic landscaping have assumed significance. Indeed, the commemoration of Penn's Treaty at this location predates by almost seventy years acquisition of the Park by the City. In view of this, to the extent that the historic landscape survives, it should be preserved and incorporated sensitively into the expanded park complex. The Baist 1895 Atlas portrays the configuration of the Park's walkway; however, further research in Fairmount Park's records and other sources may be necessary on this point.

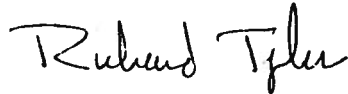
In addition to the maps and pictures cited in this letter, I have enclosed other photographs labeled Figure M - 1 - 3 made in 1910, 1919 and 1925 to provide historic context for the 1919-1920 improvements and the present project.



Donna Williams, Director  
Page 4  
12 March 1987

Should you require additional information to make your assessment of this project, please do not hesitate to contact this office.

Yours truly,

A handwritten signature in cursive script, reading "Richard Tyler".

Richard Tyler  
Historic Preservation Officer

RT:sj

cc: John McIlhenny

Encl.







Figure A.

John Montresor, To his Excellency Sir  
Henry Clinton K.B. General and  
Commander in Chief of his Majesty's  
Forces (c. 1777)

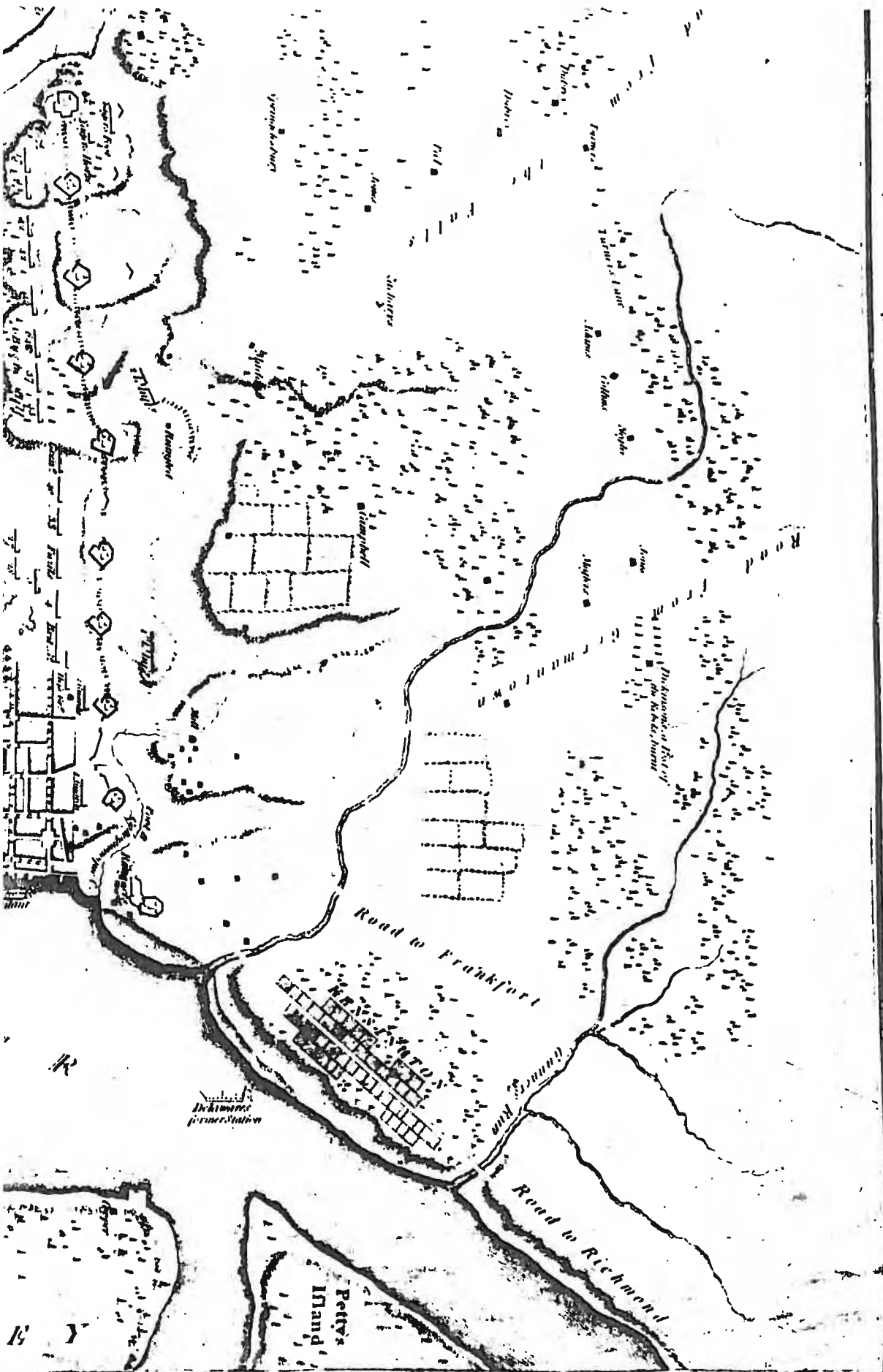


Figure B.

William Faden, A Plan of the City and  
Environs of Philadelphia, with the  
Works and Encampments of His Majesty's  
Forces. London, 1779



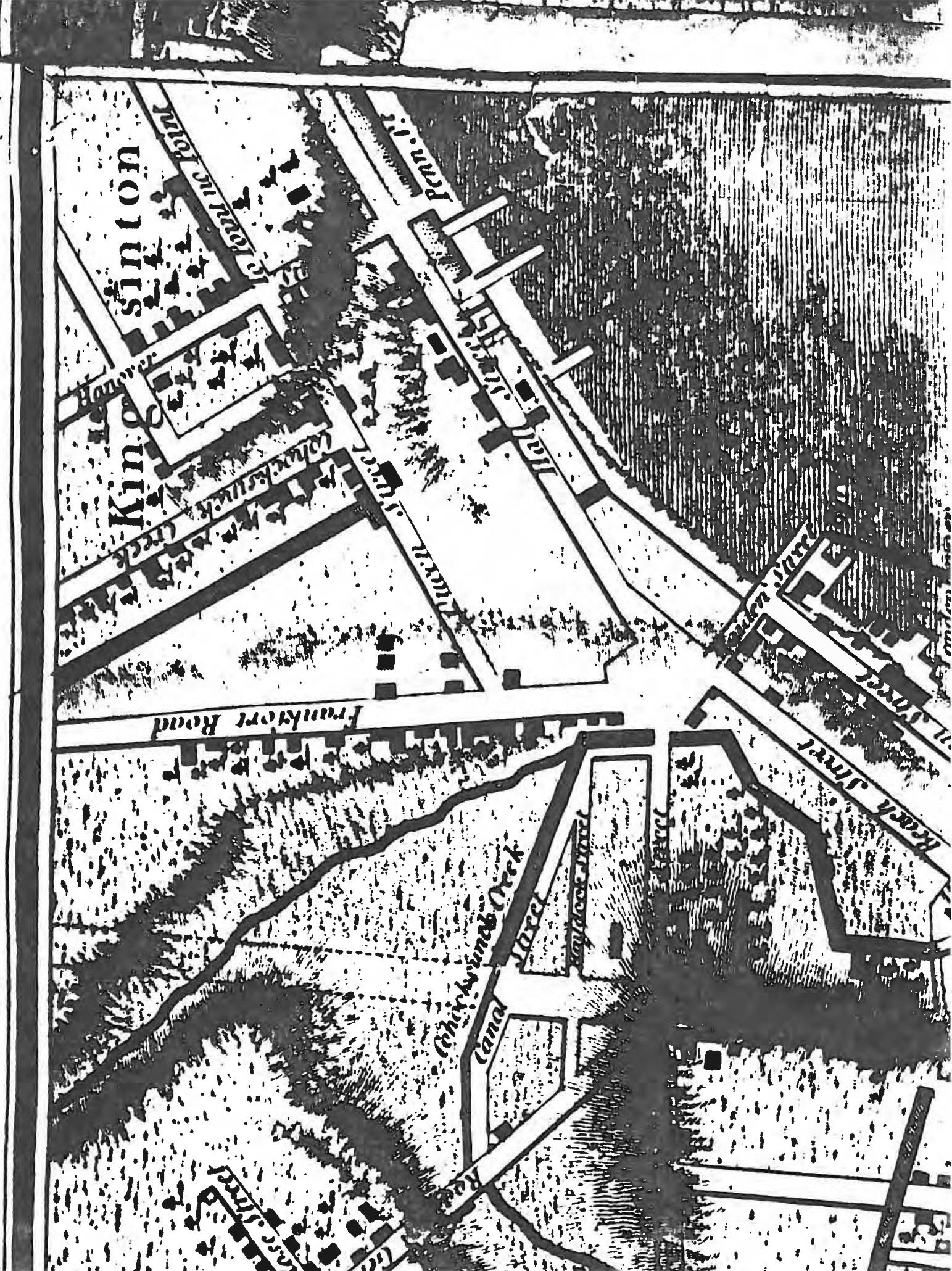


Figure C.

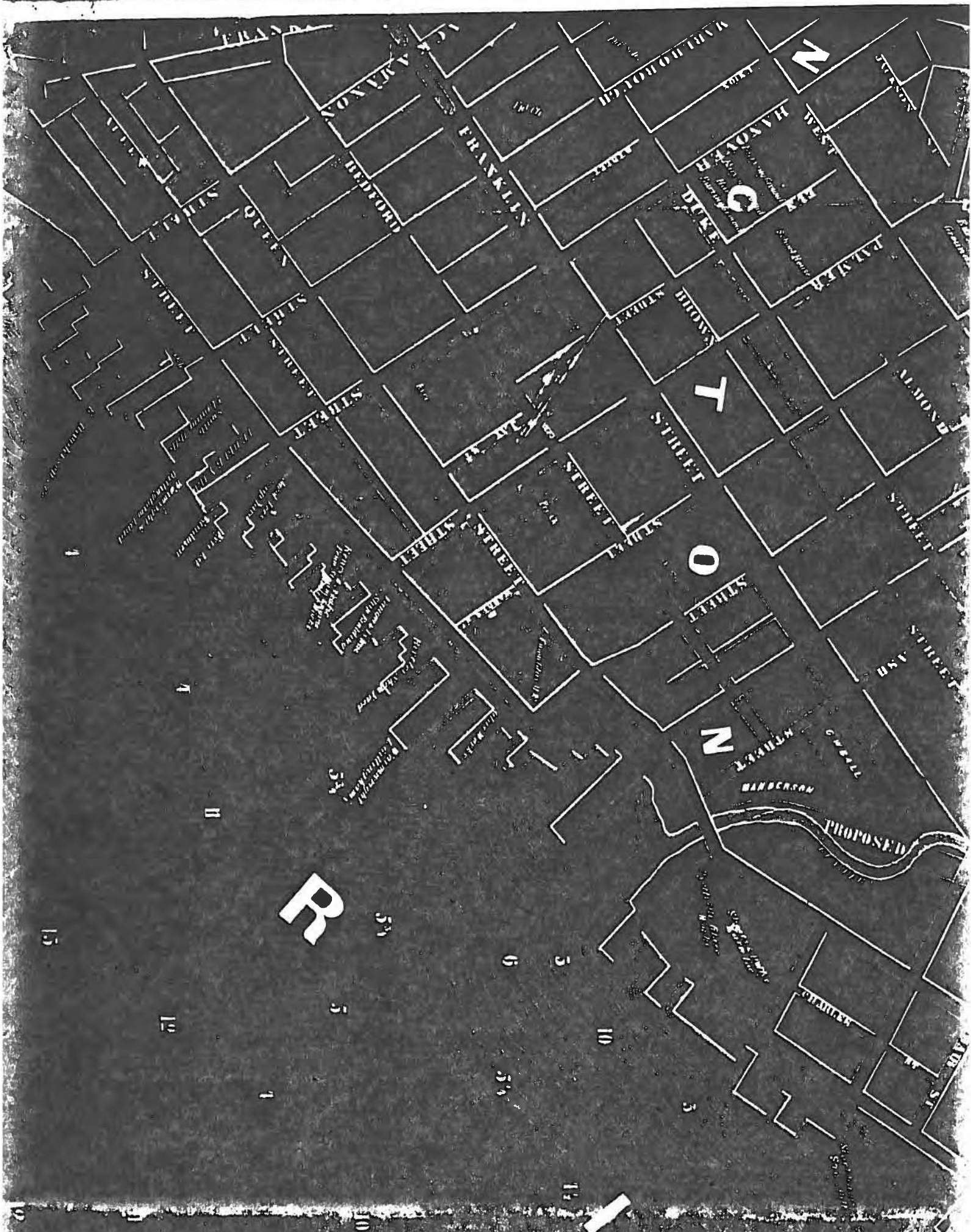
John Hills, The Plan of the City of  
Philadelphia and its Environs.  
Philadelphia, 1797.



Figure D.

D. William Allen, Plan of the City of Philadelphia. Philadelphia, 1828.





J.C. Sidney, Map of the City of  
Philadelphia. Philadelphia 1899.

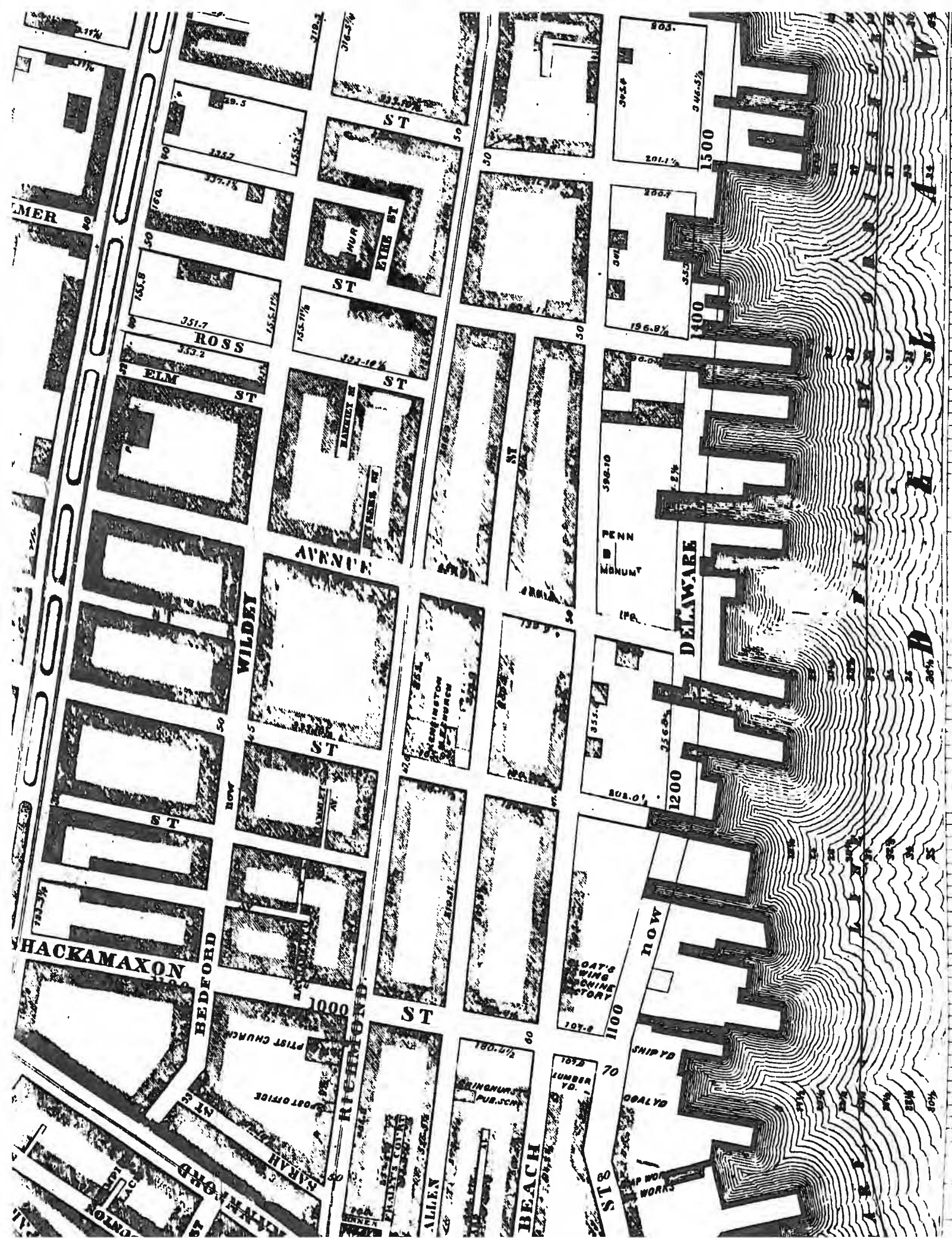
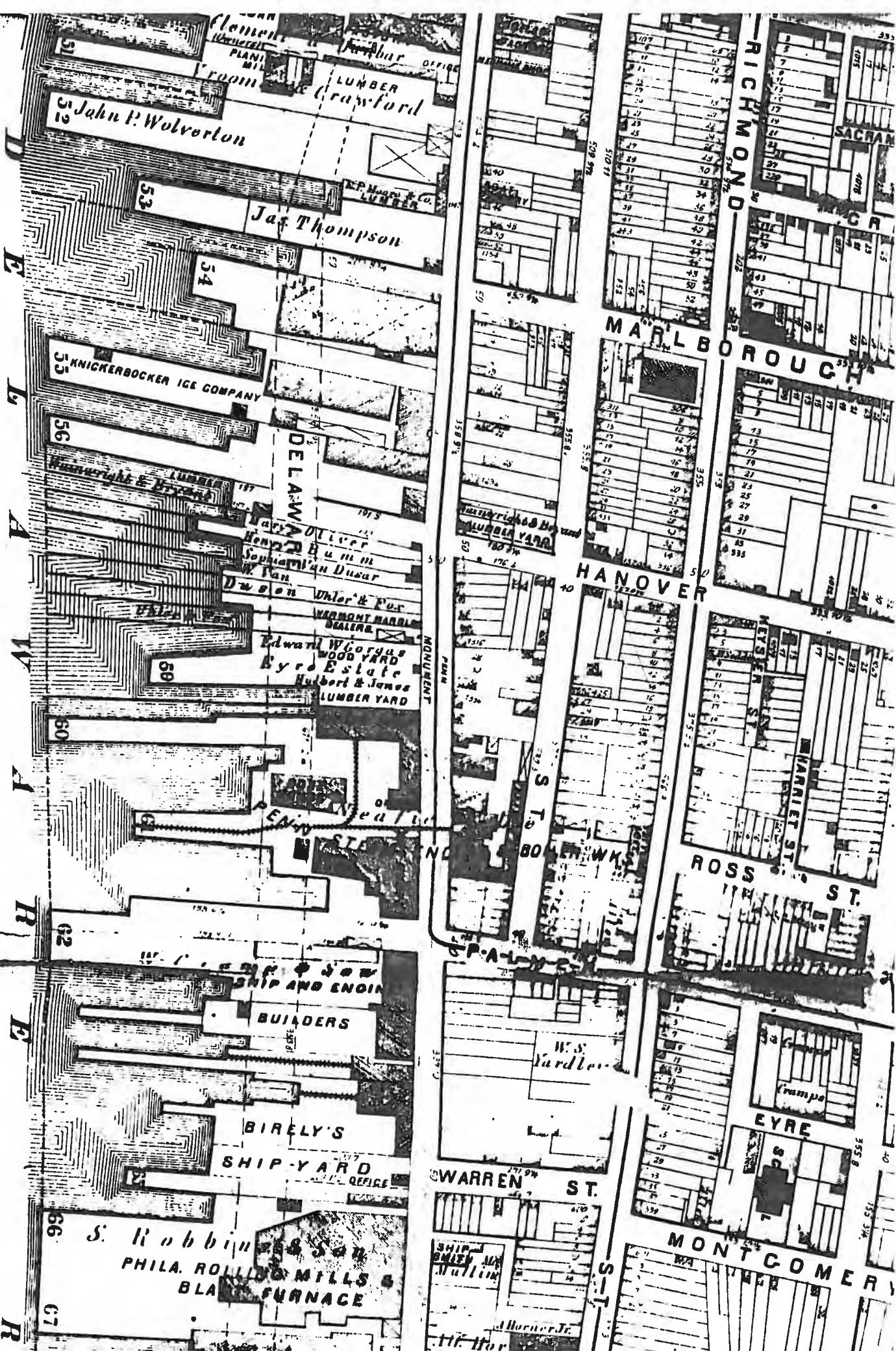


Figure F.

Samuel L. Smedley, Atlas of the City  
of Philadelphia. Philadelphia, 1862.  
Pl. 12.





John P. Wolverton

Jas. Thompson

KNICKERBOCKER ICE COMPANY

DELAWARE

Mary Oliver  
Henry B. & M. M.  
W. Van  
D. W. Son

Whaler & P.  
Edward Whorring  
Wood Yard  
Byrd Estate  
Hulbert & Jones  
Lumber Yard

SHIP AND ENGINE BUILDERS

BIRELY'S  
SHIP YARD

S. Robbins & Son  
PHILA. ROLLING MILLS &  
BLAST FURNACE

RICHMOND

MARLBOROUGH

HANOVER

ROSS ST.

WARREN ST.

MONTGOMERY

Figure G.

G.M. Hopkins. City Atlas of Philadelphia.  
7 vols. Philadelphia, 1872-1876. IV, P.

**Zb3**  
(134 Vol.9)

BEACH

262

E COLUMBIA

AV. 6TH PLY (1989)

PENN TREATY PARK

BULKHEAD

CRIB SUBSTRUCTURE

N. PIER No 57 & 58

BULKHEAD

VIBRATORY COAL CONVEYORS

N. PIER No 60

CRIB SUBSTRUCTURE

PIER

HEAD

N

**Figure I.**

Sanborn Map Company, Insurance Maps  
of Philadelphia, Pennsylvania. 29 Vols.  
New York, 1916-1929, corrected to date.  
III, 263



FRONTISPIECE.



*The City & Port of PHILADELPHIA, on the River Delaware from Kensington.*

*Published as the Act directs by W.B. Smith, Springfield 1877, under British Patent.*

Figure J.

William Birch and Thomas Birch, The City of Philadelphia, in the State of Pennsylvania. Philadelphia, 1800. Frontispiece.

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editative mind to enlarge-  
such a spot. Penn., with  
round. These long steeple  
a lasting emblem of the  
i, and never broken.  
the whole scene as it once  
give name of every thing  
mer charms, cut down and



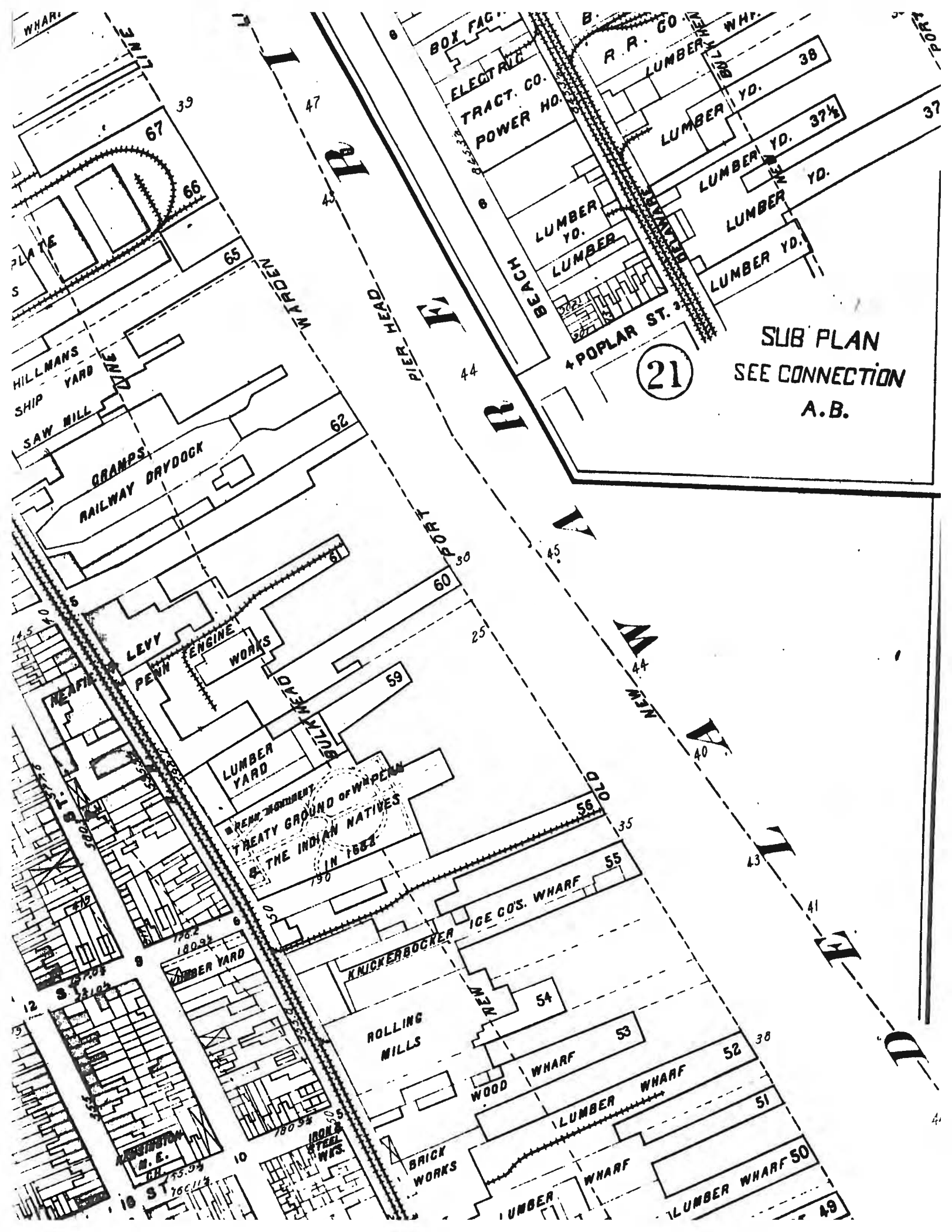
TREATY TREE AND FAIRMAN'S MANSION.—Page 134.



**Figure K.**

John F. Watson, Annals of Philadelphia,  
and Pennsylvania, in the Olden Time.  
3 Vols. Philadelphia, 1887. I. opp. 134





SUB PLAN  
SEE CONNECTION  
A.B.

21

Figure H.

George William Baist, Property Atlas  
of the City and County of Philadelphia.  
1895 Pl. 26.

[illegible]

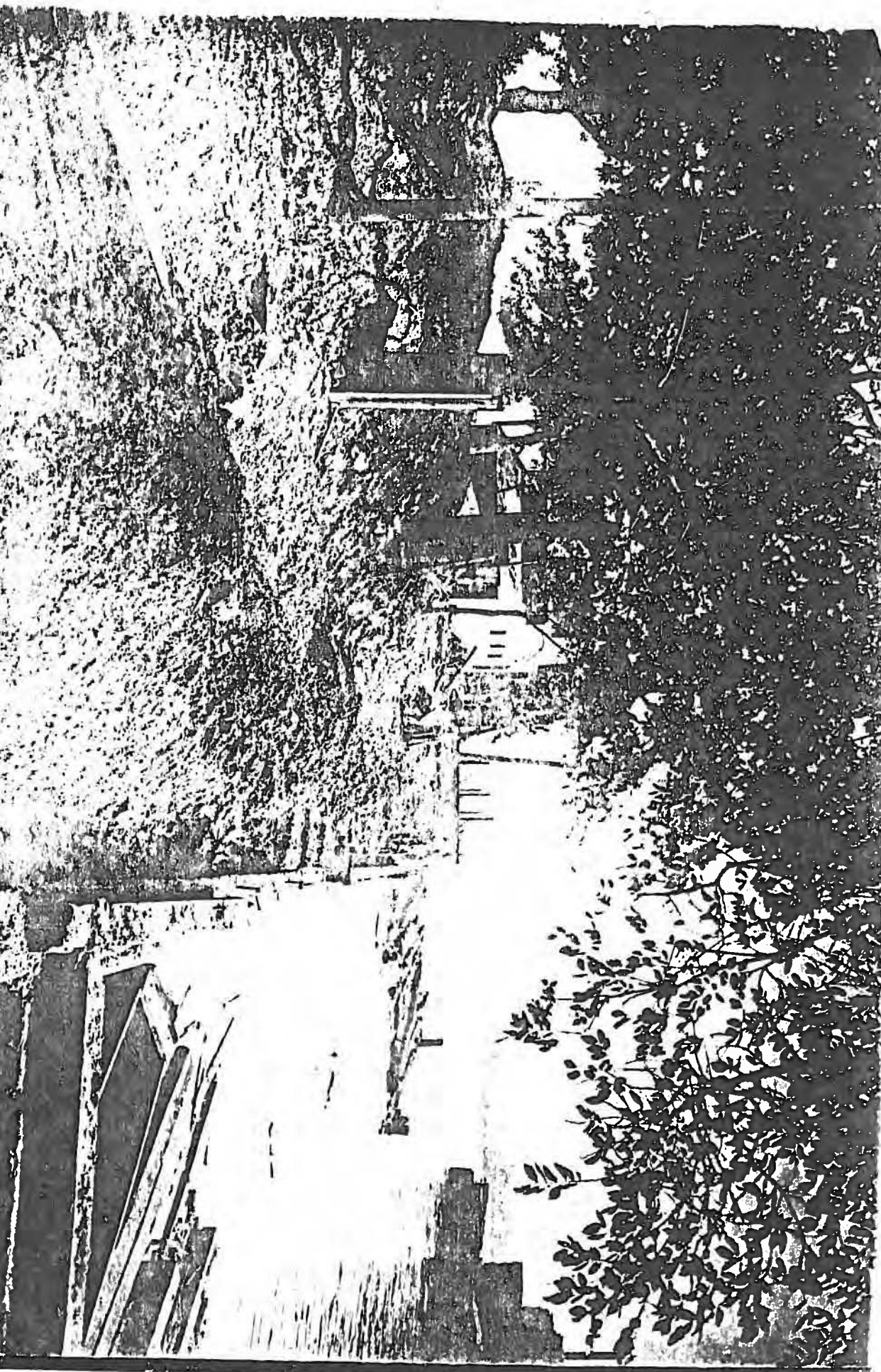
Construction and Fill at Pier 57 North,  
Penn Treaty, 22 August 1919,  
Philadelphia Department of Records,  
City Archives.  
Negative 511.

Figure L 1

1919

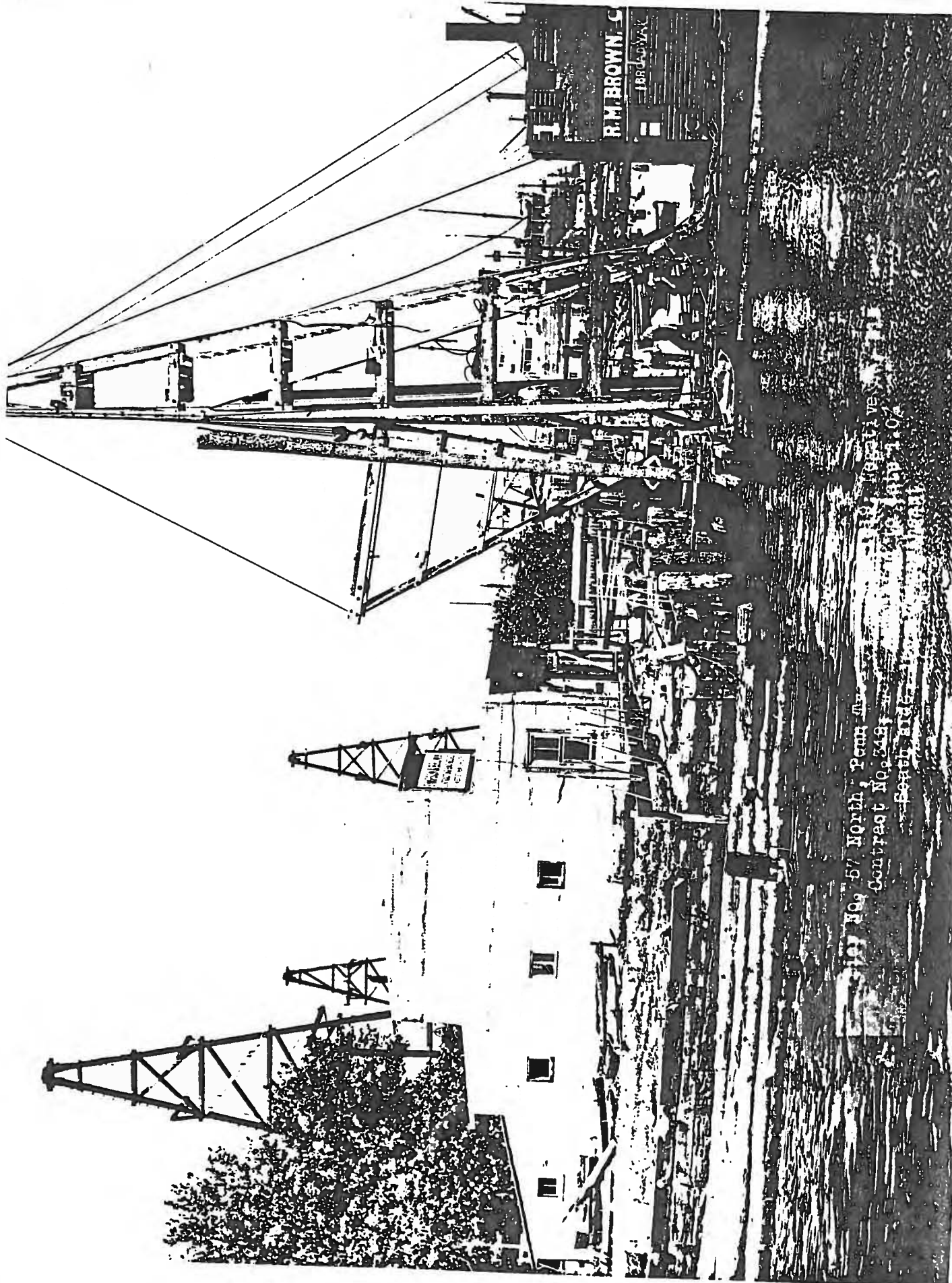


Plat. No. 6512, 1919, Negative No. 612  
Columbia River, Oregon, 1919, date 1.0.0  
Looking East



Construction and Fill at Pier 57 North,  
Penn Treaty, 22 August 1919,  
Philadelphia Department of Records,  
City Archives.  
Negative 512.

Figure L 2

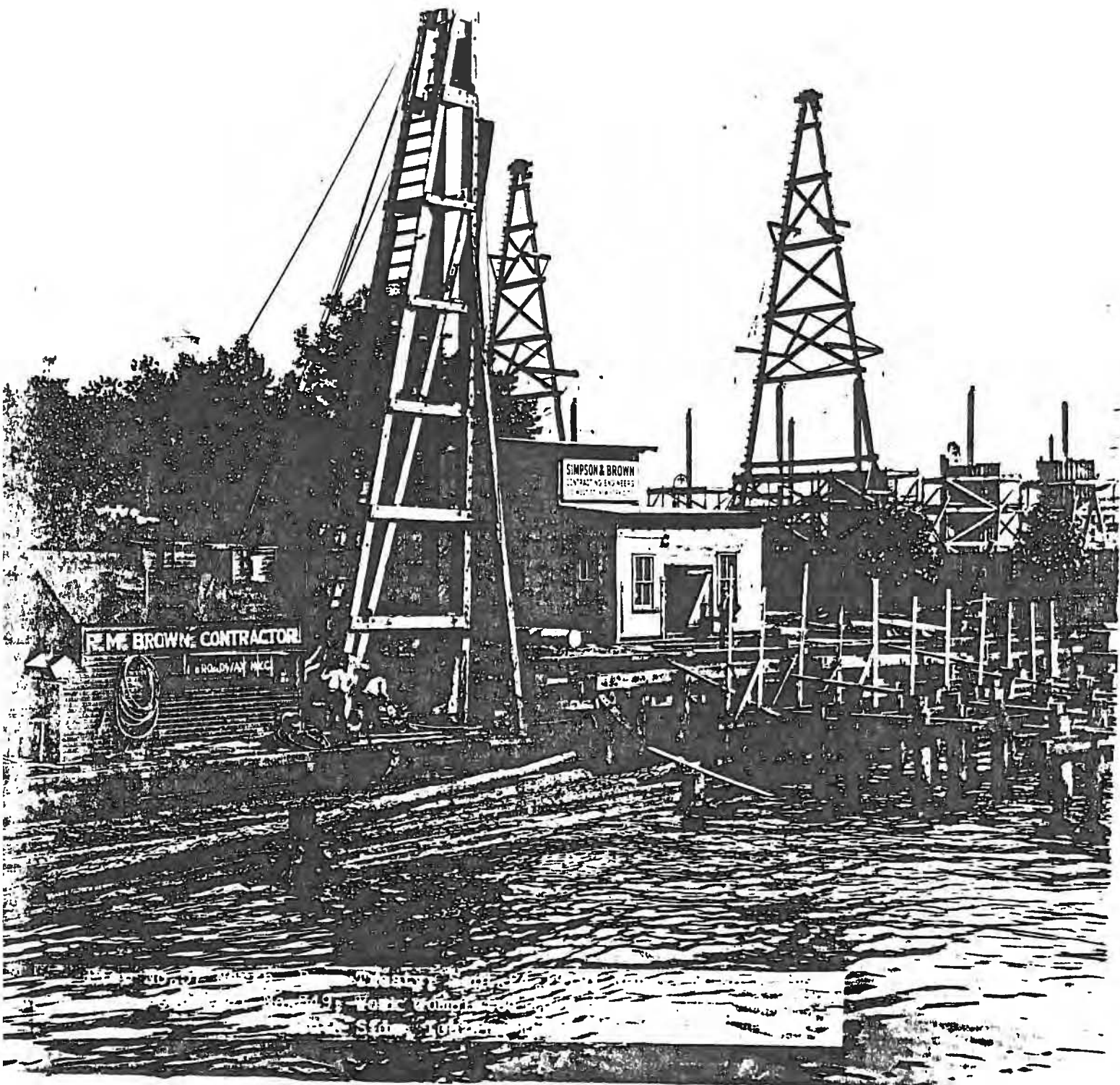


Well No. 57 North, Penn. Sta.  
Contract No. 548  
Sept. 1, 1904

Construction and Fill at Pier 57 North,  
Penn Treaty, 22 August 1919,  
Philadelphia Department of Records,  
City Archives.  
Negative 515.

Figure L 3





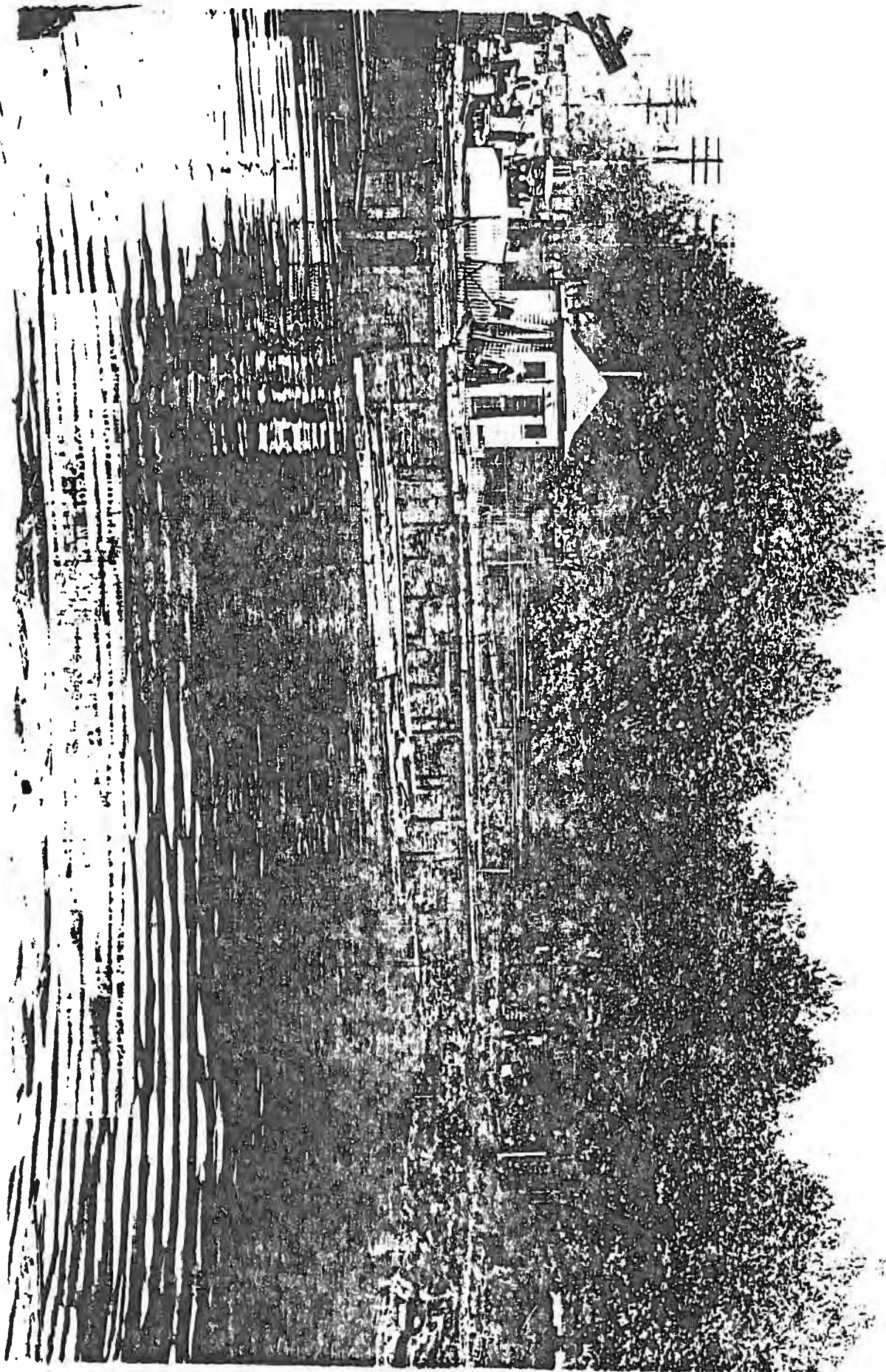
Construction and Fill at Pier 57 North,  
Penn Treaty, 24 September 1919,  
Philadelphia Department of Records,  
City Archives.  
Negative 524.

Figure L 4

1919

524

525



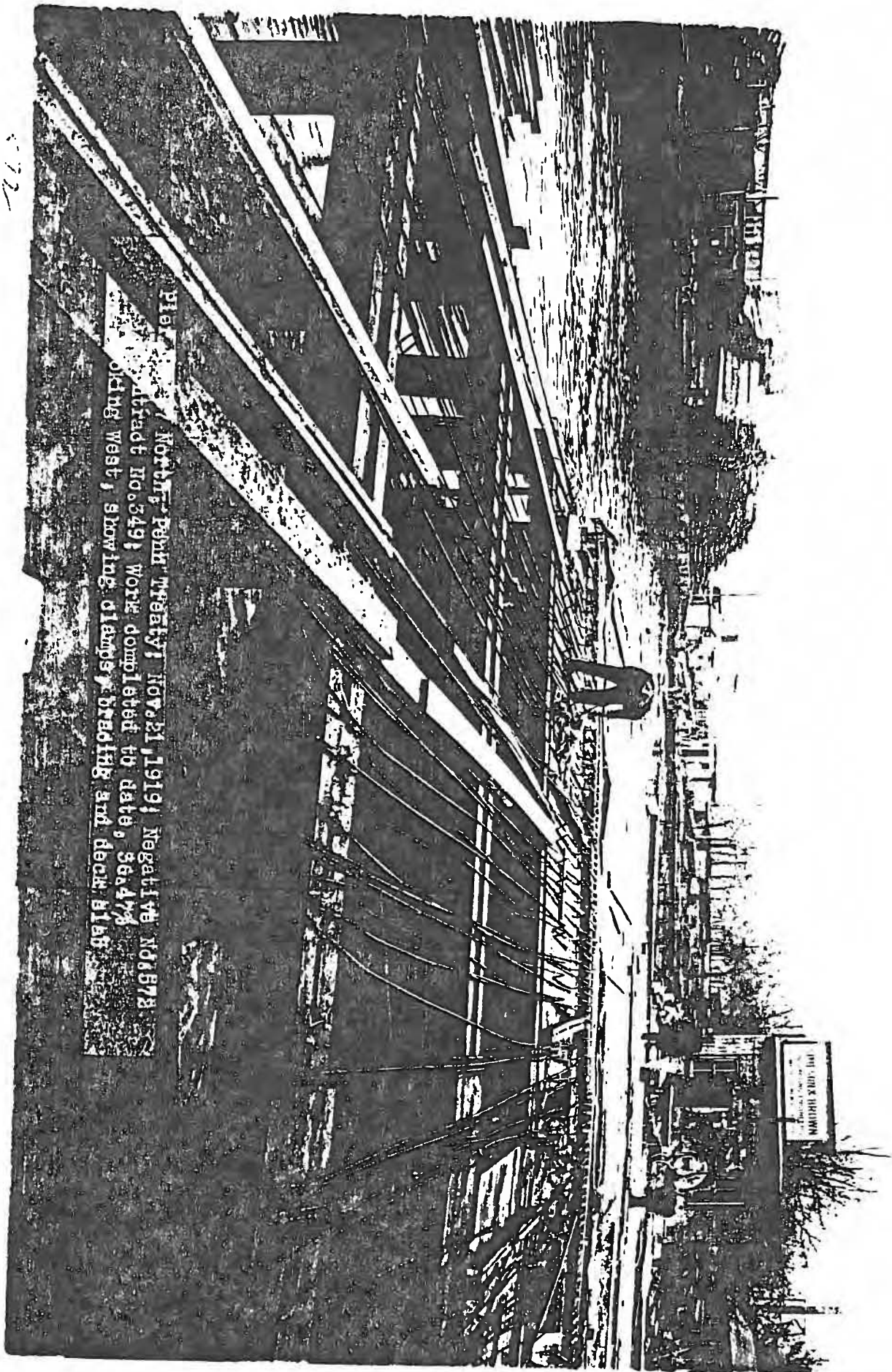
Construction and Fill at Pier 57 North,  
Penn Treaty, 24 September 1919,  
Philadelphia Department of Records,  
City Archives.  
Negative 525.

Figure L 5

8/24/19  
-525

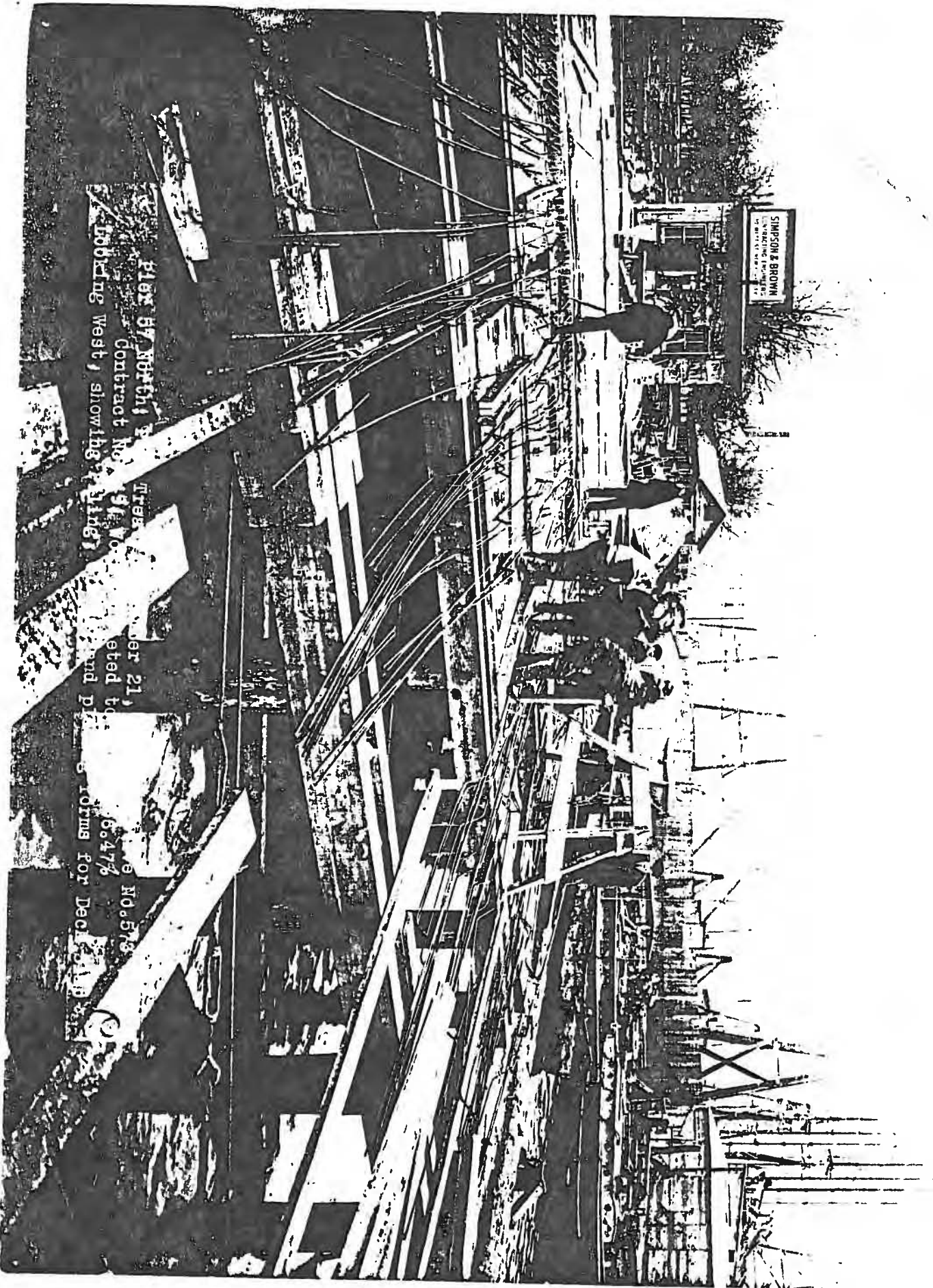


Plat. 17 North; Penn. Treaty; Nov. 21, 1919; Negative No. 673  
Contract No. 349; Work completed to date, Sec. 47 1/2  
olding West, showing ditches, grading and deck slab



Construction and Fill at Pier 57 North,  
Penn Treaty, 21 November 1919,  
Philadelphia Department of Records,  
City Archives.  
Negative 572.

Figure L 6



Plan of North  
Contract No. 151  
Looking West, showing bridge

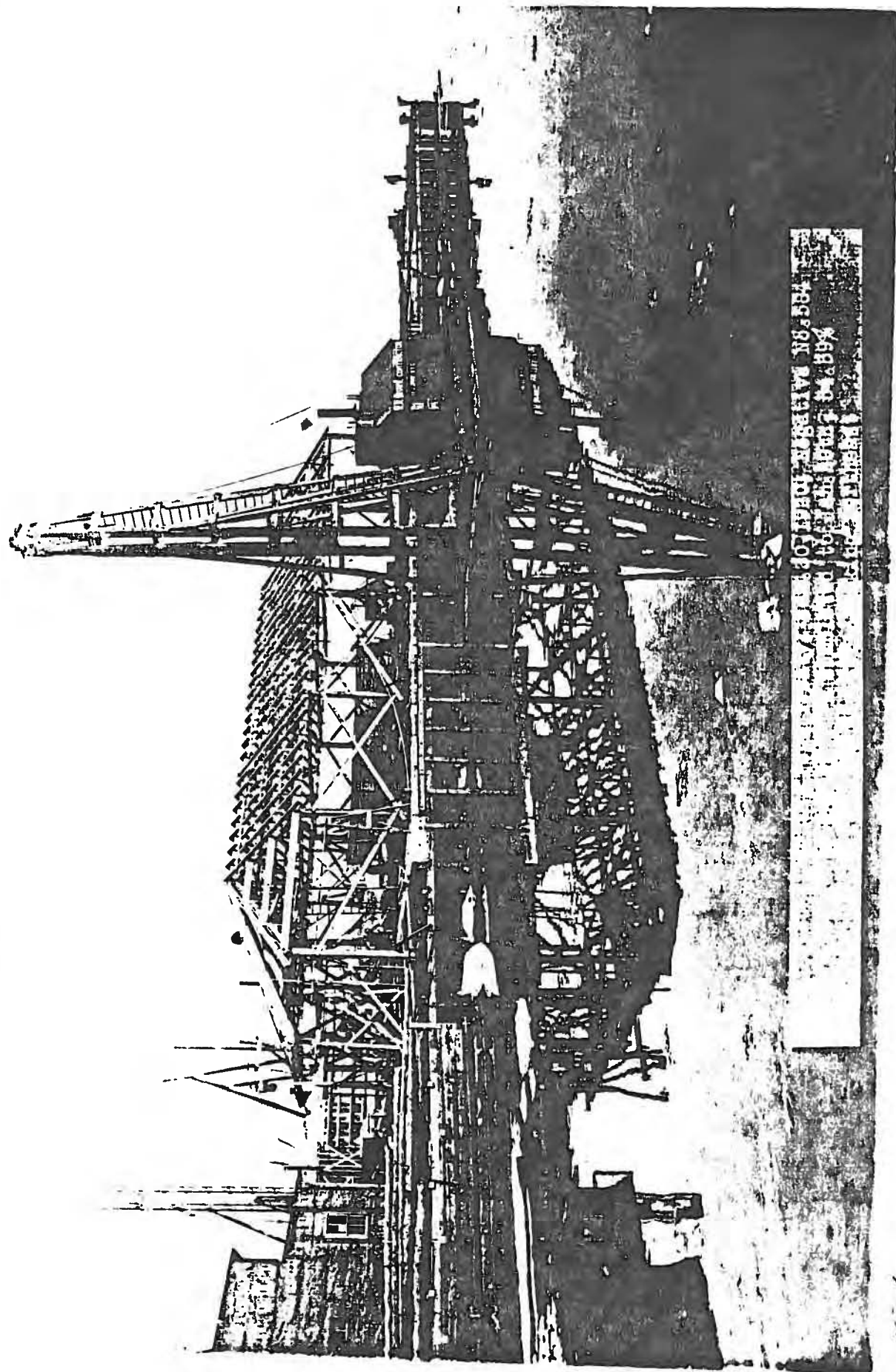
er 21,  
ted to  
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e rds for Dec. 21, 1918

No. 573  
6.476

Construction and Fill at Pier 57 North,  
Penn Treaty, 21 November 1919,  
Philadelphia Department of Records,  
City Archives.  
Negative 573.

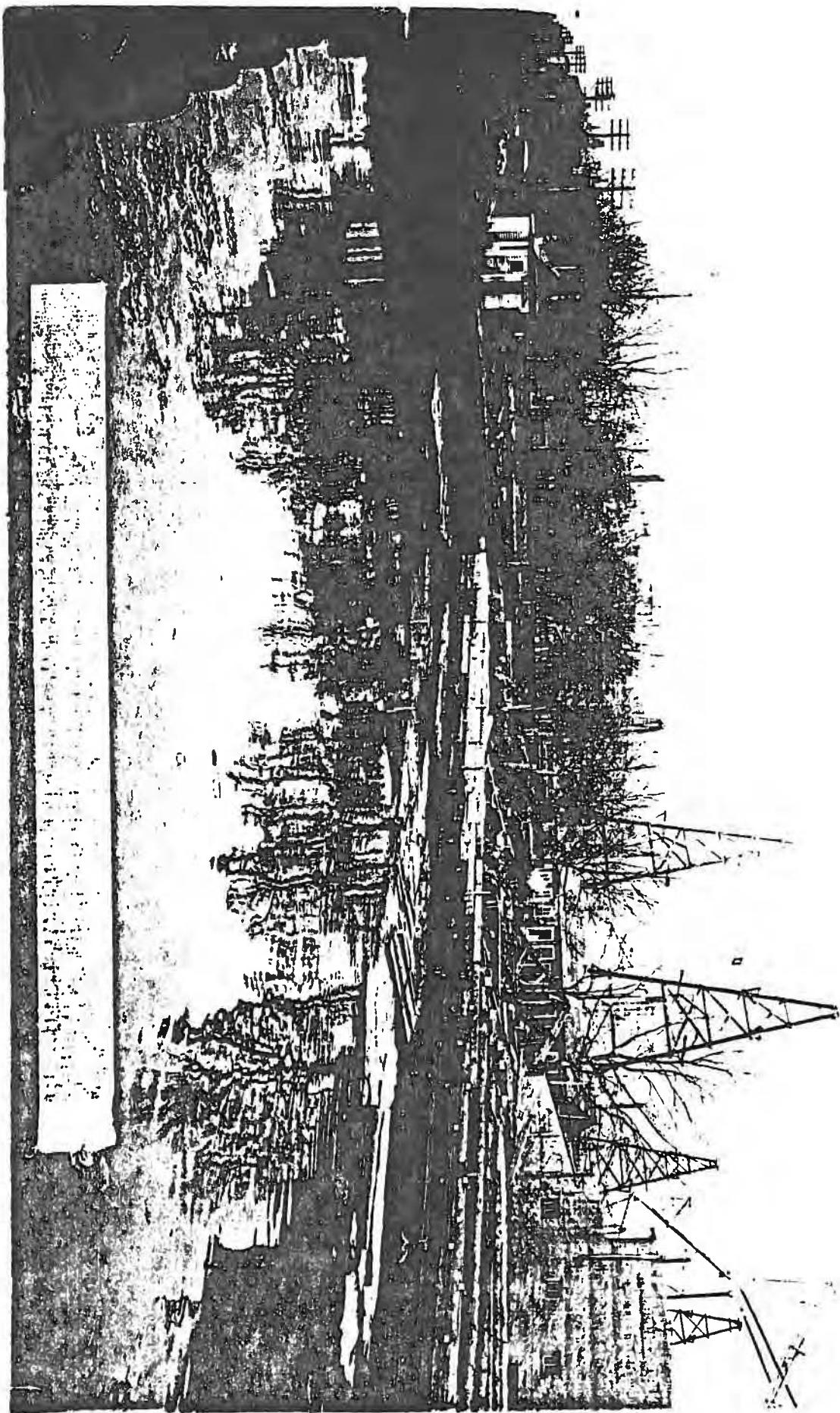
Figure L 7





Construction and Fill at Pier 57 North,  
Penn Treaty, 30 January 1920,  
Philadelphia Department of Records,  
City Archives.  
Negative 584.

Figure L 8

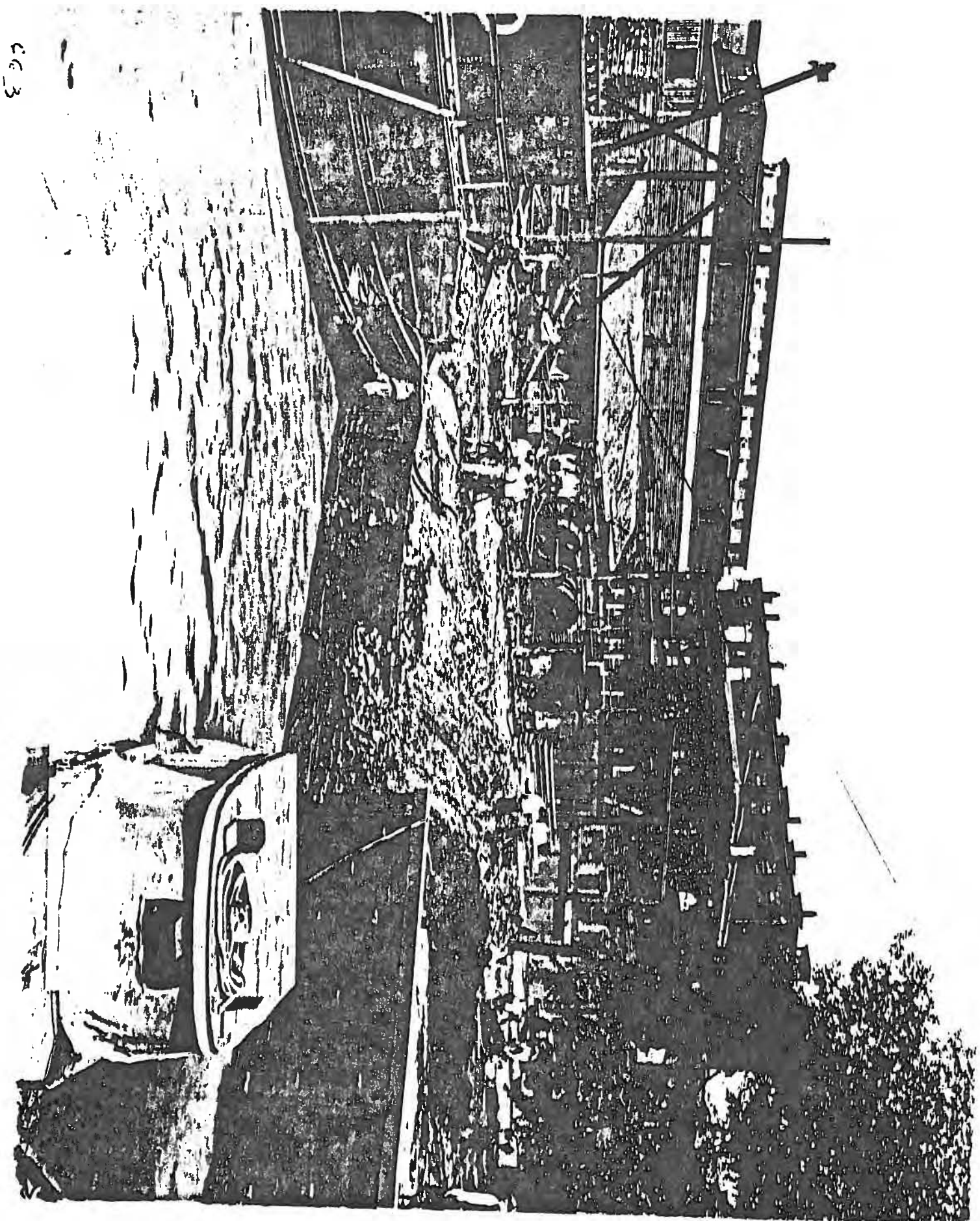


Construction and Fill at Pier 57 North,  
Penn Treaty, 30 January 1920,  
Philadelphia Department of Records,  
City Archives.  
Negative 585.

Figure L 9

85

1 30/20



463



Construction and Fill at Pier 57 North,  
Penn Treaty, 3 August 1920,  
Philadelphia Department of Records,  
City Archives.  
Negative 663.

Figure L 10

8-3  
1920

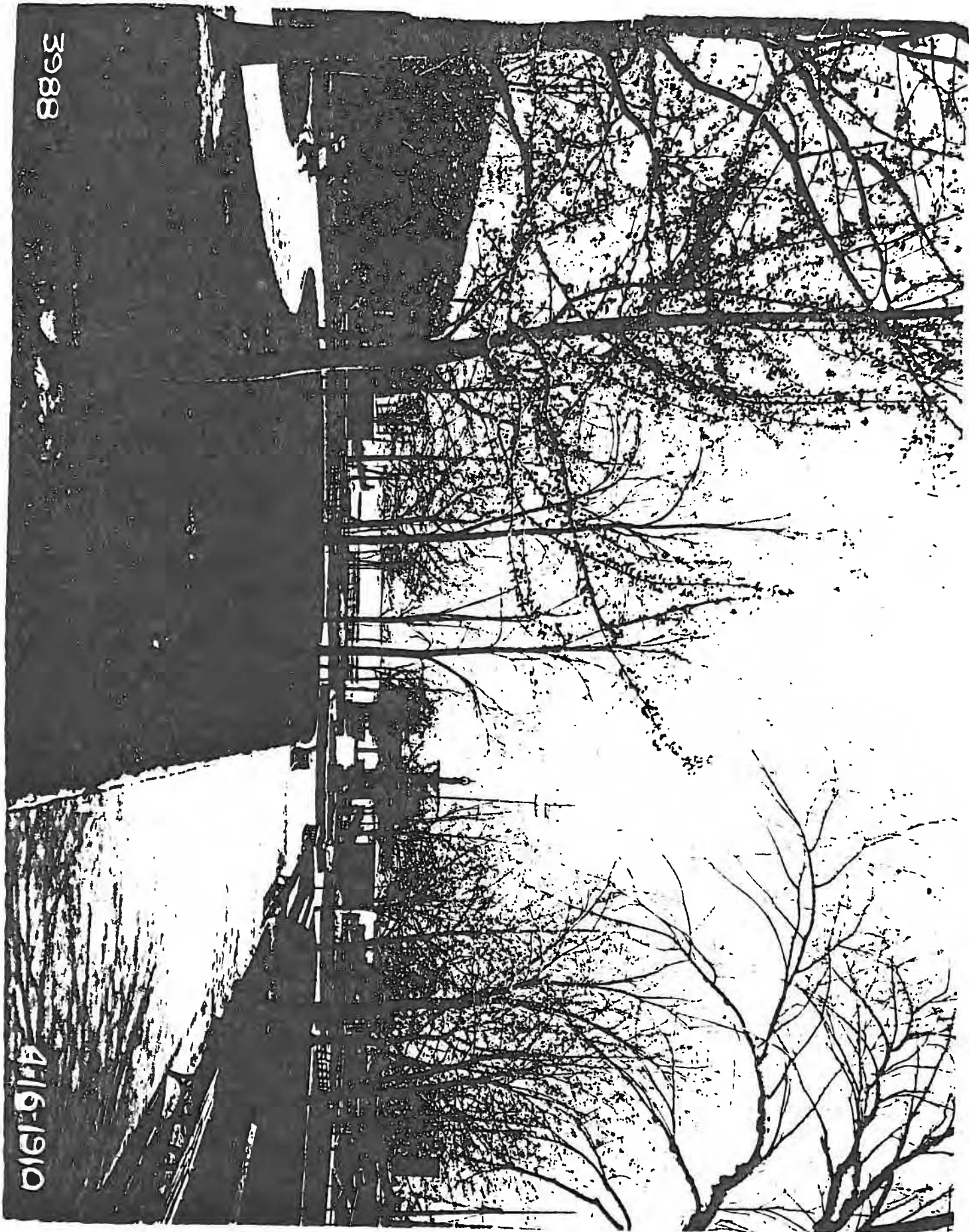
11

Construction and Fill at Pier 57 North,  
Penn Treaty, 20 October 1920,  
Philadelphia Department of Records,  
City Archives.  
Negative 711.

Figure L 11

3988

4/6/1910



Penn Treaty Park, 16 April 1910,  
Philadelphia Department of Records,  
City Archives.  
Negative 3988.

Figure M 1



447

PLATE NO. 10494  
BOSTON, MASS.  
NEGATIVE NO. 494  
BY THE PHOTOGRAPHIC

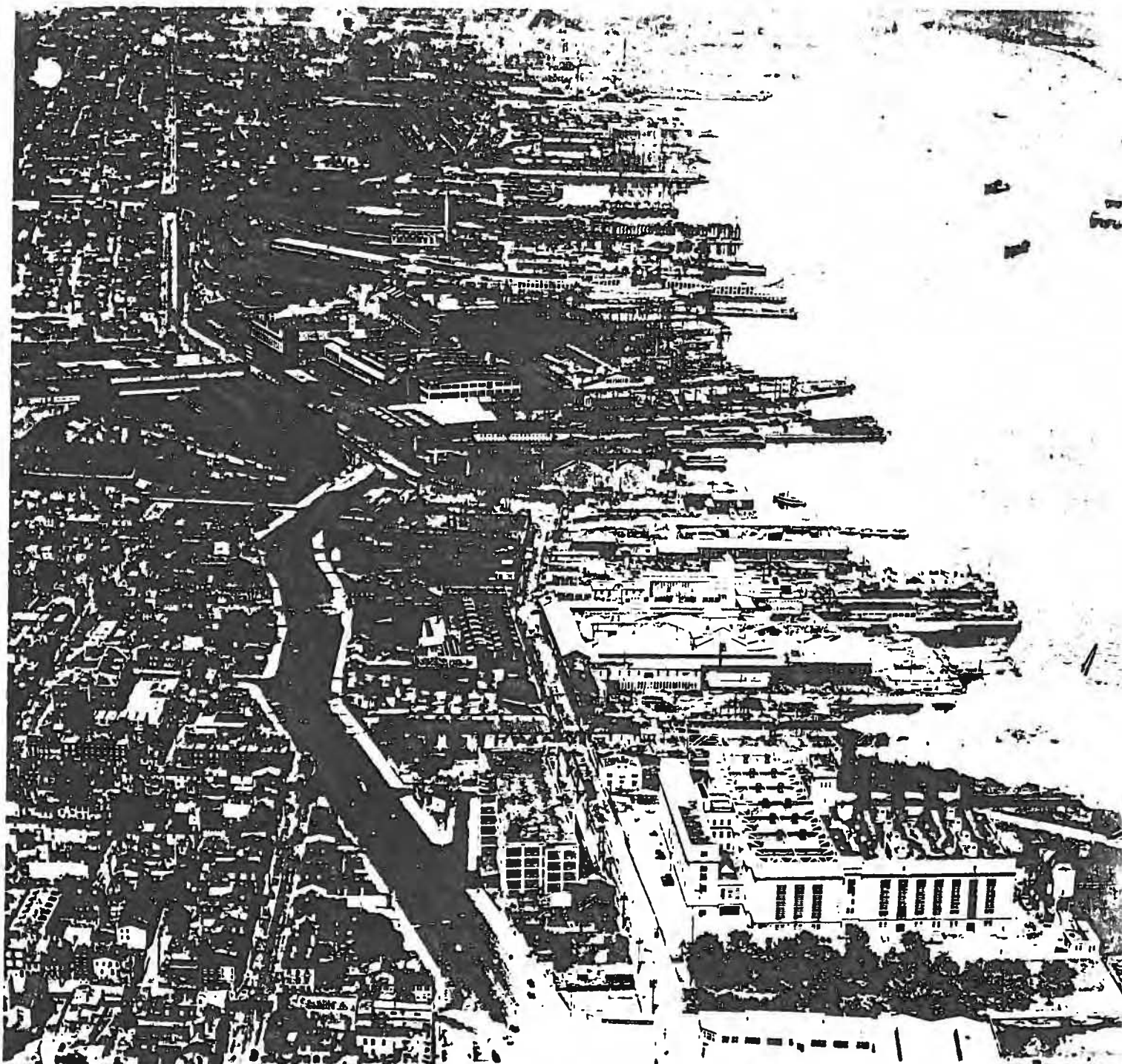


STOKLEY PHIL



Pier 57 North, Penn Treaty, 1919,  
Philadelphia Department of Records,  
City Archives.  
Negative 494.

Figure M 2



Aerial View, 1925.  
Philadelphia Department of Records,  
City Archives.  
Negative 11795.  
Penn Treaty Park appears in lower right  
corner.

Figure M 3

## **PENN TREATY PARK: GROWTH AND EVOLUTION**

**Planning, Preservation, Development and Facilities Management Division  
Fairmount Park Commission  
2008**





## ***Overview***

Long revered as a sacred spot in Philadelphia's history, Penn Treaty Park was formally established as a park on 28 October 1893. Nestled between shipyards, lumber wharves, and later the Delaware Generating Station of the Philadelphia Electric Company, the 1.771 acre park offered Fishtowners a relief from their cramped industrial neighborhood.<sup>1</sup>

As Baist's 1895 Map of Philadelphia (**Fig. 1**) indicates, the Park was long and narrow with some small curvilinear paths running from the central axis. The 1827 Penn Treaty memorial obelisk was situated in the northwest corner of the property. On its southern side the park was hemmed in by Columbia Avenue which ran to the river's bulkhead line. Beach Street bordered the park to the west as it does today. A central feature of Penn Treaty Park was Pier 57 which the City's Department of Wharves, Docks and Ferries improved in 1919. A small shelter on Pier 57 protected those boarding or disembarking from excursion vessels.

For most of the 20<sup>th</sup> century, Penn Treaty Park retained this basic form and footprint. Small administrative changes, such as Pier 57's utilization by the city's fireboats and the transfer of the Park to Fairmount Park in 1954 did not substantially alter the Park's area, circulation patterns, or recreational features. (**Fig. 2**) By the 1970s, Penn Treaty continued to be hemmed in by the PECO station to the north, the shops of the Penn Atlantic Millwork, Inc. across Columbia Avenue.

By the late 1970s, the abundance of brownfield land adjacent to the park enticed citizens and Fairmount Park officials to investigate expanding Penn Treaty. Real estate specialists from Fairmount Park and the Department of Public Property assessed several plots of land south of the Park and Columbia Avenue. In addition to parcels contiguous to the Park, the City evaluated two noncontiguous parcels (1501 Beach St. or Piers 66-67; and 1601 Beach St.) north of the Park and PECO's property. As evident from Robert W. Plank and Associates' 5 December 1979 assessment (**Fig. 3**), the key properties were 1201-11 N. Delaware or Piers 54 and 55 (Warner Company) and 1227-37 Beach St. or Pier 56 (Penn Atlantic Millwork, Inc.).

## ***Prior Disposition of Properties***

The City of Philadelphia contracted with two real estate assessors to estimate the price of the assembled parcels. These assessors also noted the prior use and condition of the land and existing market conditions.<sup>2</sup>

- 1.) **1201-11 N. Delaware Ave.:** Owned by Warner Company, specializing in storage and distribution of building materials. In 1979, it was leased as a lumber storage yard by Penn Atlantic Millwork, Inc.

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<sup>1</sup> Acreage total derived from 1958 *Annual Report of the Commissioners of Fairmount Park*.

<sup>2</sup> Robert W. Plank and Associates and Strouse Greenberg and Company supplied appraisals to the City.

- 2.) **1501 Beach Street:** Owned by Warner Company. In 1979, it was leased on a month to month basis and used for storage of tractor trailers.
- 3.) **1601 Beach Street:** Owned by Warner Company. In 1979, this site had a garage building which was rented and some land utilized as a truck repair facility.
- 4.) **Rear of 1227-37 Beach St.:** Owned by the Penn Atlantic Millwork, Inc. Several brick structures housing mill shops and the remains of Pier 56.

According to Fairmount Park records, the City of Philadelphia paid \$151,852.98 for the roughly 4.5 acres of 1201-11 N. Delaware Ave. to the south of Penn Treaty Park. This purchase was executed 16 October 1980. BRT records indicate the City also purchased the 1227-37 Beach St. property on 8 July 1983. **These two properties make up the expanded Penn Treaty Park.** Records also indicate that the City did not purchase 1501 Beach St and it remains in private hands. The current disposition of 1601 Beach St. is also unknown.<sup>3</sup>

### ***Construction and landscape modification***

Following the purchase of the properties from 1980-83, work on the site focused on stabilizing the properties to allow for park construction. Covered in debris, abandoned railroad spurs, and building materials, the existing conditions of the properties may have frustrated work. Additionally, both 1201-11 N. Delaware and 1227-37 Beach St. included severely deteriorated and unsafe piers. According to Park Engineer Thomas Kline, the shoreline was reconfigured from November 1982 through July 1983. Contractors removed portions of an old pier and filled a portion of a slip. Piers 54, 55 and 56 were dramatically reconfigured and rip rap was placed to protect the reconfigured shoreline. (Fig. 4-5) Columbia Avenue was also vacated east of Beach St. and stricken from the City Plan. The fishing pier was constructed in 1985 and the contract was closed in June 1986. See Fig. 6 for a photograph of final grading.

Design plans were furnished by Hexagon Architectural Group, Ltd. and the expanded Penn Treaty Park opened and rededicated in 1987. The assembled public and private land added 5.72 acres to Penn Treaty's original 1.771 acres. Currently, Penn Treaty Park covers 7.48681 acres.

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<sup>3</sup> These properties would have totaled close to 11 acres north of PECO's property and Penn Treaty Park.

Figure 1. Baist's 1895 Map of Philadelphia.

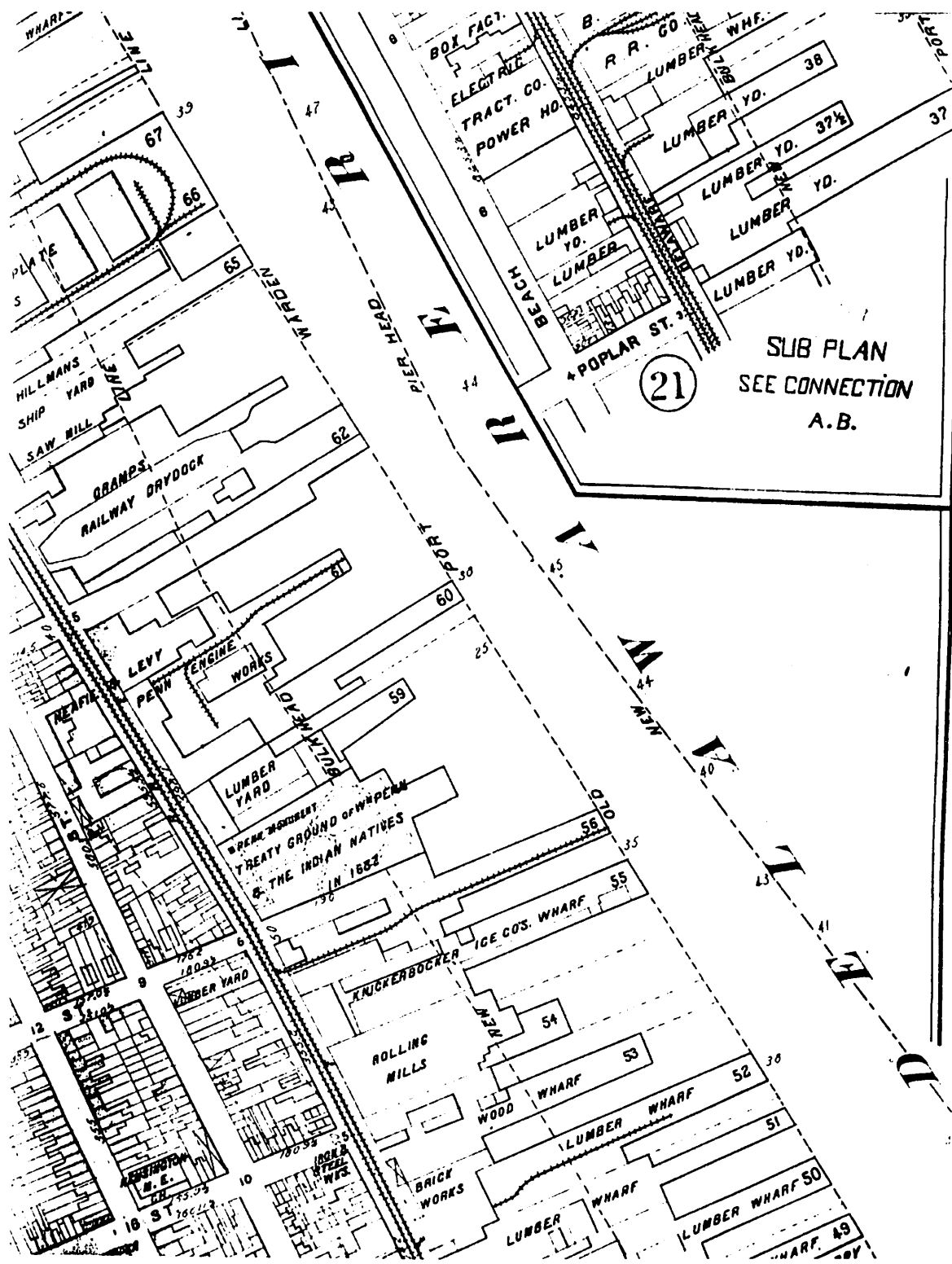
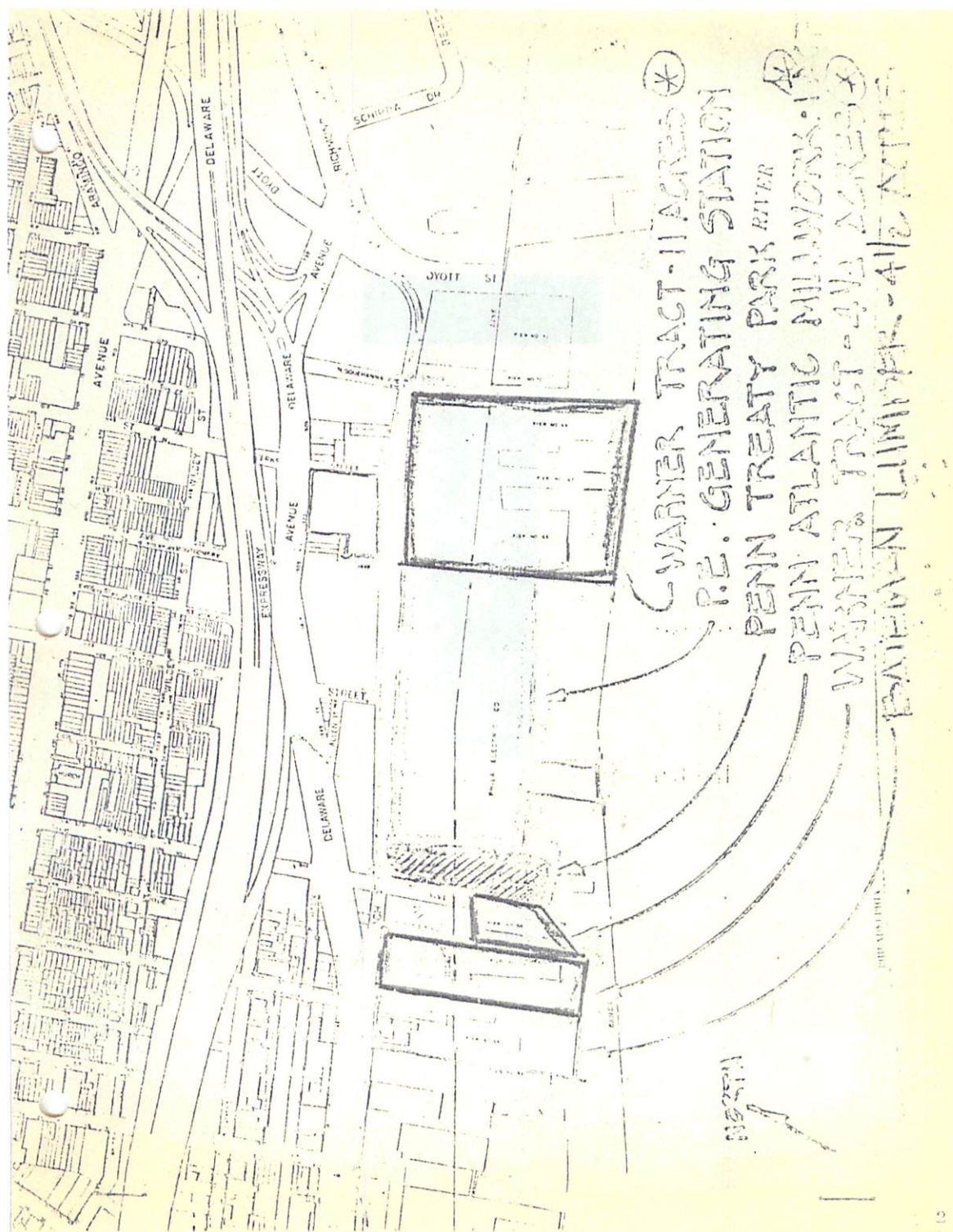


Figure 2. Penn Treaty Park in 1980.



Figure 3. From Robert W. Plank Assessment.





**Figure 4. Existing Conditions at 1201-11 N. Delaware Property**

**STROUSE  
GREENBERG** AND CO.  
TOTAL REAL ESTATE CAPABILITY

1201-11 North Delaware Avenue  
Looking East



1201-11 North Delaware Avenue  
Looking West



Figure 5. Conversion of piers. Underlay 1942 Land Use Map.



Figure 6. Completing grading and infilling, 1987.





<http://www.penntreatymuseum.org/park.php>

The dimensions of the original Penn Treaty Park were published in the *Philadelphia Inquirer* March 18, 1892. They were given as follows:

"Beginning at the east corner of Hanover (Columbia) and Beach Streets, thence extending along the southeast side of Beach street northeastward one hundred and forty-five feet nine and three-quarter inches, to a point on the line of land now or late of Edward W. Gorgas, thence along the same south twenty-eight degrees ten minutes fifty-five seconds, east six hundred and seventeen feet eight and one-quarter inches, more or less, to the Port Wardens' line in the river Delaware, thence along the same southwestward two hundred and sixty-six feet six inches, more or less, to the northeast line of Hanover street produced and thence along the same northwestward six hundred and eighteen feet more or less to the southeast side of Beach street, the place of beginning to be called Penn Treaty Park."

CERTIFICATION: This is a true and correct copy of  
the original Ordinance approved by the Mayor on

SEP 24 1980



Chief Clerk of the Council



(Bill No. 325)

AN ORDINANCE

Authorizing the Commissioner of Public Property to purchase in lieu of condemnation certain plots of ground with improvements thereon, situate on the southeasterly side of Beach street, southwestwardly from Columbia avenue for park purposes, under certain terms and conditions.

*The Council of the City of Philadelphia hereby ordains:*

SECTION 1. The City Solicitor is authorized to examine or cause to be examined title to the following described plots of ground with improvements thereon:

Plot No. 1

ALL THAT CERTAIN wharf property with the buildings and improvements thereon erected, situate in the Eighteenth Ward of the City of Philadelphia known as Pier No. Fifty-five north, and described according to a survey thereof made on the first day of September, 1923 by A. Zane Hoffman, Surveyor and Regulator of the Sixth District, as follows:

BEGINNING at a point on the southeasterly side of Beach street at the distance of one hundred and fifteen feet, three and three-quarters inches southwestwardly from Columbia avenue; thence extending along a line south twenty degrees, fifty-one minutes, twenty-seven seconds east two hundred fifty-two feet; nine and five-eighths inches to a point on the established bulkhead line; thence extending along said bulkhead line south fifty-eight degrees, twenty-one minutes, fifteen seconds West one hundred and six feet, five and one-quarter



inches to a point; thence extending along a line north twenty degrees, fifty-one minutes, twenty-seven seconds west two hundred and sixty-three feet, and five-eighths of an inch to a point on the southeasterly side of Beach street; thence extending northeastwardly along the same one hundred and five feet to the first mentioned point and place of beginning, and extending beyond the said bulkhead line in a southeasterly direction into the Delaware River, commencing at a point where the first line hereinabove mentioned meets the said bulkhead line; and thence extending along a line south twenty degrees, fifty-one minutes, twenty-seven seconds east five hundred sixty-six and seven inches to the pier head line along the Delaware River; and thence along the said pier head line in a southwesterly direction one hundred and eight feet, three and three-eighths inches to a point; thence northward twenty degrees, fifty-one minutes, twenty-seven seconds west five hundred and seventy-four feet, nine and seven-eighths inches to a point in the bulkhead line; thence along the said bulkhead line in a northeasterly direction, one hundred and six feet, five and one-quarter inches to a point and place of beginning, and extending still further into the Delaware River as far as the same does or of right ought to extend. Together with all riparian rights to the said lot belonging or in anywise appertaining thereto.

Plot No. 2

ALL THOSE TWO CERTAIN lots or pieces of ground with the buildings and improvements thereon erected, situate in the City of Philadelphia, respectively bounded and described as follows:

FIRST:—SITUATE on the southeasterly side of Beach street and northeasterly side of Marlborough street, in said City, containing in front or breadth on said Beach street, one hundred feet, and extending back, preserving the same width throughout, four hun-

dred feet to and into the Delaware River as far as the same does, or of right ought to extend; Bounded on the north by the lot of ground next hereafter described, on the east by the Delaware River, on the south by Marlborough street aforesaid, and on the west by Beach street aforesaid. SECOND:—Adjoining the lot of ground first herein described, situate on the southeast side of Beach street aforesaid at a point distant one hundred feet, two and one-quarter inches northeast from the northeast side of Marlborough street aforesaid; thence extending southeastwardly along the land first herein described, and crossing Delaware avenue, six hundred fifty-five feet, six inches more or less, to the Port Warden's line in the Delaware River; thence extending northeastwardly along said Port Warden's line thirty-five feet, six inches to a point; thence extending northwestwardly, re-crossing said Delaware avenue, and along land of the Knickerbocker Ice Company six hundred fifty-one feet, two inches more or less to the southeast side of Beach street aforesaid, and thence extending southwestwardly along said Beach street thirty-five feet and three-fourths of an inch to the place of beginning.

SECTION 2. If title to the premises is found to be good and marketable, the Commissioner of Public Property is authorized to enter into an agreement upon terms and in form satisfactory to the City Solicitor for the purchase in lieu of condemnation of the above plots of ground. The Fairmount Park Commission is authorized to use the premises for park purposes.

SECTION 3. The City shall obtain a fee simple title and the consideration shall not exceed \$150,000.

SECTION 4. The purchase price of the plots of ground and incidental expenses, including settlement costs, shall be charged against any present or future appropriations made to the Fairmount Park Commission for park purposes.

Approved the twenty-fourth day of March A.D. 1982.

WILLIAM J. GREEN,  
Mayor of Philadelphia.

\* Bill No. 1036

\* AN ORDINANCE

Confirming the sale of a certain lot or piece of City-owned ground, with the buildings and improvements thereon erected, situate 1631 Bainbridge street in the City of Philadelphia, and authorizing the Commissioner of Public Property to execute and deliver a deed to David Criden and Stuart Freemark for said premises, under certain terms and conditions.

*The Council of the City of Philadelphia hereby ordains:*

SECTION 1. The sale by the Commissioner of Public Property pursuant to the ordinance approved September 24, 1980 (Bill No. 249) of a certain lot or piece of City-owned ground, with the buildings and improvements thereon erected, situate 1631 Bainbridge street for the sum of Eleven thousand five hundred dollars (\$11,500.00) is hereby confirmed. Final settlement shall be made by the purchaser within one hundred and twenty days (120) of approval of this ordinance. The Commissioner of Public Property is authorized to pay out of the proceeds, at settlement, the cost of the appraisal.

SECTION 2. The Commissioner of Public Property is hereby authorized to execute and deliver a deed for the said property, upon compliance by the purchaser with the conditions of this ordinance.

Approved the twenty-fourth day of March A.D. 1982.

WILLIAM J. GREEN,  
Mayor of Philadelphia.

\* Bill No. 1049

\* AN ORDINANCE

Authorizing the Commissioner of Public Property to enter into an agreement for the purchase in lieu of condemnation of a plot of ground with buildings and improvements thereon, situate at the southeast side of Beach street and the southwest side of Columbia avenue, for park purposes, under certain terms and conditions.

*The Council of the City of Philadelphia hereby ordains:*

SECTION 1. The City Solicitor is authorized to examine or cause to be examined title to the following described plots of ground:

ALL THAT CERTAIN lot or piece of ground situate in the City of Philadelphia and described in accordance with a Plan of Property made December 4, 1981 by Lawrence J. Cleary, Surveyor and Regulator of the Third Survey District.

BEGINNING at a point on the southwesterly side of Columbia avenue (fifty feet wide) at the distance of three hundred fifty and six hundred forty-five thousandths feet southeastward from the point of intersection of the said southwesterly side of Columbia avenue and the southeasterly side of Beach street (fifty feet wide); thence extending South twenty degrees fifty-one minutes twenty-seven seconds East, along the said southwesterly side of Columbia avenue, the distance of four hundred forty-eight and four hundred thirty-six thousandths feet to a point on the Pierhead Line of the Delaware River (established by the Secretary of War January 5, 1894 and September 10, 1940); thence extending South fifty-four degrees four minutes ten seconds West, along the said Pierhead Line, the distance of one hundred nineteen and two hundred eleven thousandths feet to a point; thence extending North twenty degrees fifty-one minutes twenty-seven seconds West the distance of four hundred seventy-nine and four hundred thirty-seven thousandths feet to a point; thence extending North sixty-nine degrees eight minutes thirty-three seconds East the distance

of one hundred fifteen and one hundred ten thousandths feet to the said southwesterly side of Columbia avenue, the first mentioned point and place of beginning.

CONTAINING in area 1.225978 acres.

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements erected thereon, situate in the City of Philadelphia and described in accordance with a Plan of Property made December 4, 1981 by Lawrence J. Cleary, Surveyor and Regulator of the Third Survey District.

BEGINNING at the point formed by the intersection of the southwesterly side of Columbia avenue (fifty feet wide) with the southeasterly side of Beach street (fifty feet wide); thence extending South twenty degrees fifty-one minutes twenty-seven seconds East, along the said southwesterly side of Columbia avenue, the distance of two hundred forty-one and five hundred thirty-eight thousandths feet to the Bulkhead Line of the Delaware River as approved by the Secretary of War January 5, 1894 and September 10, 1940; thence extending South twenty degrees fifty-one minutes twenty-seven seconds East, still along the said southwesterly side of Columbia avenue, the distance of one hundred nine and one hundred seven thousandths feet to a point; thence extending South sixty-nine degrees eight minutes thirty-three seconds West the distance of one hundred fifteen and one hundred ten thousandths feet to a point; thence extending North twenty degrees fifty-one minutes twenty-seven seconds West the distance of eighty-seven and one hundred seventy-three thousandths feet to the said Bulkhead Line; thence extending North twenty degrees fifty-one minutes and twenty-seven seconds West the distance of two hundred fifty-two and eight hundred twenty-seven thousandths feet to the said southeasterly side of Beach street; thence extending North sixty-three degrees fifty-one minutes thirty-three seconds East, along the said southeasterly side of Beach street, the distance of one hundred fifteen and six hundred one thousandths to the first mentioned point and place of beginning.

CONTAINING in area 0.91253 acres.

SECTION 2. If title to the premises is found to be good and marketable, the Commissioner of Public Property is authorized to enter into an agreement upon substantially the following terms and conditions:

AGREEMENT OF SALE, dated this            day of 1981,            by and between THE LUMBER AND MILLWORK COMPANY OF PHILADELPHIA, a Pennsylvania Company ("Seller"), of the one part and THE CITY OF PHILADELPHIA ("Purchaser"), of the second part;

#### WITNESSETH

WHEREAS, Seller is the owner of the premises situate in the Fifth Ward of the City of Philadelphia, known as 1227-37 Beach street, described in Exhibit A, attached hereto and made a part hereof ("the premises") and

WHEREAS, Purchaser desires to purchase the premises in lieu of condemnation for a public purpose; and

WHEREAS, an ordinance is about to be introduced in the Council of the City of Philadelphia authorizing the purchase of the premises in two parts: (i) the rear portion of the property within ninety (90) days of the passage of the ordinance for the sum of two hundred thousand dollars, and (ii) the front portion of the property on or before June 30, 1983, for the sum of two hundred thousand dollars. The front portion is under lease to the Penn Atlantic Millwork, Inc. In the event the lease with Penn-Atlantic Millwork, Inc., terminates prior to June 30, 1983 ("the lease"), settlement will take place within ninety (90) days of the termination of the lease. In no event, however, will the sum of two hundred thousand dollars be due before June 30, 1983. No interest will accrue on the balance due.

The premises have been appraised by Seller at a value of approximately four hundred thirty thousand dollars. The premises are being sold for four hundred thousand dollars.

NOW, THEREFORE, with the intention of being legally bound hereby, the parties hereto agree as follows:

1. Purchaser hereby agrees to purchase the premises in lieu of condemnation described in Exhibit A for the sum of four hundred thousand dollars. The purchase price shall be payable as follows:

(i) The sum of two hundred thousand dollars at settlement of the rear portion;

(ii) The sum of two hundred thousand dollars on June 30, 1983, for the front portion of the premises.

2. It is further understood and agreed by and between Seller and Purchaser:

(a) This Agreement is subject to Purchaser's obtaining the approval of the Philadelphia City Council. Should the authorization to enter into this Agreement be refused, then Purchaser shall give Seller written notice of this refusal and this Agreement shall be null and void.

(b) When and if said Ordinance is adopted and approved, Purchaser shall fix a place and date for settlement of the rear portion of the premises within ninety (90) days of the passage of said Ordinance.

(c) Settlement for the front portion of the premises shall be on June 30, 1983, or on an earlier date if the lease between Seller and Penn-Atlantic Millwork, Inc., terminates. In the event of such early termination, settlement will take place within ninety (90) days of the notice of termination of the lease. Seller hereby agrees to give notice to Purchaser within fifteen (15) days of said early termination of the lease.

(d) The premises are to be conveyed free and clear of all liens, encumbrances, easements or other objections in the line of title except, however, the following: ordinances, easements and rights of way for roads, streets and highways and those objections to title as are of record. Otherwise, title to the said premises shall be good and marketable and such

as will be insured by any reputable title insurance company doing business in the City of Philadelphia at the regular rates. In the event that Seller is unable to give good and marketable title and such as will be insured by any reputable title insurance company, subject to the above exceptions, Purchaser shall have the option of taking such title as the Seller can give without abatement of price or of being repaid all monies paid on account of any title charges incurred; and in the latter event, there shall be no further liability or obligation by either of the parties hereto and this Agreement shall become null and void.

(e) Possession to be given to Purchaser at time of settlement by delivery of the deed and keys to vacant premises.

(f) This Agreement shall not be lodged for record in the Department of Records of the City of Philadelphia and shall extend to and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto. Formal tender of the deed and tender of monies is hereby waived.

(g) Water and sewer rents (including current cycle and excess charges) due and payable on the date of settlement shall be paid by Seller. Seller agrees to pay all ordinary closing costs involved in this transaction.

(h) City and School Real Estate Taxes which have been assessed against the premises for the current year will be apportioned to the date of settlement.

(i) Certificates evidencing that there are no outstanding notices of any uncorrected violations of the housing, building, safety, fire or zoning ordinances of this City shall be delivered to Purchaser in accordance with the Act of Assembly dated May 11, 1959, P.L. 303, as amended.

3. The risk of loss or damage to the premises by fire or other casualty until the delivery of the deed is assumed by the Seller. In the event of any fire or casualty loss prior to the delivery of the deed, which at the time of settlement prevents full use and occupancy of any portions of the premises, Purchaser shall have the right to refuse to proceed to

settlement and such right may be exercised with no liability to Purchaser.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties hereto have caused these presents to be properly executed on the day and year first above written.

CITY OF PHILADELPHIA

By: \_\_\_\_\_

THE LUMBER AND  
MILLWORK COMPANY  
OF PHILADELPHIA

By: \_\_\_\_\_

Attest: \_\_\_\_\_

SECTION 3. The City Solicitor shall make any additions or deletions that he deems necessary to best protect the interests of the City.

SECTION 4. The purchase price of the property and incidental expenses, including settlement costs shall be charged to the Fairmount Park Commission for park purposes.

Approved the twenty-fourth day of March A.D. 1982.

WILLIAM J. GREEN,  
*Mayor of Philadelphia.*

\* Bill No. 1119

• AN ORDINANCE

Amending an Ordinance approved May 29, 1981, relating to the Capital Program for the six Fiscal Years 1982-1987 by transferring from Fiscal 1981 to Fiscal 1982 projects and amounts, in various Departments.

*The Council of the City of Philadelphia hereby ordains:*

SECTION 1. The ordinance approved May 29, 1981, relating to the Capital Program for the Six Fiscal Years 1982-1987 is amended by transferring from Fiscal 1981 to Fiscal 1982 projects and amounts in various Departments, as follows:



CERTIFICATION: This is a true and correct copy of  
the original Ordinance approved by the Mayor on

**DECEMBER 20, 1988**



Chief Clerk of the Council



(Bill No. 277)

**AN ORDINANCE**

Authorizing the Commissioner of Public Property to purchase in lieu of condemnation, or to select and appropriate all that certain lot or parcel of ground situate at the southwest corner of Delaware and Columbia avenues for municipal facilities purposes.

*The Council of the City of Philadelphia hereby ordains:*

SECTION 1. The Commissioner of the Department of Public Property is authorized to purchase in lieu of condemnation, or if unable to reach an agreement with the owner or owners, or if the owner or owners are absent, incapacitated, or unknown by reason of which no agreement can be made, then to select and appropriate the plot of ground described in Exhibit A together with any improvements that may be found thereon for municipal facilities purposes.

SECTION 2. The following provisions shall apply to the purchase in lieu of condemnation of the plot of ground with any improvements that may be found thereon, described in Exhibit A ("the premises"):

(a) The City Solicitor is authorized to examine or cause to be examined title to the premises;

(b) If title to the premises is found to be good and marketable, the Commissioner of Public Property is authorized to enter into an agreement upon terms and in forms satisfactory to the City Solicitor for the purchase in

lieu of condemnation of the premises. The Fairmount Park Commission is authorized to develop the premises for municipal facilities purposes;

(c) The City shall obtain fee simple title.

SECTION 3. The following provisions shall apply to the selection and appropriation of the plot of ground with any improvements that may be found thereon described in Exhibit A ("the premises"):

(a) The Commissioner of Public Property shall execute a Declaration of Taking which the City Solicitor is authorized and directed to prepare and file with the appropriate court and to undertake any action necessary to carry out the intent and purposes of this Ordinance;

(b) The City shall acquire a fee simple title and the Fairmount Park Commission is authorized to develop the premises for municipal facilities purposes.

SECTION 4. This Ordinance shall take effect immediately.

#### EXHIBIT A

ALL THAT CERTAIN lot or piece of ground situate in the Fifth Ward of the City of Philadelphia and described in accordance with a Plan of Property made March 7, 1988 by Lawrence J. Cleary, Surveyor and Regulator of the Third Survey District:

BEGINNING at the point formed by the intersection of the southeasterly side of Delaware avenue (one hundred twenty feet wide) with the southwesterly side of Columbia avenue (fifty feet wide); thence extending south twenty degrees fifty-one minutes twenty-seven seconds east, along the said southwesterly side of Columbia avenue, the distance of sixty-five feet three and one-half inches to

a point; thence extending south sixty-three degrees fifty-one minutes thirty-three seconds west, along the northwesterly side of Beach street (fifty feet wide), the distance of two hundred twenty-four feet one and three-eighths inches to a point; thence extending north forty-eight degrees five minutes three seconds east, along the said southeasterly side of Delaware avenue, the distance of two hundred thirty-nine feet one and five-eighths inches to the first mentioned point and place of beginning.

CONTAINING in area 7285 square feet.