

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: November 20, 2018

SUBJECT: Report on Bill 22-979, “Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) and Extinguishment of Covenants Act of 2018”

The Committee of the Whole, to which Bill 22-979, the “Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) and Extinguishment of Covenants Act of 2018”¹ was referred, reports favorably thereon, with amendments, and recommends approval by the Council.

CONTENTS

I.	Background And Need.....	1
II.	Legislative Chronology.....	3
III.	Position Of The Executive.....	3
IV.	Comments Of Advisory Neighborhood Commissions	3
V.	National Capital Planning Commission Approval.....	3
VI.	Summary Of Testimony.....	4
VII.	Impact On Existing Law	4
VIII.	Fiscal Impact.....	4
IX.	Section-By-Section Analysis	4
X.	Committee Action.....	5
XI.	Attachments	5

I. BACKGROUND AND NEED

On September 18, 2018, Bill 22-979, the “Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) and Extinguishment of Covenants Act of 2018,”² was introduced by Chairman Mendelson. Bill 22-979 would approve the transfer of jurisdiction of a portion of Reservation 724 (Lot 896, less and except the northern portion previously retain by the District, and Lot 897 within Square 620) from the United States, by the Department of the Interior, National Park Service (NPS), to the District of Columbia. The purpose

¹ Introduced as the “Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) Act of 2018.”

² *Id.*

of the land transfer is to correct a scrivener's error in previous resolutions and the plat approved as part of a previous land transfer of the subject property.

The Council previously adopted legislation to authorize the closing of streets and alleys and the transfer of disposal of property to enable the redevelopment of the Sursum Corda Cooperative.³ The Sursum Corda redevelopment project is a Planned Unit Development (PUD) approved by the Zoning Commission. The plans call for consolidating the eight existing lots on the site, including land on which there are currently dedicated streets, and bifurcating the site with a private east-west road with the effect of creating two parcels – north and south. The parcels will be developed in two or three phases with the south parcel being developed first. The property will contain approximately 1,296,165 square feet of residential use and approximately 49,420 square feet of non-residential uses across five buildings. The project will also create approximately 1,131 dwelling units, including 199 affordable units. 136 of the affordable units will be set aside for the current residents of the site. In addition, the PUD and the plans call for a public park in the southwest portion of the property.

A portion of the land to become the park was previously under the jurisdiction of NPS. On November 7, 2017, the Council adopted legislation⁴ to authorize the transfer of two lots from NPS to the District to facilitate the improvement of the park space which would provide for pedestrian circulation along First Street, N.W. However, representatives for the Sursum Corda Cooperative and the Surveyor of the District of Columbia subsequently found that there was an error in the plat that was incorporated by legislation. The previously plat indicated the transfer of all of Lot 896. However, the District already owned a 3 ½ foot strip along the northern edge, thus that plat was never recorded. This legislation is necessary to approve the transfer incorporating the correct plat that will then be recorded by the Surveyor.

In addition, representatives for the Cooperative also found two 1968 covenants related to the original Sursum Corda development that are no longer necessary and require release by the District. The first covenant⁵ established an easement for the benefit of a property (Turnkey project) to the south that is currently controlled by the Housing Authority. That easement was to allow hot and cold water service from the Sursum Corda property to the adjacent property owner. However, the terms of the covenant were never executed because Sursum Corda never supplied the water services. Sursum Corda Cooperative furnished the Committee with a certification the easement is no longer necessary.⁶ The second covenant⁷ was to the benefit of the original Sursum Corda project and allowed for a permit to lay pipe and conduit in public space. The infrastructure that was eventually laid as a condition of the covenant is no longer needed. Both covenants are recorded with the Recorder of Deeds and legislative action is necessary to extinguish the covenants. These covenants were brought to the attention of the Committee at the hearing on Bill 22-979, and representatives of the Cooperative requested that the legislation also release those covenants. Thus, the committee print incorporates this change.

³ D.C. Law 21-173, "Omnibus Sursum Corda Development Act of 2016" (effective Dec. 8, 2016).

⁴ Resolution 22-298, "Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) Emergency Declaration Resolution of 2017" (effective Nov. 7, 2017).

⁵ Surveyor of the District of Columbia, Book 12912 at Page 444 (August 22, 1968).

⁶ Attached to this report.

⁷ Surveyor of the District of Columbia, Book 12935 at Page 296 (October 31, 1968).

The Sursum Corda redevelopment project will greatly benefit those residents of the Cooperative who wish to return to the site after the redevelopment, as well as the surrounding area. Moreover, site control for the park will enable the District and the developer to secure the park site against unauthorized access and to allow for vermin control which is a problem at the current site. Therefore, the Committee recommends approval of Bill 22-979, with amendments.

II. LEGISLATIVE CHRONOLOGY

- September 18, 2018 Bill 22-979, the “Relocation of a Passageway Easement in Square 696 Act of 2018” is introduced by Chairman Mendelson
- October 2, 2018 Bill 22-979 is officially “read” at the October 2, 2018 regularly scheduled Legislative meeting and referred to the Committee of the Whole.
- October 5, 2018 Notice of Intent to Act on Bill 22-979 is published in the *District of Columbia Register*.
- October 5, 2018 Notice of a Public Hearing on Bill 22-979 is published in the *District of Columbia Register*.
- October 23, 2018 The Committee of the Whole holds a public hearing on Bill 22-979.
- November 20, 2018 The Committee of the Whole marks-up Bill 22-979.

III. POSITION OF THE EXECUTIVE

Roland Driest, the Surveyor for the District of Columbia, presented the Executive Branch testimony. Mr. Driest testified that the legislation is necessary to correct an error in the original plat with regard to the NPS transfer of land to the District.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The committee received no comments from any Advisory Neighborhood Commissions.

V. NATIONAL CAPITAL PLANNING COMMISSION APPROVAL

By delegated action of the Chairman, dated March 2, 2017, the Chairman of the National Capital Planning Commission (“NCPC”) approved the proposed transfer of jurisdiction of a portion of Reservation 724 from NPS to the District. The letter is attached to this report.

VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 22-979, on Tuesday, October 23, 2018. The testimony summarized below is from that hearing specific to Bill 22-979. Copies of written testimony are attached to this report.

Leila Batties, Holland & Knight LLP, testified in support of the transfer of jurisdiction on behalf of the applicant Sursum Corda Cooperative. Ms. Batties provided background on the project and asked that the Council extinguish to covenants attached to the site.

Lonnie Durham, President, Sursum Corda Cooperative, testified in support of the transfer of jurisdiction and noted the benefits of the development project to his residents.

Roland Dreist, Surveyor for the District of Columbia, provided testimony which is summarized above.

VII. IMPACT ON EXISTING LAW

Bill 22-979 has no impact on existing law. The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201 *et seq.*) (“Act”) establishes procedures for closing streets and alleys, opening new streets and alleys, naming public spaces, and other procedures related to streets and alleys. Additionally, it authorizes the Council to close all or part of a street or alley. In approving Bill 22-979, the Committee affirms its past approval of the closure of the public alley and authorizes a relocation of the easement authorized in D.C. Law 17-120.

VIII. FISCAL IMPACT

The attached December 6, 2016 fiscal impact statement states that funds are sufficient in the FY 2019 through FY 2022 budget and financial plan to implement the bill.

IX. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	Short title.
<u>Section 2</u>	The Council approves the modified transfer of jurisdiction.
<u>Section 3</u>	Extinguishes two covenants.
<u>Section 4</u>	Adopts the Fiscal Impact Statement.
<u>Section 5</u>	Establishes the effective date by stating the standard 30-day congressional review language.

X. COMMITTEE ACTION

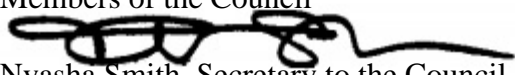
XI. ATTACHMENTS

1. Bill 22-979 as introduced
2. Written Testimony and comments.
3. NCPC Action.
4. Surveyor's Plat and aerial view of site location and context.
5. Fiscal Impact Statement for Bill 22-979
6. Legal Sufficiency Determination for Bill 22-979
7. Committee Print for Bill 22-979

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : October 01, 2018

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Friday, September 21, 2018. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) Act of 2018 ", B22-0979

INTRODUCED BY: Chairman Mendelson

The Chairman is referring this legislation to the Committee of the Whole.

Attachment

cc: General Counsel
Budget Director
Legislative Services



Chairman Phil Mendelson

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve the transfer of jurisdiction over U.S. Reservation 724 (Lot 896, less and except the northern portion previously retain by the District, and Lot 897 within Square 620) in the District of Columbia, from the United States of America, acting by and through the Department of the Interior, National Park Service, to the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) Act of 2018".

Sec. 2. (a) Pursuant to section 1 of An Act To authorize the transfer of public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161: D.C. Official Code § 10-111), the Council of the District of Columbia approves the transfer of jurisdiction of approximately 15,610 square feet of land area that is located approximately 30 feet to the east of the northeast corner of the intersection of First and L Streets, NW (Lot 896, less and except the northern portion previously retain by the District) and approximately 2,925 square feet of land area that occupies a 30-foot segment of the former First Street right of way (Lot 897), known collectively as U.S. Reservation 724 (Lots 896 and 897 within Square 620), as further identified on the attached map

35 Parcel”), from the United States, acting by and through the Department of the Interior, National
36 Park Service, to the District of Columbia.

37 (b) This approval is subject to the following restrictions:

38 (1) Lot 896 will continue to be used for recreational purposes;

39 (2) Lot 897 will continue to be used for pedestrian circulation, except that Lot
40 897 may be designed with a typical District Department of Transportation sidewalk section;

41 (3) Only administrative jurisdiction over the Parcel is hereby transferred and
42 that title to the transfer remains vested in the United States of America;

43 (4) The District of Columbia shall not transfer administrative jurisdiction of
44 the Parcel without the prior written approval of the National Park Service. The National Park
45 Service shall concur or object in writing 45 days after the receipt of any proposed transfer; and

46 (5) If, in the opinion of the National Park Service, facts or circumstances arise
47 that appear to be a material violation of any restriction, the National Park Service shall promptly
48 so notify the District in writing. The National Park Service and the District shall then use
49 diligent good-faith efforts to reach agreement regarding what, if any, corrective actions are
50 necessary and a schedule for completing such corrective actions, and the District shall initiate
51 corrective action within one hundred twenty (120) days of the notice of violation; and

52 (6) Nothing in this Declaration shall be construed as binding the United States
53 or the District to expend in any one fiscal year any sum in excess of appropriations made by
54 Congress for this purpose or to involve the United States or the District in any contract or other
55 obligation for this further expenditure of money in excess of such appropriations, 31 U.S.C.
56 §1341(a)(1). In addition, all obligations of the District provided herein shall be subject to the
57 limitations set forth in applicable federal law, D.C. Official Code § 47-105, the District of

58 Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01 et seq. (as the foregoing
59 statutes may be amended from time to time), and § 446 of the District of Columbia Home Rule
60 Act;

61 (7) The restrictions contained in this act shall bind the National Park Service
62 and the District and their assigns;

63 (8) The National Park Service and the District have the right specifically to
64 enforce these restrictions. This act is not intended to confer upon any entity other than the
65 National Park Service and the District and their assigns any rights or remedies hereunder.

66 (c) (1) This transfer of jurisdiction is approved in furtherance of Zoning Commission
67 Order No. 15-20, which provides for the construction and long-term maintenance of park space
68 on Lot 896, as a public benefit and project amenity for the planned unit development (the
69 "PUD") approved for the approximate adjacent 6.7 acres, which is the former site of the Sursum
70 Corda Cooperative.

71 (2) Office of the Deputy Mayor of Planning and Economic Development and the
72 property owner of the PUD shall enter into an agreement for the improvement and maintenance
73 of the park space on Lot 896 within 60 days of this act taking effect.

74 Sec. 3. Transmittal

75 The Secretary to the Council of the District of Columbia shall transmit a copy of this act,
76 upon effectiveness, to the Surveyor of the District of Columbia, the District of Columbia
77 Recorder of Deeds, the Executive Director of the National Capital Planning Commission, the
78 Speaker of the United States House of Representatives, the President Pro Tempore of the United
79 States Senate, the Director of the National Parks Service, and the Regional Director of the
80 National Capital Parks, National Service.

81 Sec. 4. Fiscal Impact Statement

82 The Council adopts the fiscal impact statement in the committee report as the fiscal
83 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
84 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

85 Sec. 5. Effective date.

86 This act shall take effect following approval by the Mayor (or in the event of veto by the
87 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
88 provided in section 602(c)(1) of the District of Columbia Home Act, approved December 24,
89 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
90 Columbia Register.

TESTIMONY OF
LEILA M. JACKSON BATTIES, ESQ.

PUBLIC HEARING FOR BILL 22-979
TRANSFER OF JURISDICTION OF NPS SITE AT FIRST & L STREETS, NW

- Represent Toll Brothers and L&M Development with redevelopment of former Sursum Corda site.
- Benefits and amenities package for the approved PUD at the Sursum Corda site provides for the improvement and maintenance of park site at First & L Street, subject to the transfer of administrative jurisdiction of the park site from the National Park Service to the District.
- Sursum Corda and now Toll Brothers has been working with the National Park Service and the District agencies to facilitate the transfer of jurisdiction because it's good for project.
- Council previously adopted a resolution approving the transfer of jurisdiction, but referenced all of Lot 896. The pending legislation corrects legal description for that portion of Lot 896 owned by the National Park Service by lessing out the northern 3.5 feet strip of land retained by the District.
- Timing for the transfer of jurisdiction and the improvement of the park site is more critical because of the pending raze permit applications and the public safety concerns.
- Toll supports that provision in the legislation that establishes a 60-day time frame for DMPED and Toll to enter into agreement for the improvement and maintenance of park site.
- Toll would propose that the agreement include as a first phase of the improvement fencing off the park site to enhance the safety of the area.
- There are two 1968 covenants related to the development of the site that are no longer necessary and require release by District. We would like legislation to include the District's release of the covenants.
- First covenant: Dated May 31, 1968, establishes an easement for the benefit of the Turnkey property to the south, which is controlled by the Housing Authority. The facilities intended under the agreement were not supplied nor requested.
- Second covenant: Recorded October 12, 1968, by Sursum Corda as a condition for the issuance of a permit to lay pipe and conduit in public space. With the development of the property, the infrastructure that is the subject of the covenant is no longer needed.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs



Public Hearing on

**Bill No. 22-963, the “Relocation of a Passageway easement in Square 696 Act of 2018”
and**

**Bill No. 22-979, the “Revised Transfer of Jurisdiction over U.S. Reservation 724 (lots 896
and 897 within Square 620) Act of 2018”**

**Testimony of
Roland Dreist
Surveyor of the District of Columbia
Department of Consumer and Regulatory Affairs**

Before the

Committee of the Whole

Chairman Phil Mendelson

Council of the District of Columbia

October 23, 2018

11:00 am

Room 120

**John A Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Testimony of Roland Dreist regarding B22-906 and B22-979

Good Morning, Chairman Mendelson, Committee Members, and staff. I am Roland Dreist, Surveyor of the District of Columbia. I appear before you today to present the Executive's testimony on Bill No. 22-963, "Relocation of a Passageway Easement in Square 696 Act of 2018" and Bill No. 22-979, "Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) Act of 2018."

Bill 22-963 would relocate an existing passageway easement that was originally shown on an alley closing plat recorded April 29, 2010, in Subdivision Book 203, Page 7 in the Office of the Surveyor. Lot 23 in Square 696 is a single lot encompassing the entire Square. The Square is bounded by I street S.E., 1st Street S.E., K Street S.E., and Half Street S.E. The owner of the lot, Congressional Square, is working with the District Department of Transportation (DDOT) to establish a new public access easement, which will be recorded at the Recorder of Deeds. The new instrument number as well as the closing or extinguishment of the existing easement will be reflected on a plat recorded in the Office of the Surveyor. For reference, I have included a copy of the plat with my testimony. The existing covenant for the easement being extinguished, recorded on March 27, 2008, would be released under the bill because it is tied to the easement location. As a result, the new public access easement agreement for the care of the relocated easement will be recorded to replace the original covenant.

Bill 22-979 would approve the transfer of jurisdiction over U.S. Reservation 724 in the District of Columbia (Lot 896, less and except the northern portion previously retained by the District, and Lot 897, within Square 620). The transfer would be from the United States of America, acting by and through the Department of Interior, National Park Service, to the District of Columbia. The Council previously adopted resolutions (R22-0298 and R22-0299) approving this transfer. This bill would correct a scrivener's error in the resolutions and the plat concerning

Testimony of Roland Dreist regarding B22-906 and B22-979

Lot 896, which described the entirety of the lot as being transferred. The current bill correctly states that a portion of the lot will be transferred. A Transfer of Jurisdiction plat will be recorded in the Office of the Surveyor reflecting this transfer. I have included a copy of this plat with my testimony.

This concludes my testimony. I appreciate the opportunity to appear before you today and am happy to answer any questions you may have. Thank you.



Delegated Action of the Chairman

PROJECT Transfer of Jurisdiction of US Reservation 724 from the National Park Service to the District of Columbia Intersection of First and L Street, NW Washington, DC	NCPC FILE NUMBER 7859
SUBMITTED BY United States Department of the Interior National Park Service	NCPC MAP FILE NUMBER 31.30(63.00)44500
	ACTION TAKEN Approve as requested
	REVIEW AUTHORITY Approval Per 40 U.S.C. § 8124(a)

The National Park Service (NPS) has requested approval of a transfer of jurisdiction of Lots 896 and 897 in Square 620 (US Reservation 724) to the District of Columbia for park improvements and pedestrian circulation purposes. The site is located in the northwestern quadrant of Washington, DC, approximately four blocks north of Union Station. The property is a 0.44-acre neighborhood park that primarily serves the residents of the Sursum Corda community. US Reservation 724 is bordered by First Street, NW to the west, L Street, NW to the south, and 1st Terrace, NW to the east. The property is located within the Sursum Corda Cooperative Apartments, a 199-unit low-income housing complex constructed in 1968 that will be demolished to allow for a new mixed-use residential development.

NCPC has previously reviewed two related projects. On December 3, 2015, the Commission reviewed a street closure and right-of-way dedication in Square 620 necessary to facilitate the proposed redevelopment (NCPC File # 7734). On May 5, 2016, the Commission reviewed the Sursum Corda Cooperative Association First Stage Planned Unit Development (PUD) and Related Map Amendment at Square 620 (NCPC File # ZC 15-20).

While the park is under the jurisdiction of NPS, the District has maintained it for many years. The transfer of jurisdiction will formally assign administrative jurisdiction over the property to the District. The District wishes to enter into an agreement with the Sursum Corda developer for the improvement and long-term maintenance of the property. The Statement of Jurisdiction establishes covenants regarding the District's administration of the land, including the requirement that the transferred property continues to be used for recreational and pedestrian circulation purposes.

Lot 896 is currently used for recreational purposes and consists of approximately 15,608 square feet of land area. Lot 896 is located approximately 30 feet to the east of the northeast corner of the intersection of First and L Streets, NW. Lot 897 is currently used for pedestrian circulation along First Street and consists of approximately 2,925 square feet of land area occupying a 30-foot segment of the former First Street right of way. The District has requested that NPS transfer administrative jurisdiction of US Reservation 724 in order to facilitate the improvement of the park space and enhance pedestrian circulation along First Street. Lot 896 will continue to be used for recreational purposes and Lot 897 will continue to be used for pedestrian circulation.

NCPC and NPS each have an independent responsibility to comply with the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA). Pursuant to the National Environmental Policy Act (NEPA), NPS has determined that this project qualifies as a categorical exclusion (CATEX), pursuant to Chapter 3 of the National Park Service NEPA Handbook, 2015. NPS is relying upon CATEX #C.2, which pertains to actions related to development, specifically "land exchanges which will not lead to significant changes in the use of land." NCPC staff has independently reviewed the project information and has determined that the project meets NCPC's categorical exclusion §8(C)(22) of the Commission's Environmental and Historic Preservation Policies and Procedures. This categorical exclusion pertains to the "review and approval of land exchanges or transfer of jurisdiction that will not lead to anticipated changes in the use of land and that have no potential for environmental impact." Prior to applying this categorical exclusion, NCPC staff determined that no extraordinary circumstances were present as required by the Commission's NEPA procedures.

The NPS determined that the transfer of jurisdiction did not have the potential to cause effects on historic properties in accordance with 36 CFR 800.3(a)(1) and in conformance with the *NPS Management Policies and Cultural Resource Management Guideline*. NCPC's approval of the transfer of jurisdiction also does not have the potential to cause effects on historic properties in accordance with 36 CFR 800.3(a)(1). The transfer of jurisdiction is an administrative action that will facilitate improvements to an existing park to better serve the redeveloped neighborhood and will not lead to significant changes in the use of the land. Therefore, approval of this action does not have the potential to cause effects on historic properties.

The Coordinating Committee reviewed the proposal at its February 8, 2017 meeting. Without objection, the Committee forwarded it to the Commission with the statement that the project has been coordinated with all participating agencies. The participating agencies were NCPC; the General Services Administration; the Washington Metropolitan Area Transit Authority; the National Park Service; the District of Columbia Office of Planning; the State Historic Preservation Office; the District Department of Transportation; and the District Department of Energy and Environment.

* * *

Pursuant to delegations of authority adopted by the Commission on December 14, 1977 and per 40 U.S.C. § 8124(a), I approve the transfer of jurisdiction of US Reservation 724 (Lots 896 and 897) in Square 620, from the National Park Service to the District of Columbia. Reservation 724 is located at the northeast corner of the intersection of First and L Streets, NW in Washington, DC. The transfer includes a 0.44-acre parcel for recreational and pedestrian circulation purposes.



L. Preston Bryant, Jr.
Chairman

3/2/17

Date

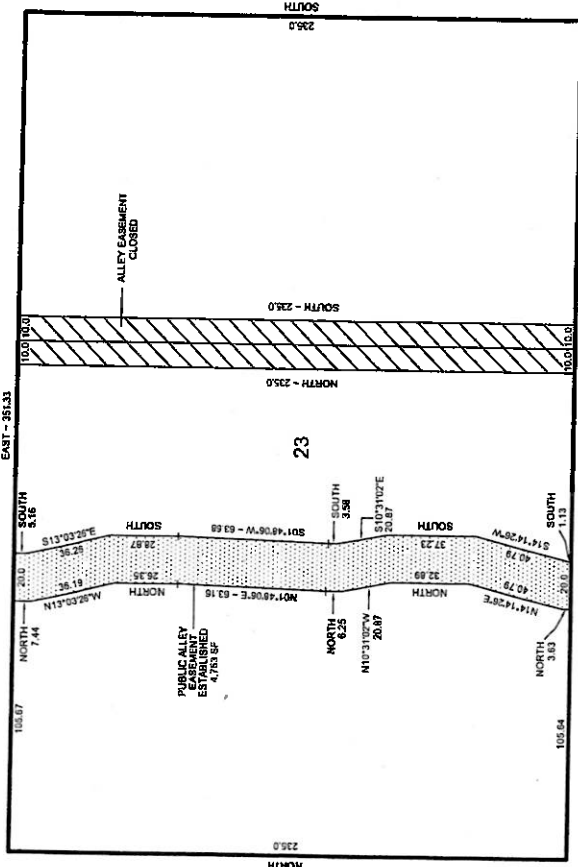
PUBLIC ALLEY EASEMENT CLOSED AND A PUBLIC ACCESS EASEMENT SHOWN SQUARE 696

PURSUANT TO D.C. LAW EFFECTIVE
THE PUBLIC ALLEY EASEMENT SHOWN THUS: IS CLOSED
AND PUBLIC EASEMENT SHOWN THUS: IS ESTABLISHED
FOR NON VEHICULAR USE AND RECORDED AT THE RECORDER OF
DEEDS AS INSTRUMENT # _____ DATED _____

OFFICE OF THE SURVEYOR, D.C.
_____, 2016

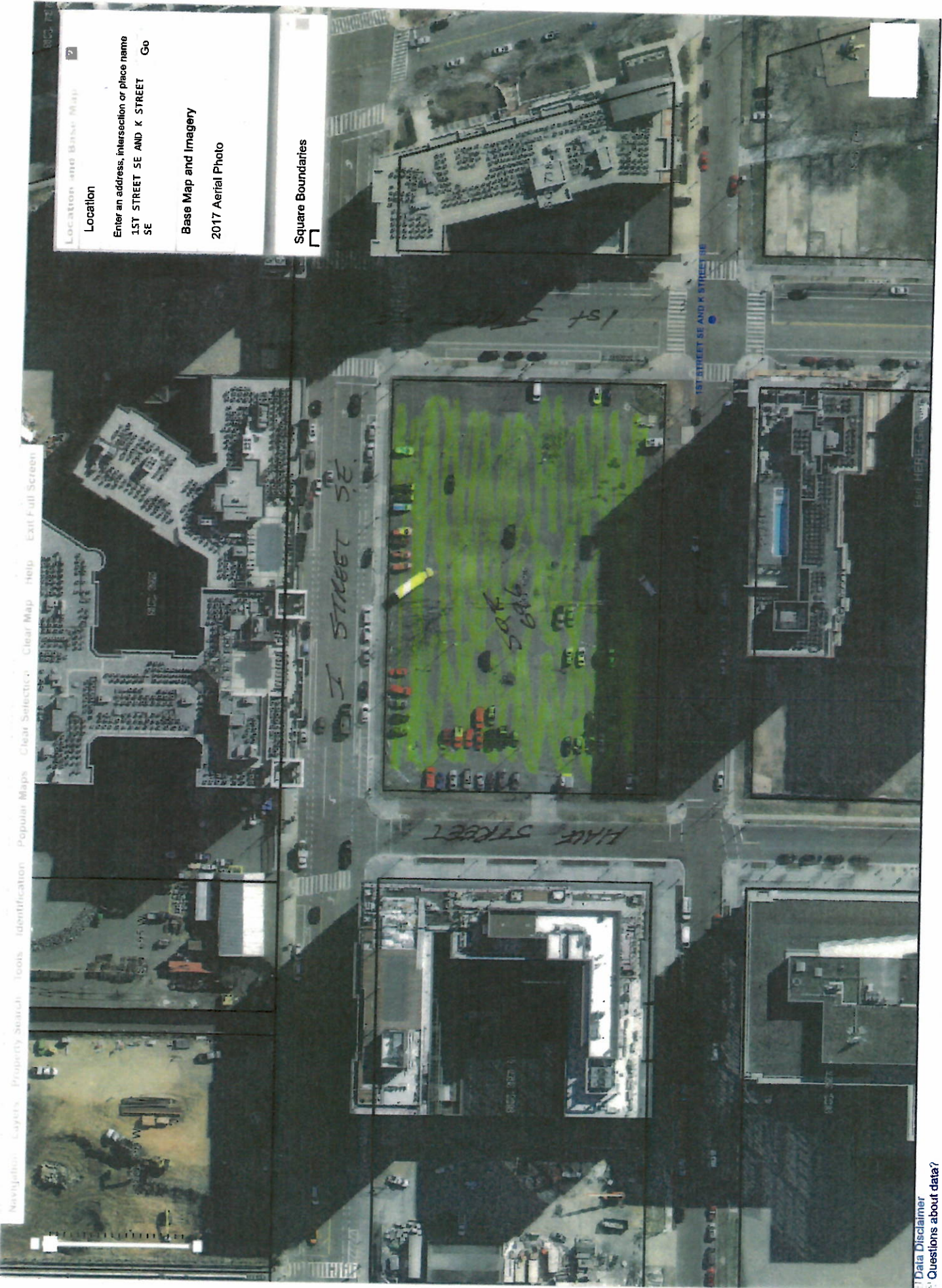
I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.



SURVEYOR'S OFFICE, D.C.

Made by: HOLLAND & KINSHT
 Drawn by: L.E.S. Checked by: _____
 Record and computation by: B. JAYERS
 Recorded at: _____ Page: 3A-19-00135
 Record in Book: _____ File No: 19-041749
 Scale: 1 inch = 30 feet
 2016 ALLEY CLOSING 690-19-00135-50.686



1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **November 20, 2017**

4
5
6 A BILL

7
8 22-979
9

10
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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15

16 To authorize the transfer of jurisdiction over U.S. Reservation 724 (Lot 896, less and except the
17 northern portion previously retain by the District, and Lot 897 within Square 620) in the
18 District of Columbia, from the United States of America, acting by and through the
19 Department of the Interior, National Park Service, to the District of Columbia, and to
20 extinguish covenants within Square 620.

21
22 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
23 act may be cited as the “Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896
24 and 897 within Square 620) and Extinguishment of Covenants Act of 2018”.

25 Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved
26 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with section 1
27 of An Act To authorize the transfer of public land in the District of Columbia, approved May 20,
28 1932 (47 Stat. 161; D.C. Official Code § 10-111), the Council of the District of Columbia
29 authorizes the transfer of jurisdiction of approximately 15,610 square feet of land area that is
30 located approximately 30 feet to the east of the northeast corner of the intersection of First and L
31 Streets, NW (Lot 896, less and except the northern portion previously retain by the District) and
32 approximately 2,925 square feet of land area that occupies a 30-foot segment of the former First
33 Street right of way (Lot 897), known collectively as U.S. Reservation 724 (Lots 896 and 897

34 within Square 620), as further identified on the map included in the committee report (“the
35 Parcel”), from the United States, acting by and through the Department of the Interior, National
36 Park Service, to the District of Columbia.

37 (b) This authorization is subject to the following restrictions:

38 (1) Lot 896 shall continue to be used for recreational purposes;

39 (2) Lot 897 shall continue to be used for pedestrian circulation, except that Lot
40 897 may be designated with a typical District Department of Transportation sidewalk section;

41 (3) Only administrative jurisdiction over the Parcel is hereby transferred and that
42 title to the transfer remains vested in the United States of America;

43 (4) The District of Columbia shall not transfer administrative jurisdiction of the
44 Parcel without the prior written approval of the National Park Service. The National Park
45 Service shall concur or object in writing 45 days after the receipt of any proposed transfer; and

46 (5) If, in the opinion of the National Park Service, facts or circumstances arise
47 that appear to be a material violation of any restriction, the National Park Service shall promptly
48 so notify the District in writing. The National Park Service and the District shall then use
49 diligent good-faith efforts to reach agreement regarding what, if any, corrective actions are
50 necessary and a schedule for completing such corrective actions, and the District shall initiate
51 corrective action within 120 days of the notice of violation; and

52 (6) Nothing in this Declaration shall be construed as binding the United States or
53 the District to expend in any one fiscal year any sum in excess of appropriations made by
54 Congress for this purpose or to involve the United States or the District in any contract or other
55 obligation for this further expenditure of money in excess of such appropriations, 31 U.S.C.
56 §1341(a)(1). In addition, all obligations of the District provided herein shall be subject to the
57 limitations set forth in applicable federal law, D.C. Official Code § 47-105, the District of

58 Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01 et seq. (as the foregoing
59 statutes may be amended from time to time), and § 446 of the District of Columbia Home Rule
60 Act;

61 (7) The restrictions contained in this resolution shall bind the National Park
62 Service and the District and their assigns; and

63 (8) The National Park Service and the District have the right specifically to
64 enforce these restrictions. This resolution is not intended to confer upon any entity other than the
65 National Park Service and the District and their assigns any rights or remedies hereunder.

66 Sec. 3. Extinguishment of Covenants

67 (a) Notwithstanding any other law, the covenant between Sursum Corda, Inc. and the
68 National Capital Housing Authority dated May 31, 1968, recorded in the Recorder of Deeds
69 against Square 620, Lots 248, 249, and 250 and recorded in Book 12912 at page 444 on August
70 22, 1968, is extinguished.

71 (b) Notwithstanding any other law, the covenant between the Commissioner of the
72 District of Columbia and Sursum Corda Inc., under the Act of December 20, 1944, 58 Stat. 819,
73 as made applicable by the Reorganization Plan No. 3 of 1967 dated June 28, 1968, recorded in
74 the Recorder of Deeds against Square 620, Lots 248, 249, and 250 and recorded in Book 12935
75 at page 296 on October 31, 1968, is extinguished.

76 Sec. 4. The Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within
77 Square 620) Emergency Approval Resolution of 2017, approved November 10, 2017 (D.C.
78 Resolution 22-299; 64 DCR 50) is repealed.

79 Sec. 5. Fiscal Impact Statement

80 The Council adopts the fiscal impact statement in the committee report as the fiscal
81 impact statement required by section 4a of the General Legislative Procedures Act of 1975,

82 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

83 Sec. 6. Effective date.

84 This act shall take effect following approval by the Mayor (or in the event of veto by the
85 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
86 provided in section 602(c)(1) of the District of Columbia Home Act, approved December 24,
87 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
88 Columbia Register.