

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: June 4, 2019

SUBJECT: Report on Bill 23-12, “Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 Act of 2019”

The Committee of the Whole, to which Bill 23-12, the “Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 Act of 2019” was referred, reports favorably thereon, 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	4
V.	National Capital Planning Commission Review.....	4
VI.	Summary Of Testimony.....	4
VII.	Impact On Existing Law	4
VIII.	Fiscal Impact.....	5
IX.	Section-By-Section Analysis	5
X.	Committee Action.....	5
XI.	Attachments	6

I. BACKGROUND AND NEED

On January 4, 2019, Bill 23-12, the “Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 Act of 2019” was introduced by Chairman Mendelson at the request of the Mayor. Bill 23-12 would authorize closure of a portion of a public street adjacent to Squares 3760 and 3766, bounded by Riggs Road. The applicant is the Deputy Mayor for Planning and Economic Development. The purpose of the partial street closure is to allow for the disposition of a portion of the property to developer for imminent development.

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. The Act authorizes the Council to close all or part of a street or alley, and establishes one standard for reviewing a street or alley closing application:

whether the street or alley is determined by the Council to be needed for street or alley purposes. The Act also authorizes the Council to make approval of a street or alley closing contingent upon: (1) the dedication of land for street or alley purposes if the public interest would be served by such action; (2) the granting to the District of specific easements for public purposes; and (3) any other condition that the Council considers necessary.

Pursuant to the Act, street and alley closing applications are submitted to the Surveyor of the District of Columbia who assigns a Surveyor's Order (S.O.) number and collects applicable fees. The Surveyor requests comments from executive branch agencies and public utilities. A plat is prepared and the application is forwarded through the Mayor's Office of Policy and Legislative Affairs, which also solicits comments from executive branch agencies. When these reviews are completed, the application is transmitted to the Council in the form of a bill from the Mayor. Council members may also initiate action on an alley or street closing on their own by introducing a bill. In such cases, the Act provides that the Council cannot consider such a bill until the required reviews have been completed. Regarding Bill 23-12, all of the reviews have been completed without objection.

The Act establishes notice requirements for street and alley closing legislation. The Council is required to publish notice of a street or alley closing in the *District of Columbia Register*. Further, the applicant is required to give written notice to all property owners abutting a block or alley affected by the proposed street or alley closure. The applicant is also required to post signs at each end of a block or each entrance to an alley affected by the street or alley closing legislation. The applicant is required to give the Council certification of compliance with these requirements. Regarding Bill 23-12, these requirements have been met.

After the street or alley closing legislation becomes law and all conditions required by the Council and the Act have been satisfied, the Surveyor records a copy of the act and plat in the Office of the Surveyor. Thereafter, the street or alley is deemed closed and title to the land reverts or vests in fee simple to the abutting record owners as shown on the plat. The land becomes subject to tax and zoning laws in the same manner as the abutting land. The right of the public to use the street or alley typically ceases, and any proprietary interest of the United States or the District of Columbia in the street or alley ceases. If a closing plat shows an easement or dedication of land for public purposes, the land encompassed by the easement or dedication becomes available for the specified public purposes.

The Development Project

The portion of South Dakota Avenue N.E. to be closed covers land formerly functioning as right turn slip lanes for southeast and northbound traffic. The lanes were removed in 2012 as part of an intersection realignment project intended to facilitate future land development. The development team of JBG Associates LLC and EYA Development LLC proposed a development plan to provide affordable housing, market-rate housing, and retail space in 2014. The project will create approximately 26,000 square feet of ground floor retail and 180 for-sale townhomes and loft-style units, with units affordable to families earning 50 percent and 80 percent of area median income (AMI). Council approved the development plan in 2016 via the "South Dakota Avenue

Riggs Road Excess Property Disposition Approval Resolution of 2016” (R21-717; 64 D.C. Reg 11441).

II. LEGISLATIVE CHRONOLOGY

- October 1, 2018 Bill 22-90, the “Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 Act of 2018” is introduced by Chairman Mendelson at the request of the Mayor.
- October 2, 2018 Bill 22-90 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
- November 23, 2018 Notice of a Public Hearing on Bill 22-90 is published in the *District of Columbia Register*.
- December 20, 2018 The Committee of the Whole holds a public hearing on Bill 22-90.
- January 4, 2019 Bill 23-12, the “Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 Act of 2019” is introduced by Chairman Mendelson at the request of the Mayor.
- January 11, 2019 Notice of Intent to Act on Bill 23-12 is published in the *District of Columbia Register*.
- June 4, 2019 The Committee of the Whole marks-up Bill 23-12.¹

III. POSITION OF THE EXECUTIVE

Esther Ezra, Associate Director of Real Estate with the Office of Deputy Mayor for Planning and Economic Development (DMPED), testified at the Committee’s public hearing on December 20, 2018. She stated that this bill would authorize the closure of a paper street, a street that is recorded on land records but does not physically exist. The development proposed for this land will consist of mixed use retail and residential uses.

Ms. Ezra testified that the development project cannot proceed until remaining paper street is closed. DMPED consulted with the Surveyor’s Office to record an easement for Washington Gas.

Roland Dreist, D.C. Surveyor, testified at the Committee’s public hearing on December 20, 2018. He stated that the purpose of the partial street closure is to allow for the disposition of part of the eastern portion of the property to a developer for imminent development and to retain the western portion with the District. The street to be closed was acquired by condemnation

¹ Pursuant to Council Rule 501(a)(2), a hearing is not required when a hearing on a similar bill was held in the immediately preceding Council Period.

(District of Columbia Case Number 2944) and recorded Subdivision Book 127 on March 3, 1948. Title to the streets appears to be with the District. The square footage of the street area to be closed is 137,489; with a 2018 tax assessed value of \$80 per square foot for Square 3760 (85,474 square feet) and \$57 per square foot for Square 3766 (52,105 square feet), the total estimated value of the land is approximately \$9.8 million.

Mr. Dreist testified that there were no objections on the record, including none from the Executive branch agencies or utility companies. Washington Gas has no objection to the application based on the agreement that an easement will be provided for their facility.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

Advisory Neighborhood Commission 4B09 submitted a letter to Roland Dreist, D.C. Surveyor, conveying their support for the closure.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

Diane Sullivan, Director of Urban Design and Plan Review at the National Capital Planning Commission (NCPC), provided comments to the Council finding that the proposed street closing falls under an exception in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines and is exempt from Commission Review.

VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 23-12. on Thursday, December 20, 2018. The testimony summarized below is from that hearing. Copies of selected written testimony are attached to this report (all of the testimony is filed with the record for Bill 23-12).

Esther Ezra, Associate Director of Real Estate, testified on behalf of the Executive. Her testimony is summarized in Section III.

Roland Driest, Surveyor of the District of Columbia, testified on behalf of the Executive. His testimony is summarized in Section III.

The Committee also received written testimony from a witness. This is summarized below.

Evanna Powell, Resident of Riggs Park, submitted written testimony in opposition to the road closure. She believes that the Community Benefits Agreement is too small given the value of the land.

VII. IMPACT ON EXISTING LAW

Bill 23-12 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 23-12, the Committee finds that the requirements of the Act have been satisfied.²

VIII. FISCAL IMPACT

The attached September 21, 2018 fiscal impact statement from the District’s Chief Financial Officer 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 finds that the portion of South Dakota Ave, N.E., are unnecessary for street purposes and orders it closed. Upon closing, title to a portion of land shall vest to the owner of Lot 11 in Square 3760; title to a portion of land shall vest to owner of Lot 21 in Square 3760; title to a portion of land shall vest to owner of Lot 802 in Square 3760; and title to a portion of land on Square 3766 and the remaining portion of Square 3760 shall vest with the District of Columbia. The District of Columbia, by and through DMPED, shall grant an easement to Washington Gas. |
| <u>Section 3</u> | Requires transmittal of the act, upon adoption, to the Office of the Surveyor of the District of Columbia. |
| <u>Section 4</u> | Fiscal impact statement. |
| <u>Section 5</u> | Effective date. |

X. COMMITTEE ACTION

² D.C. OFFICIAL CODE § 9-202.01 *et. seq.* (2015).

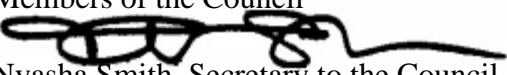
XI. ATTACHMENTS

1. Bill 23-12 as introduced (omitting some attachments).
2. Selected Written Testimony (all testimony filed with the record for Bill 23-12).
3. Surveyor's Plat.
4. NCPC Comments.
5. Fiscal Impact Statement for Bill 23-12.
6. Legal Sufficiency Determination for Bill 23-12.
7. Committee Print for Bill 23-12.

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 : January 07, 2019

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Friday, January 4, 2019. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Closing of a Portion of South Dakota Avenue, N.E., Adjacent to Squares 3760 and 3766 Act of 2019", B23-0012

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

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

Attachment

cc: General Counsel
Budget Director
Legislative Services



2017 JUN -14 AM 10:24
OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for the consideration of the Council of the District of Columbia is legislation entitled "Closing of a Portion of South Dakota Avenue, N.E., Adjacent to Squares 3760 and 3766 Emergency Declaration Resolution of 2019;" "Closing of a Portion of South Dakota Avenue, N.E., Adjacent to Squares 3760 and 3766 Emergency Act of 2019;" "Closing of a Portion of South Dakota Avenue, N.E., Adjacent to Squares 3760 and 3766 Temporary Act of 2019;" and the "Closing of a Portion of South Dakota Avenue, N.E., Adjacent to Squares 3760 and 3766 Act of 2019."

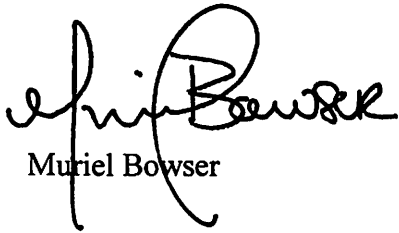
This legislation proposes the closing of a portion of a public street adjacent to Squares 3760 and 3766, bounded by Riggs Road, Chillum Place, and Kennedy Street in Northeast Washington D.C. in Ward 4. The applicant is the Deputy Mayor for Planning and Economic Development. Pursuant to the South Dakota Avenue Riggs Road Excess Property Disposition Approval Resolution of 2016 (R21-0717), the purpose of this road closure is to allow for the disposition of a portion of the property to a developer for imminent development.

Pursuant to D.C. Official Code §9-202-02(5), the application was referred to Advisory Neighborhood Commission (ANC) 4B on August 2, 2018. In a letter dated August 30, 2018, the Single Member District Commissioner for ANC 4B09 indicated her ANC's support for this application. The application was referred to the National Capital Planning Commission (NCPC) on August 2, 2018. In a letter dated August 27, 2018, NCPC has determined that the application falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's guidelines. Accordingly, it has been determined that this project is exempt from NCPC review. The application was referred to the abutting property owners on August 2, 2018. No comments from the abutting property owners have been received.

On October 1, 2018, the Executive introduced B22-0990 the “Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 Act of 2018.” The Committee of the Whole held a public hearing on the bill on December 20, 2018 where the Office of the Deputy Mayor for Planning and Economic Development provided testimony.

Enclosed with this legislation is a copy of the plat for recording this road closure along with a copy of the application. I urge prompt consideration of this legislation to allow the associated development project to move forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser". The signature is fluid and cursive, with a large initial "M" and "B".

Muriel Bowser


Chairman Phil Mendelson
at the request of the Mayor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

17 To order the closing of a portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and
18 3766, in Ward 4.

19

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this
21 act may be cited as the “Closing of a Portion of South Dakota Avenue, N.E., Adjacent to Squares
22 3760 and 3766 Act of 2019”.

23 Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved
24 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with the Street
25 and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law
26 4-201; D.C. Official Code § 9-201.01 *et seq.*) (“the Act”), the Council finds that the portion of
27 South Dakota Avenue, N.E., as shown by the hatch-marks on the Surveyor’s plat filed under
28 S.O. 18-40261 (“Plat”), are unnecessary for street purposes and orders it closed.

29 (b) Having determined that title to the portion of the street to be closed is held by the
30 District of Columbia (“District Land”), the Council further orders, pursuant to section 208 of the
31 Act (D.C. Official Code § 9-202.08), that:

32 (1) Upon closing, title to a portion of the District Land shall vest with the owner
33 of Lot 11 in Square 3760 as shown on the Plat;

34 (2) Upon closing, title to a portion of the District Land shall vest with the owner
35 of Lot 21 in Square 3760 as shown on the Plat;

36 (3) Upon closing, title to a portion of the District Land shall vest with the owner
37 of Lot 802 in Square 3760 as shown on the Plat;

38 (4) Title to the remaining portion of the District Land on Square 3760 shall vest
39 with the owner of Lot 816 in Square 3760 as shown on the Plat; and

40 (5) Upon closing, title to the District Land on Square 3766 shall remain with the
41 District of Columbia as shown on the Plat.

42 (6) Prior to closing, an easement to Washington Gas for the utility's facilities
43 located in a portion of the street to be closed shall be executed by the District of Columbia and
44 recorded among the land records of the Recorder of Deeds after the recordation of the Plat by the
45 Surveyor and the creation of an assessment and taxation lot for the portion of the District Land
46 on which the easement is located.

47 Sec. 3. The Secretary of the Council shall transmit a copy of this act, upon its effective
48 date, to the Office of the Surveyor of the District of Columbia.

49 Sec. 4. Fiscal impact Statement

50 The Council adopts the fiscal impact statement prepared by the Chief Financial Officer as
51 the fiscal impact statement required by section 4a of the General Legislative Procedures Act of
52 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

53 Sec. 5. Effective date.

54 This act shall take effect following approval by the Mayor (or in the event of veto by the
55 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
56 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
57 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
58 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Alana Intrieri
Director
Office of Policy and Legislative Affairs

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: December 17, 2018

SUBJECT: Legal Sufficiency Review of Draft Legislation: the "Closing of a Portion of South Dakota Avenue, N.E., Adjacent to Squares 3760 and 3766 Emergency Act of 2019," Accompanying Emergency Declaration Resolution, and Substantively Identical Temporary and Permanent Legislation (AL-18-448-B)

This is to certify that this Office has reviewed the above-referenced proposed legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Janet M. Robins



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of the Mayor
Office of the Deputy Mayor for Planning and Economic Development



VIA ELECTRONIC MAIL

July 26, 2018

Mr. Roland Dreist
Office of the Surveyor
1100 4th St SW
Washington, DC 20024
E: roland.dreist@dc.gov

Re: *Expediting Road Closure Application former slip lanes at South Dakota Avenue NE and Riggs Rd NE*

Dear Mr. Dreist:

We are requesting the Office of the Surveyor expedite the road closure application referenced above and submitted by DDOT. This road closure is required prior to the District closing on the disposition of a portion of this property to a developer for imminent development. If the road closure is not completed expeditiously, then the District's disposition authority expires.

We further request all agencies and utility companies conform to Title 24, Chapter 24-14, Section 24-1401 of the DC Municipal Regulations on Road Closure's Agency Review, subsection 1401.4: "The agencies and persons listed in § 1401.2 shall forward their comments to the Director [of the Office of the Surveyor] within thirty (30) days of receipt of the application. Failure to provide written comments within the thirty-day (30) period shall result in the Director assuming that the non-responding agency or person has no comments and has no objections to the application."

Please contact me at if you have any questions or need any additional information in order to expedite the processing of the application.

Sincerely,

Patrick Pendleton Smith
Project Manager

Brian T. Kenner
Deputy Mayor



Government of the District of Columbia
Department of Transportation



d. Planning and Sustainability Division

July 25, 2018

Reference: Right-of-way closure of former right-turn slip lanes at South Dakota Avenue NE and Riggs Road NE on behalf of the Office of the Deputy Mayor for Planning and Economic Development.

Attn: Roland F. Dreist, Jr., Surveyor
Office of the Surveyor
Department of Consumer and Regulatory Affairs
1100 4th Street SW, 3rd Floor
Washington, DC 20024

Mr. Dreist:

The attached application requests the closure of District Right-of-Way at the intersection of South Dakota Avenue NE and Riggs Road NE. The extent of the requested closure covers land formerly functioning as right turn slip lanes for southeast and northbound traffic. In July 2012, the lanes were removed as part of an intersection realignment project intended to facilitate future land development.

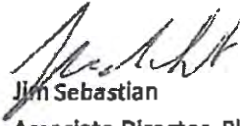
As development plans and agreements have progressed, the Office of the Deputy Mayor for Planning and Economic Development (DMPED) has requested that the District Department of Transportation (DDOT) apply for closure. Because DDOT is supporting DMPED's project, some of the closure's required application components have been or will be furnished by DMPED, as applicable:

- A written statements by abutting property owners in support of the application;
- The initial filing fee of \$2,7500.00;
- Eight (8) sets of site development plans; and
- A public hearing and recordation fee of \$1,287.00.

Enclosed, DDOT has furnished the completed Surveyor's Office application form and an associated sketch. This letter serves as documentation of the intent and purpose of the street closing. DDOT understands that DMPED may provide an additional letter containing more information about the anticipated project's context and requirements.

Please do not hesitate to contact me if you have questions regarding this application.

Sincerely,



Jim Sebastian

Associate Director, Planning and Sustainability Division
District Department of Transportation

Revised: 6/28/13

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT OPERATIONS DIVISION
OFFICE OF THE SURVEYOR
1104 4TH STREET, S.W., 3RD FLOOR
WASHINGTON, DC 20024

Surveyor's Office File No.

18-40261

Date

**APPLICATION TO CLOSE/DEDICATE A STREET OR ALLEY OR ELIMINATION OF
BUILDING RESTRICTION LINE**

Location

Street(s)

Name: South Dakota Avenue NE

Abutting Squares: 3766, 3710, 3748, 3760

Portion to be closed/dedicated: Former Riggs Road NE southeast-bound slip lane & South Dakota Ave NE north-bound right turn slip lane

AS PER SKETCH ATTACHED

Alley(s)

Name: N/A

Abutting Squares: N/A

Portion to be closed/dedicated.: N/A

AS PER SKETCH ATTACHED

This application is made by:

District Department of Transportation

202.671.2331

Applicant's Name (print)

Telephone Number

55 M Street SE Washington DC 20003

Address

I certify that the above information is true to the best of my knowledge.



Signature of Applicant or Agent

**TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL,
CALL THE INSPECTOR GENERAL AT 1-800-521-1639**

Revised: 6/28/13

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT OPERATION DIVISION
OFFICE OF THE SURVEYOR
1100 4TH STREET, S.W., 3RD FLOOR
WASHINGTON, DC 20024**

Retail Tenant Displacement Form

Note: The following information is required relative to provisions of DC Law 6-133 (DC Act 6-171).

Surveyor's Office File No. 18-40261

Regarding an application for the proposed closing/dedication of the following street(s) or alley(s), the undersigned, being the applicant or the agent for the applicant, hereby makes the following representations as complete and true:

1. All properties associated with the proposed closing/dedication are listed as follows:

Square	Lot Number
3766, 3760 (see sketch)	804, 816 (see sketch)

2. The proposed closing/dedication will or will not result in displacement of existing retail tenants because of the demolition, substantial rehabilitation, or discontinuance of an existing building.

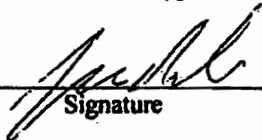
Name	Address	Square/Lot
------	---------	------------

07/25/2018

Date

Jim Sebastian

Print or Type Name


Signature

Note: This form must be completed, signed and submitted with the application.

**TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL,
CALL THE INSPECTOR GENERAL AT 1-800-521-1639**

Revised: 6/28/13

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT OPERATION DIVISION
OFFICE OF THE SURVEYOR
1100 4TH STREET, S.W., 3RD FLOOR
WASHINGTON, DC 20024

WRITTEN SUPPORT STATEMENT FOR STREET CLOSING

Surveyor's Office File No. 18-40261

We the undersigned owners, pursuant to §9-202.10 of the D.C. Official Code, do hereby support the application by the District of Columbia for the closing of As shown on attached sketch
Applicant's Name description and limits of street or alley sought to be closed

Fen Chan, and under penalty of law we represent by our signature that we are the owner(s) of the property listed below:

Fen Chan, Managing Member
Fen Chan on behalf of JRC Limited,
LLC
Lot 0011, Square 3760

I certify that the above owners' names agree with our records

By:

Supervisor, Maps & Titles Section
Office of Real Property Taxes
Department of Finance and Revenue

Date

Revised: 6/28/13

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT OPERATION DIVISION
OFFICE OF THE SURVEYOR
1100 4TH STREET, S.W., 3RD FLOOR
WASHINGTON, DC 20024**

WRITTEN SUPPORT STATEMENT FOR STREET CLOSING

Surveyor's Office File No. 18-40261

We the undersigned owners, pursuant to §9-202.10 of the D.C. Official Code, do hereby support the application by the District of Columbia for the closing of As shown on attached sketch
Applicant's Name description and limits of street or alley sought to be closed

Anacostia Realty, LLC, and under penalty of law we represent by our signature that we are the owner(s) of the property listed below:

Anacostia SPE, Inc.,
its Managing Member
Eyob Mamo
Lot 0021, Square 3760

I certify that the above owners' names agree with our records

By:

Supervisor, Maps & Titles Section
Office of Real Property Taxes
Department of Finance and Revenue

Date

Revised: 6/28/13

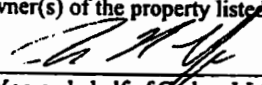
GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT OPERATION DIVISION
OFFICE OF THE SURVEYOR
1100 4TH STREET, S.W., 3RD FLOOR
WASHINGTON, DC 20024

WRITTEN SUPPORT STATEMENT FOR STREET CLOSING

Surveyor's Office File No. 18-40261

We the undersigned owners, pursuant to §9-202.10 of the D.C. Official Code, do hereby support the application by the District of Columbia for the closing of As shown on attached sketch
Applicant's Name description and limits of street or alley sought to be closed

_____, and under penalty of law we represent by our signature that we are the owner(s) of the property listed below:


John Yoo on behalf of Carlau, LLC
Lot 0802, Square 3760

I certify that the above owners' names agree with our records

By:

Supervisor, Maps & Titles Section
Office of Real Property Taxes
Department of Finance and Revenue

Date

11/23/2017

100 East of 7th Street, NE, Washington, DC

mv+a

FORT TOTTEN SOUTH

5543 SOUTH DAKOTA AVE NE

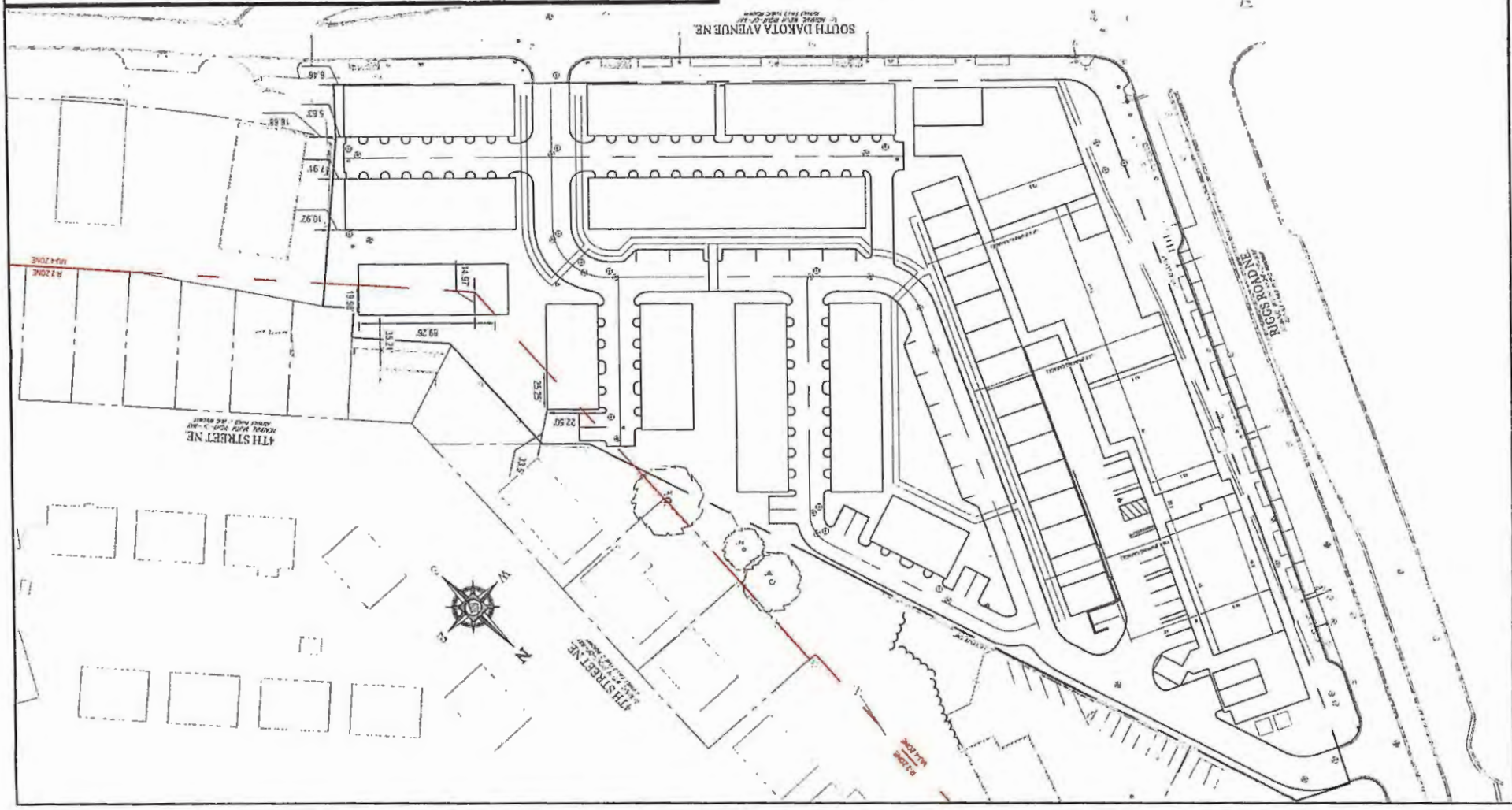
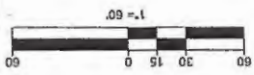
WASHINGTON, D.C. 20011

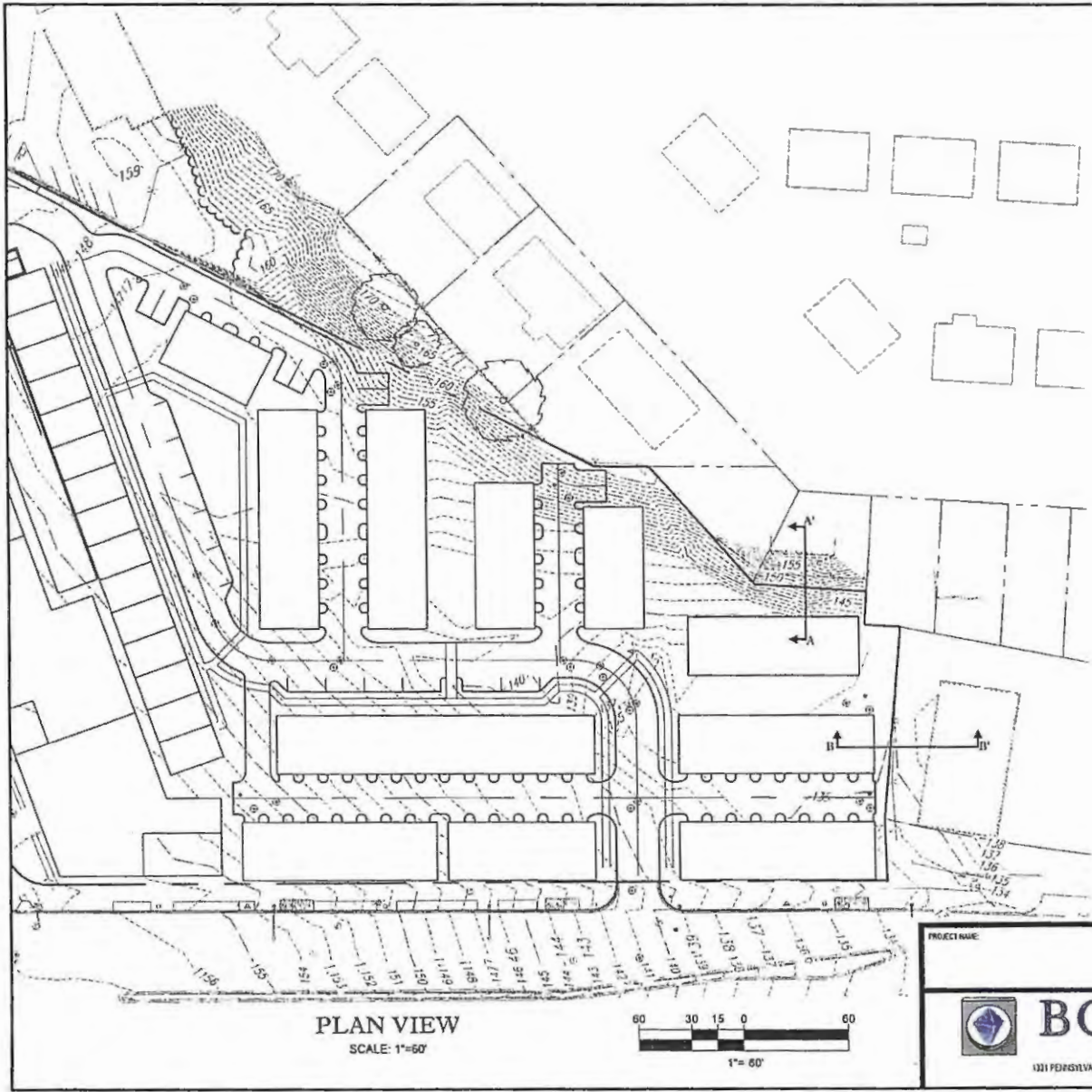
MARCH 8, 2018



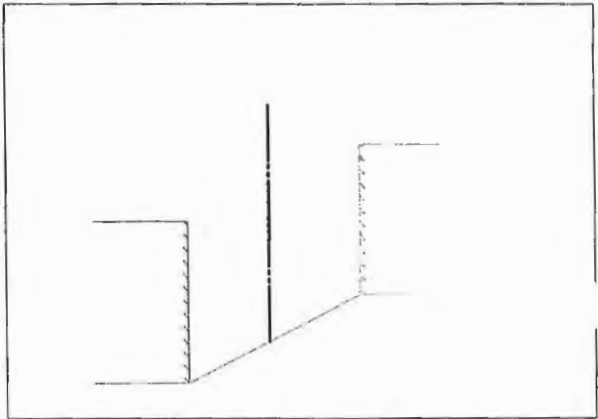
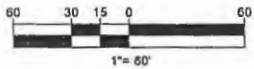
Project of Planning Administration
Case No. 18-00007
EXHIBIT 07

PROJECT NAME BOHLER DC		1313 PENNSYLVANIA AVE., NW, SITE 1230 NORTH WASHINGTON, DC 20004 PHONE: (202) 524-5100	
SHEET TITLE EXHIBIT 1: ZONING LINE		DATE 02/12/18	SCALE 1"=60'
PROJECT NUMBER DC152046		DATE 02/12/18	SCALE 1"=60'

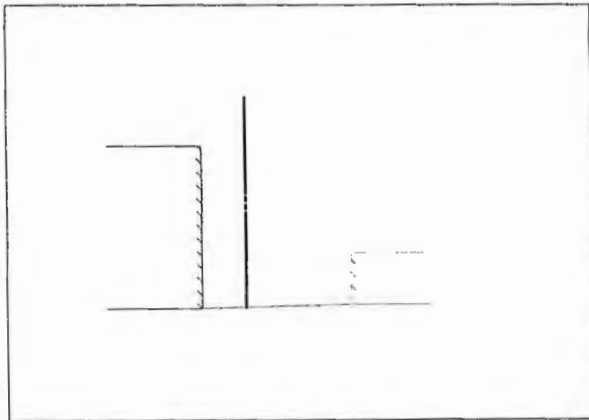





PLAN VIEW
SCALE: 1"=60'



SECTION A-A'
N.T.S.



SECTION B-B'
N.T.S.

PROJECT NAME: FORT TOTTEN WASHINGTON, DC		SHEET TITLE: EXHIBIT 2: SECTION VIEW 2 OF 2	
 BOHLER DC <small>1331 PENNSYLVANIA AVE., NW, STE. 1250 NORTH WASHINGTON, DC 20004 PHONE: (202) 524-5700</small>		SCALE: AS SHOWN	DATE: 02/12/12
		CAD ID: EXD	PROJECT NUMBER: DC152046

J9. 18 - 40261



Advisory Neighborhood Commission 4B

6856 Eastern Avenue, NW - Suite 314
Washington, DC 20012
202-291-6282 (Office)

*Scot Knickerbocker, ANC 4B03, Chair; Natalee Snider, ANC 4B06, Vice Chair;
Tanya Topolewski, ANC 4B02, Secretary; Andre Carley, ANC 4B01, Treasurer;
Brenda Parks, ANC 4B04; Yolanda Hughes, ANC 4B05; Judi Jones, ANC 4B07;
Barbara Rogers, ANC 4B08; Tischa Cockrell, ANC 4B09*

August 30, 2018

Roland Driest
D.C Surveyor
Deputy Mayor for Planning and Economic Development (DMPED)
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 317
Washington, DC 20004

Mr. Roland Driest:

I, Tischa Cockrell as the Single Member District (SMD) Commissioner for Advisory Neighborhood Commission (ANC) 4B09, have been heavily engaged in reviewing and supporting the redevelopment of the JBG and District owned land at the southeast corner of South Dakota Avenue NE and Riggs Road NE ("Fort Totten South"). ANC 4B09 supports the vision that was approved by the City Council by an LDDA (legislation #PR21-0904) in December 2016. The LDDA would result in a redevelopment of the site to include ground floor retail along Riggs Road NE and townhomes including 29 affordable units. The community association Lamond-Riggs Citizen's Association (LRCA), has supported this vision as well and negotiated a \$325,000 community benefits agreement with the developer.

On August 3, 2018, our ANC SMD was asked by the City to comment on road closure legislation to legally abandon the old off ramp that used to allow northbound cars on South Dakota Avenue NE to turn right onto Riggs Road NE without having to stop at the traffic light. This off ramp was physically abandoned years ago and it is currently a grass field that is essentially in the middle of the proposed redevelopment site. It has been communicated to our ANC SMD, that the development cannot move forward without the proposed legislation to abandon this road. To the extent this is the case, despite the short notice, we support the request to abandon the road to allow for the developer to purchase the District land as approved in the LDDA and for the project to continue to move forward.

Thank you,


Commissioner Tischa Cockrell
ANC4B09

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION



d. Planning and Sustainability Division

To: Roland F. Dreist, Jr
DC Surveyor
Office of the Surveyor

From: Jim Sebastian 
Associate Director

Date: September 5, 2018

Subject: S.O. No. 18-40261 – Proposed Closing of a Portion of South Dakota Avenue NE, adjacent to Squares 3760 and 3766

Overview

The District Department of Transportation (DDOT, the Applicant) on behalf of the Office of the Deputy Mayor for Planning and Economic Development (DMPED) seeks approval to close a portion of South Dakota Avenue NE at the location of the former slip lanes facilitating access to and from Riggs Road NE. The subject request is located in Squares 3760 and 3766.

In July 2012, the slip lanes were removed as part of an intersection realignment project. In 2018, DMPED identified a developer for the northern side of South Dakota Avenue NE through the District's disposition process, and the proposed closure will move the disposition process forward.

If approved, the closure will revert to a number of different parties, as shown in the Figure 1 plat. The northernmost portion of the closure on the northern side of South Dakota Avenue NE—between lines L3 and L4 in the plat—will revert to the owner of Square 3760, Lot 11. Moving south, the portion of closure identified between L2 and L3 will revert to the owner of Square 3760, Lot 802. The largest portion on the north side of South Dakota Avenue NE—shown between L1 and L2 in the plat—will revert to the owner of Lot 816, which is the District of Columbia Government. The resulting lot will be combined with Square 3760, Lot 816 to facilitate development following DMPED's disposition process. The final portion on the northern side of South Dakota Avenue NE, south of L1, will revert to the owner of Square 3760, Lot 21. On the southern side of South Dakota Avenue NE, the entire portion of the closure will be retained by DDOT as public space.



10.18-40261

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**



MEMORANDUM

TO: Roland F. Dreist, Jr.
Surveyor of the District of Columbia

FROM: Paul Walker
Architect (Construction Inspector)

DATE: August 9, 2018

SUBJECT: Department of Housing and Community Development Review comments on Closing of District Right of Way at the intersection of South Dakota Ave.

I have reviewed the request of closure of the District Right of Way at the intersection of South Dakota Avenue NE and Riggs Road NE Washington DC. On behalf of The Department of Housing and Community Development I am providing this letter to express the Departments support for the proposed closure. It will no adverse effect on the business at the Department of Housing and Community Development.

If you have any further question please feel free to contact me at (202)442-7218.

Sincerely,

Paul Walker
Architect
DFD, Department of Housing and Community Development

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D. C. 20001



MEMORANDUM

TO: Roland F. Dreist Jr.
District of Columbia Surveyor

FROM: Louis H. Carter Jr. *LHCJ*
Battalion Fire Chief
FEMS Office of the Fire Marshal

DATE: August 3, 2018

SUBJECT: Surveyor's Office File No. SO 18-40261

This written correspondence is being forwarded to your office to address File No. SO 18-40261 that was submitted to the FEMS Office of the Fire Marshal for review. The request involves Closing of a portion on South Dakota Avenue, NE and adjacent Squares 3760 and 3766. As well as Lots: 804, 816.

Based on our review, the following findings are being brought forth. FEMS Office of the Fire Marshal has no objection to this request being approved if the following requirements are adhered to:

Fire Department access to the referenced Square, its adjacent properties and squares is not compromised and is maintained and/ or developed in accordance with the requirements set forth in Chapter 5 "Fire Service Features" in particular, Section 503 and Appendix D of the Fire Code (2012 ed. IFC).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
STATE HISTORIC PRESERVATION OFFICE



MEMORANDUM

TO: Roland Dreist, Office of the Surveyor

SUBJECT: Proposed Closure of a Portion of a Public Street (South Dakota Avenue, NE) adjacent to Squares 3760 and 3766; (S.O. 18-40261)

DATE: August 6, 2018

Thank you for contacting the DC Historic Preservation Office regarding the above-referenced street closure. We appreciate the opportunity to review this action. However, § 9-202.02(4) of the D.C. Code only requires the Mayor to refer applications "to close any street located on the L'Enfant Street Plan" to the Historic Preservation Review Board. We have no comment on this proposed action since the street that will be closed is not a L'Enfant Street.

BY:

C. Andrew Lewis
Senior Historic Preservation Specialist
DC State Historic Preservation Office

18-0649



MEMORANDUM

TO: Roland F. Dreist, Jr., L.S., D.C. Surveyor
Office of the Surveyor

FROM: *JL for* Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

DATE: August 21, 2018

SUBJECT: S.O. 18-40261
Closing of Streets adjacent to Squares 3760 and 3766

I. RECOMMENDATION

The Office of Planning (OP) has completed its review of the application for the requested street closing and **has no objection** to this request.

II. SITE DESCRIPTION

Address	5500 block of South Dakota Avenue, N.E.
Applicant	District Department of Transportation
Legal Description	Part of Squares 3760 and 3766
Ward, ANC	Ward 4, ANC 4B; Ward 5, ANC 5A
Zone	MU-4: Moderate density mixed-use development
BZA Review and Approval	The proposal is consistent with BZA approval in Case No. 19745 (05-30-2018)
Generalized Comprehensive Policy Map and Future Land Use Plan and Designations	Land Use Map: Moderate Density Commercial Policy Map: Neighborhood Conservation Areas (Square 3760) and Land Use Change Areas (Square 3766) The proposal is not inconsistent with these designations.
Comprehensive Plan	The closures would particularly further objectives of the Land Use and Urban Design elements and the Upper Northeast Area Element of the Comprehensive Plan.

III PROPOSAL



Request	To close a portion of South Dakota adjacent to Square 3760 and Square 3766, as shown in the map above.
Description	The area of the street closing consists of former roadway ramps connecting eastbound Riggs Road, N.E. to southbound South Dakota Avenue, N.E. and northbound South Dakota Avenue, N.E. to eastbound Riggs Road, N.E.
Size	3.19 acres
Adjacent Ownership	Square 3760: JRC Limited LLC; Carlau, LLC; Fort Totten South LLC; Anacostia Realty LLC; and District of Columbia Square 3766: Food & Friends Inc.; and District of Columbia Parcel 125/30: District of Columbia

Proposed Development	
<u>Uses</u>	Mixed use retail and residential within Square 3760. No development proposed for Square 3766.
<u>Height and Density</u>	Facing Riggs Road, a four and five-story mixed use building with 20,000 to 30,000 square feet of ground floor commercial space above two levels of below-grade parking. On the southeast portion of the site three and four-story townhouse units, totaling 160 to 185 residential units on a 3.9-acre site. Proposed FAR of 1.68-1.97.
<u>Site Plan</u>	Mixed-use building with ground floor retail facing Riggs Road with two rows of "townhouse-style" units on a podium above below-grade parking. Remainder of the site would be townhouse units.
<u>Parking and Loading</u>	Vehicular ingress and egress will be from either Riggs Road or South Dakota Avenue
<u>Easements</u>	None

III. ANALYSIS

A. Planning and Urban Design

The Director of the Office of Planning is required to "determine whether the proposed closing is in compliance with the District's planning and urban design objectives", as per 24 DCMR 1401.2(c). These objectives, as contained within the Comprehensive Plan (10 DCMR, Chapter 9), include:

§ 300 Land Use Element

§ 306.11 Development Around Metrorail Stations

Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance.

The site to the east of the former ramps was adversely impacted by those ramps and their closure offers the opportunity for appropriate infill development on what is otherwise vacant and unusable land within half a mile of the Fort Totten Metrorail station.

§ 900 Urban Design Element

The critical urban design issues facing the District of Columbia...include:

- *Improving the public realm, particularly street and sidewalk space*
- *Addressing infrastructure and other barriers that affect aesthetic qualities*

~~The closure of the ramps at the intersection of Riggs Road and South Dakota Avenue would improve the public realm through the creation of a traditional pedestrian-friendly intersection with improved street and sidewalk spaces.~~

C. 24 DCMR Chapter 14 Requirements

The street and alley closing regulations require submission of a plan so that reviewing agencies can determine the potential impact of the requested closing. 24 DCMR §1400.8 requires the plan to cover items including the use mix, points of ingress and egress, location and design of parking and loading areas, and building design. In this case, the site and building design were publicly reviewed as part of BZA case 19745 for development on Square 3760, and there is no development proposed for Square 3766.

JS/sjm

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Public Works



Solid Waste Management Administration

MEMORANDUM

TO: Roland F. Dreist, Jr.
Surveyor, D.C.

FROM: Anthony Duckett *A.D.*
Chief Street & Alley Cleaning Division

SUBJECT: Proposed Road Closure for a former slip lane at South Dakota Ave and Riggs Rd. NE

Date: August 10th, 2018

The following Street closing was investigated for review:

The Department has reviewed the proposed closing, at this time we have no objection to the closing of the slip lane at South Dakota Ave and Riggs Rd. NE.

If you have any questions please call me at 202-727-2539.

Network Engineering
OPPE MD/DC



13101 Columbia Pike, FDC 1
Floor 1
Silver Spring, MD 20904

August 15th, 2018
Mr. Roland F. Dreist, Jr.
Office of the Surveyor
1100 4th Street SW.
Washington, D.C. 20024

RE: Proposed Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766-S.O.18-40261

Dear Mr. Dreist:

In reference to your letter dated August 2nd, 2018 which relates to S.O. File No. 18-40261

Location: Closing of a Public Street Adjacent to Squares 3760 and 3766

The telephone plant has been removed in this area..

Verizon Washington D.C. Inc. does not object to this Proposed Closing of a Public Street.

Very truly yours,

A handwritten signature in cursive script that reads "Kenny Young".

Kenneth Young
Engineer, Outside Plant Engineering, WSAM

GIV/Kdy

c.c. D.C.D.O.T. Underground Location Section
Area Engineer
File



September 13, 2018

Mr. Roland Dreist
D.C. Surveyor
Department of Consumer and Regulatory Affairs
Office of the Surveyor
1100 4th St, S.W., 3rd Floor
Washington, DC 20024

Reference: Street/Alley Closing Application **S.O. 18-40261** - Right-of-way closure of former slip lanes at South Dakota Avenue NE and Riggs Road NE Squares 3760 and 3766

Dear Mr. Dreist:

The District of Columbia Water and Sewer Authority (DC Water) is in receipt of the application and plat(s) you forwarded to us for comments on **August 2, 2018** regarding **S.O. 18-40261**.

For Square 3760, DC Water currently operates and maintains the following Facilities within portions of the slip lane to be closed:

1. Existing active 4'6"/5' storm sewer main east-west connecting to storm sewer main on South Dakota Ave NE
2. Existing active 3'9" storm sewer connecting north-south to the 4'6"/5' storm sewer main
3. Existing active 3' storm sewer pipe connecting east-west to 3'9" storm sewer main
4. Abandoned 2'4" storm sewer main connecting north-south to the 4'6"/5' storm sewer main
5. Abandoned 12" storm drain lines to the 4'6"/5' storm sewer main
6. Abandoned 12" water main east-west
7. Abandoned 16" sanitary sewer main

The attached letter from the District of Columbia Executive Office of the Mayor dated August 22, 2018 to DC Water, states,

With respect to [5540 South Dakota Ave NE, Square 3760, Washington DC BDC #DC152046], all Domestic Water Pipes, Sanitary Sewer Pipes, and Stormwater Pipes located on the parcel will be privately maintained and operated by the District while it is



under the District's ownership. Upon the transfer of the property to FT Associates LLC, the developer, the developer will maintain all Domestic Water Pipes, Sanitary Sewer Pipes, and Stormwater Pipes located on the parcel.

Based on the assurances from the District, DC Water has no objections regarding the disposition of the above list of Square 3760 Facilities on the parcel. Upon closure, DC Water shall not have responsibility for these Facilities.

For Square 3766, DC Water currently operates and maintains the following Square 3766 Facilities within portions of the slip lane to be closed:

1. Existing active 2'x3' storm sewer main west-east connecting to 5' storm sewer main South Dakota Ave NE
2. Abandoned 15" storm sewer main north-south connecting to the 2'x3' storm sewer main
3. Existing active 10" sanitary sewer main east-west
4. Abandoned 12" storm drain lines from catch basins to 2'x3' storm sewer main
5. Existing active 8" water main east-west

Based on the plans submitted to DC Water, the above existing active storm and sanitary sewers and water mains will remain within public space. Therefore, DC Water has no objections and will continue to operate and maintain the Square 3766 Facilities within this parcel.

If you have any questions, I can be reached at the contact information listed below.

Regards,

A handwritten signature in black ink, appearing to read "Kevin Harney". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kevin Harney
Easement and Covenant Coordinator
District of Columbia Water and Sewer Authority
1100 4th Street, SW Suite #310
Washington, DC 20024
202-646-8627 Office
202-646-8628 Fax
kevin.harney@dcwater.com
DC Water - Water is Life!

Attachment: District of Columbia Executive Office of the Mayor letter



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of the Mayor
Office of the Deputy Mayor for Planning and Economic Development



VIA ELECTRONIC MAIL

August 22, 2018

Mr. Kevin Harney
DC Water
1100 4th Street, SW, 3rd Floor
Washington, DC 20002
E: kevin.harney@dcwater.com

**Re: 5540 South Dakota Ave NE, Square 3760, Washington DC
BDC #DC152046**

Dear Kevin:

With respect to the above-referenced project, all Domestic Water Pipes, Sanitary Sewer Pipes, and Storm Water Pipes located on the parcel will be privately maintained and operated by the District while it is under the District's ownership. Upon the transfer of the property to FT Associates LLC, the developer, the developer will maintain all Domestic Water Pipes, Sanitary Sewer Pipes, and Storm Water Pipes located on the parcel.

Sincerely,

Brian T. Kenner
Deputy Mayor

Brian T. Kenner
Deputy Mayor





6801 Industrial Road
Springfield, Virginia 22151

8/13/2018

Mr. Roland Dreist
Office of the Surveyor
110 4th St SW
Washington, DC 20024

Re: Expediting Road Closure Application former slip lanes at South Dakota Ave NE and Riggs Rd NE

Dear Mr. Dreist,

Washington Gas has reviewed the right of way closure application filed by the Office of the Deputy Mayor for Planning and Economic Development for the former slip lanes at South Dakota Ave NE and Riggs Rd NE. After reviewing the area it has been determined that Washington Gas has active natural gas facilities within the limits of the proposed right of way closure. There is an active natural gas main and service line with-in the limits of the "Proposed Lot E" shown on page 10 of the application.

Due to the existence of active natural gas facilities owned by Washington Gas with-in the limits of the proposed right of way closure, Washington Gas objects to the application for right of way closure. Should you have any questions or concerns regarding these facilities or Washington Gas' objection, please do not hesitate to contact me via the methods listed herein.

Sincerely,

A handwritten signature in black ink that reads "Joseph Atmore".

Joseph Atmore
SP Engineer III, System Replacement
jatmore@washgas.com
Office: 703-750-4745



6801 Industrial Road
Springfield, Virginia 22151

9/21/2018

Mr. Roland Dreist
Office of the Surveyor
110 4th St SW
Washington, DC 20024

Re: Expediting Road Closure Application former slip lanes at South Dakota Ave NE and Riggs Rd NE

Dear Mr. Dreist,

Since originally filing an objection the Road Closure Application at South Dakota Ave NE and Riggs Rd NE, Washington Gas has coordinated with the Office of the Deputy Mayor for Planning and Economic Development to find a resolution. After discussing the natural gas facilities within the limits of the proposed right of way closure, Washington Gas has agreed to conditionally approve the road closure application. This approval is contingent on Washington Gas being provided an easement 5 feet in width for the entire length of the gas facilities within the limits of the road closure.

Please consider this letter a lifting of Washington Gas' objection to this road closure.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Atmore".

Joseph Atmore
SP Engineer III, System Replacement
Washington Gas Light Co.
jatmore@washgas.com
Office: 703-750-4745



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Executive Office of the Mayor

Office of the Deputy Mayor for Planning and Economic Development



VIA ELECTRONIC MAIL

September 24, 2018

Mr. Roland Dreist
Office of the Surveyor
1100 4th Street, SW, 3rd Floor
Washington, DC 20002
E: roland.dreist@dc.gov

RE: 5540 South Dakota Ave NE, Square 3760, Washington DC BDC
#DC152046 – Pepco's Non-response to August 3, 2018 Road Closure Notice

Dear Mr. Dreist,

On August 3, 2018, we provided the application for the above referenced road closure to the applicable utilities and agencies as required by 24 DCMR 1401. To date, all agencies and utilities have either responded with no objection or have withdrawn their objection (Washington Gas), save Pepco.

As for Pepco, it never responded to the application despite our repeated attempts to contact it. Therefore, we would ask that you observe 24 DCMR 1401.4 as it relates to Pepco, which provides that a non-responding utility will be deemed to have no objection if it does not respond within 30 days.

On August 13th, Washington Gas made an objection on the basis that there was an active natural gas facility within the limits of the proposed road closure. By letter dated September 21st, Washington Gas subsequently withdrew this objection on the condition that an easement be provided for the length of the gas facilities located within the road closure. DMPED agrees to provide the easement to Washington Gas prior to the recording the street closure plat.

In summary, we have fulfilled our responsibilities under the 24 DCMR 1401 to provide the application for review by the utilities and agencies and have received either no objection or have resolved all comments. We ask that you now allow the application to move forward for Council approval.

Please let me know if you have any questions. Thank you.

Sincerely,

Esther Ezra

Associate Director for Real Estate
Office of Deputy Mayor for Planning & Economic Development



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of the Mayor
Office of the Deputy Mayor for Planning and Economic Development



VIA FedEx Express

December 5, 2018

Fort Totten South, LLC
4445 Willard Avenue, Suite 400
Chevy Chase, Maryland 20815-4641
Square 3760, Lot 22

Regarding Bill 22-990 (S.O. 18-40261), "Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 Act of 2018"

The stated purpose of Bill 22-990 is to order the closing of a portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 (and near Riggs Road, N.E.), in Ward 4. This closing would allow for the completion of a land disposition agreement approved by the Committee of the Whole in 2016 in Resolution 21-717, the "South Dakota Avenue Riggs Road Excess Property Disposition Approval Resolution of 2016."

This notice is sent to you pursuant to D.C. Official Code § 9-202.06. The Committee of the Whole of the District of Columbia City Council will hold a public hearing on December 20, 2018 at 11am in Room 412 of the John A. Wilson Building at 1350 Pennsylvania Avenue, N.W., to consider Bill 22-990 (S.O. 18-40261) which would order the closing and dedication of the above-referenced street.

If you have any questions concerning this matter, please do not hesitate to call Patrick Pendleton Smith at (202) 724-6634, or the Committee of the Whole of the Council of the District of Columbia at (202) 724-7002.

Sincerely,

Patrick Pendleton Smith
Project Manager

Brian T. Kenner
Deputy Mayor





GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of the Mayor
Office of the Deputy Mayor for Planning and Economic Development



VIA FedEx Express

December 5, 2018

Anacostia Realty, LLC
6822B Commercial Drive
Springfield, Virginia 22151-4201
Square(s) 3760 & 3766, Lot 21

Regarding Bill 22-990 (S.O. 18-40261), "Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 Act of 2018"

The stated purpose of Bill 22-990 is to order the closing of a portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 (and near Riggs Road, N.E.), in Ward 4. This closing would allow for the completion of a land disposition agreement approved by the Committee of the Whole in 2016 in Resolution 21-717, the "South Dakota Avenue Riggs Road Excess Property Disposition Approval Resolution of 2016."

This notice is sent to you pursuant to D.C. Official Code § 9-202.06. The Committee of the Whole of the District of Columbia City Council will hold a public hearing on December 20, 2018 at 11am in Room 412 of the John A. Wilson Building at 1350 Pennsylvania Avenue, N.W., to consider Bill 22-990 (S.O. 18-40261) which would order the closing and dedication of the above-referenced street.

If you have any questions concerning this matter, please do not hesitate to call Patrick Pendleton Smith at (202) 724-6634, or the Committee of the Whole of the Council of the District of Columbia at (202) 724-7002.

Sincerely,

Patrick Pendleton Smith
Project Manager

Brian T. Kenner
Deputy Mayor





GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of the Mayor
Office of the Deputy Mayor for Planning and Economic Development



VIA FedEx Express

December 5, 2018

CARLAU, LLC
5581 South Dakota Avenue NE
Washington, D.C. 20011-2674
Square 3760 & 3766, Lot 802

Regarding Bill 22-990 (S.O. 18-40261), "Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 Act of 2018"

The stated purpose of Bill 22-990 is to order the closing of a portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 (and near Riggs Road, N.E.), in Ward 4. This closing would allow for the completion of a land disposition agreement approved by the Committee of the Whole in 2016 in Resolution 21-717, the "South Dakota Avenue Riggs Road Excess Property Disposition Approval Resolution of 2016."

This notice is sent to you pursuant to D.C. Official Code § 9-202.06. The Committee of the Whole of the District of Columbia City Council will hold a public hearing on December 20, 2018 at 11am in Room 412 of the John A. Wilson Building at 1350 Pennsylvania Avenue, N.W., to consider Bill 22-990 (S.O. 18-40261) which would order the closing and dedication of the above-referenced street.

If you have any questions concerning this matter, please do not hesitate to call Patrick Pendleton Smith at (202) 724-6634, or the Committee of the Whole of the Council of the District of Columbia at (202) 724-7002.

Sincerely,

Patrick Pendleton Smith
Project Manager

Brian T. Kenner
Deputy Mayor





BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA

In re: Surveyor's Office Application No. S.O. 18-40261 (proposed closing of a portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766, bounded by Riggs Road, Chillum Place, and Kennedy Street in Northeast Washington, D.C. in Ward 4)

Bill No. 22-990

AFFIDAVIT OF MAINTENANCE OF POSTING
FOR PROPOSED STREET CLOSING

Pursuant to D.C. Official Code § 9-202.06 and 24 DCMR § 1404, I, Patrick Pendleton Smith, Project Manager for the Office of the Deputy Mayor for Planning and Economic Development, being first duly sworn, state as follows:

- 1) that, on November 27, 2018, I posted the signs giving notice of the date, time, and location of the public hearing regarding the above-referenced street closing on the site; and
- 2) I will have inspected and maintained the signs at least once every five (5) days during the period prior to the public hearing.

Patrick Pendleton Smith

Subscribed and sworn to before me this 3rd day of December 2018.

Notary Public, District of Columbia

My commission expires:

NAKIA E. NEWTON
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires July 14, 2022



Brian T. Kenner
Deputy Mayor





BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA

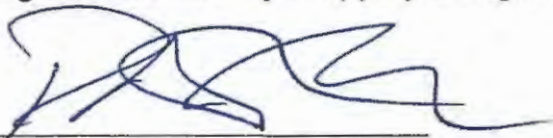
In re: Surveyor's Office Application No. S.O. 18-40261 (proposed closing of a portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766, bounded by Riggs Road, Chillum Place, and Kennedy Street in Northeast Washington, D.C. in Ward 4)

Bill No. 22-990

AFFIDAVIT OF MAINTENANCE OF POSTING
FOR PROPOSED STREET CLOSING

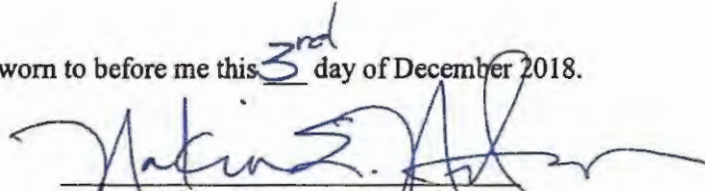
Pursuant to D.C. Official Code § 9-202.06 and 24 DCMR § 1404, I, Patrick Pendleton Smith, Project Manager for the Office of the Deputy Mayor for Planning and Economic Development, being first duly sworn, state as follows:

- 1) that, on November 27, 2018, I posted the signs giving notice of the date, time, and location of the public hearing regarding the above-referenced street closing on the site; and
- 2) I will have inspected and maintained the signs at least once every five (5) days during the period prior to the public hearing.



Patrick Pendleton Smith

Subscribed and sworn to before me this 3rd day of December 2018.



Notary Public, District of Columbia

My commission expires:

NAKIA E. NEWTON
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires July 14, 2022

Brian T. Kenner
Deputy Mayor



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



Public Hearing
Bill No. 22-990 “Closing of a Portion of South Dakota
Avenue, N.E., adjacent to Squares 3760 and 3766
Act of 2018” - S.O. 18-40261

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

December 20, 2018
11:00 am
Room 412
John A Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Good Morning, Chairman Mendelson, members, and staff of the Committee of the Whole. I am Roland Dreist, Surveyor of the District of Columbia. I appear before you today to present testimony on Bill No. 22-990, "Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766. Act of 2018." This bill would order the closing of a portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766, bounded by Riggs Road, Northeast, in Ward 4.

The purpose of this road closure is to allow for the disposition of part of the eastern portion of the property to a developer for imminent development and to retain the western portion with the District. The portion of South Dakota Avenue N.E. to be closed was acquired by condemnation (District of Columbia Case Number 2944). The plat was recorded in Subdivision Book 127, Pages 27A, 27B, 27C and 27D on March 3, 1948. The title to the portion of the street to be closed appears to be with the District of Columbia. The most probable value as of January 1, 2018 – which represents tax year 2018 – for the closing of South Dakota Avenue NE, Square 3760, is estimated at \$6,837,920.00 (85,474 S.F. x \$80.00). For Square 3766, the estimated value is \$2,964,855.00 (52,015.00 S.F. x \$57.00). The total estimated value is \$9,802,775.00.

The applicant for this closure is the Office of the Deputy Mayor for Planning and Economic Development (DMPED). The Surveyor's Office notified the relevant Executive Branch agencies and confirmed that there are no agency objections to this application.

As DMPED indicated in their testimony, they are proposing technical changes to record an easement, which will be for Washington Gas. Consequently, Washington Gas has no objection to this application based on the agreement that an easement will be provided for their facility. The Surveyor's Office notified PEPCO of this application on August 2, 2018. DMPED made several further attempts to contact Pepco and no response was received. Based on 24

DCMR 1401.4, more than 30 days has elapsed and it is assumed that there is no objection from PEPCO. The remaining utility companies have no objection.

Pursuant to D.C. Official Code § 9-202.02(3), the Surveyor's Office notified the National Capital Planning Commission (NCPC) of this application on August 2, 2018. In a letter dated August 27, 2018, NCPC determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. Pursuant to D.C. Official Code § 9-202.02(5), the Surveyor's Office notified Advisory Neighborhood Commission 4B of this application on August 2, 2018. In a letter dated August 30, 2018, ANC 4B supported this application. Pursuant to D.C. Official Code § 9-202.02(6), the Surveyor's Office notified the abutting property owners of this application on August 2, 2018 and August 7, 2018. The Surveyor's Office has support statements from three abutting owners (Square 3760, Lots 11, 21, and 802). These statements were part of the application package submitted by DMPEd to the Office of the Surveyor. The Office of the Surveyor will forward any further comments when they are received.

This concludes my testimony. I appreciate the opportunity to appear before you today and welcome any questions regarding this matter. Thank you.

Government of the District of Columbia



Office of the Deputy Mayor for Planning and Economic Development

Public Hearing on
B22-990, "Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares
3760 and 3766 Act of 2018"

**Testimony of
Esther Ezra, Associate Director for Real Estate
Office of the Deputy Mayor for Planning and Economic Development**

Before the
Council of the District of Columbia
Committee of the Whole, Council Chairman Mendelson

December 20, 2018
11:00 a.m.

John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Testimony of Esther Ezra, Associate Director for Real Estate
Office of the Deputy Mayor for Planning and Economic Development on
B22-990, “Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766
Act of 2018”

Good morning, Chairman Mendelson, members, and staff of the Committee of the Whole. My name is Esther Ezra. I am the Associate Director for Real Estate with the Office of the Deputy Mayor for Planning and Economic Development (“DMPED”), and I am here to testify in support of Bill 22-0990, the “Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 Act of 2018.” This legislation will authorize the closing of a paper street, a street that is recorded on land records but does not physically exist, on an approximately 97,917 square foot triangular portion of Parcel 125-30 located at the southeast intersection of South Dakota Avenue, N.E. and Riggs Road, N.E., and commonly known as the Fort Totten Triangle (the “Fort Totten Triangle”).

I would like to provide the Committee with a bit of history regarding the development of the Fort Totten Triangle and the need for the road closure to support this project. In 2014, the development team of JBG Associates, LLC and EYA Development, LLC (collectively, the “Developer”) proposed a development plan to provide affordable housing, market-rate housing, and retail space at Fort Totten Triangle. The project will create approximately 26,000 square feet of ground floor retail and approximately 180 for-sale townhomes and loft-style units with units affordable to families earning 50 percent and 80 percent of area median income (AMI) (collectively, the “Fort Totten Development”).

The Council approved the Fort Totten Development in 2016 with the “South Dakota Avenue Riggs Road Excess Property Disposition Approval Resolution of 2016” (R21-717; 64 D.C. Reg

11441). While we have closed on the District owned land, Lot 0816 in Square 3760, and conveyed it to the Developer, the remaining paper street must be closed before the Fort Totten Development may commence as proposed.

DMPED has been engaged with the community throughout the entire development process. Advisory Neighborhood Commission 4B submitted a letter of support for the road closure. Additionally, the Lamond-Riggs Citizen's Association has been active in helping guide this development and is also supportive of this road closure.

DMPED has completed the statutory actions required prior to the consideration of an application to close a street, including providing written notice to all property owners abutting the block or alley affected by the proposed road closure, sharing the application with the Advisory Neighborhood Commission, and providing the Council with a Surveyor's plat as well as any comments received by affected District agencies and public utilities. Once the road closure is approved by the Council, the land currently occupied by the road will automatically vest with the Developer upon recordation of the plat by the Surveyor's Office, which will allow the Fort Totten Development to proceed.

Finally, I would like to note that through our consultation with the Surveyor's Office regarding this road closure, we identified a few technical changes necessary to the legislation to provide a more expeditious and efficient method of conveying the land and recording an easement. The goal of these changes is to effectuate the start of construction on the Fort Totten Development as soon as possible.

Thank you for holding this hearing, and I am happy to answer any questions you may have.

To: Mr. Mendelson
Submitted 12-24-18 1102A
Room 504
E Powell

TO
THE COMMITTEE OF THE WHOLE
PUBLIC HEARING

CHAIRMAN MENDELSON
2018 DEC 24 PM 1:20

on

“CLOSING of a PORTION OF SOUTH DAKOTA AVENUE, NE, adjacent to
SQUARES 3760 and 3766 ACT of 2018,” BILL 22-990

DECEMBER 20, 2018

EVANNA POWELL

District of Columbia Citizen, Taxpayer and Resident of Riggs Park

Good morning, Mr. Mendelson, I am Evanna Powell, among other titles above, a resident of Riggs Park, the neighborhood impacted by the Closing. I thank you for allowing me to submit this testimony.

On Thursday, December 20, five (5) days before Christmas, the District held a hearing on the above-stated Bill.

Observing the hearing and reviewing supporting documents revealed to my surprise that the “Closing” is still open contrary to what I thought: Still open with the assessed value of \$6,837,920 by the District as of January and August 2018 and with a market value of approximately \$8,500,000 at the same times.


It is not clear whether at the time the Riggs Park Community entered into the Community Benefits Agreement and selected \$325,000 as its value, the Community was aware of the value of the realty sought by developers. For the developers to receive this portion of South Dakota Avenue, NE--this asset--for \$6,837,920 and the Community Benefits to be valued at \$325,000 was and is a meager, unconscionable 4% value of the District’s assessed value of the land to be closed, paid for and transferred to developers.

With the District increasing water and sewer bills of residents to correct the combined sewer system in the District to handle a stormwater runoff and a waste water from homes and businesses, increasing the Community Benefits Agreement to correct the water and sewer systems in the Riggs Park Neighborhood would be beneficial to this Community and the right thing to do.

A Benefits amount totaling \$1,325,000 would be a showing on the part of developers that they will help resolve the water and sewer problems that exist today in the Riggs Park Neighborhood and that these problems will not exist when its development residents move in. The initial \$325,000 of the Benefits amount can be used as initially proposed, for workforce development, for seniors and their concerns and other matters of concern.

I request that the Portion of South Dakota Avenue, NE proposed to be closed, which has not been closed, remain open and not move forward until developers increase the Benefits in the amount stated and requested.

Thank you again.

PURSUANT TO EMERGENCY ACT _____ EFFECTIVE _____ AND
 EXPIRES ON _____ AND PURSUANT TO TEMPORARY ACT
 EFFECTIVE _____ AND EXPIRES ON _____ AND PURSUANT TO BILL
 _____, D.C. LAW _____, PASSED BY COUNCIL ON _____, AND
 EFFECTIVE _____, THE STREETS SHOWN THUS  ARE CLOSED,
 AND TITLE VESTS AS SHOWN UPON THIS PLAT

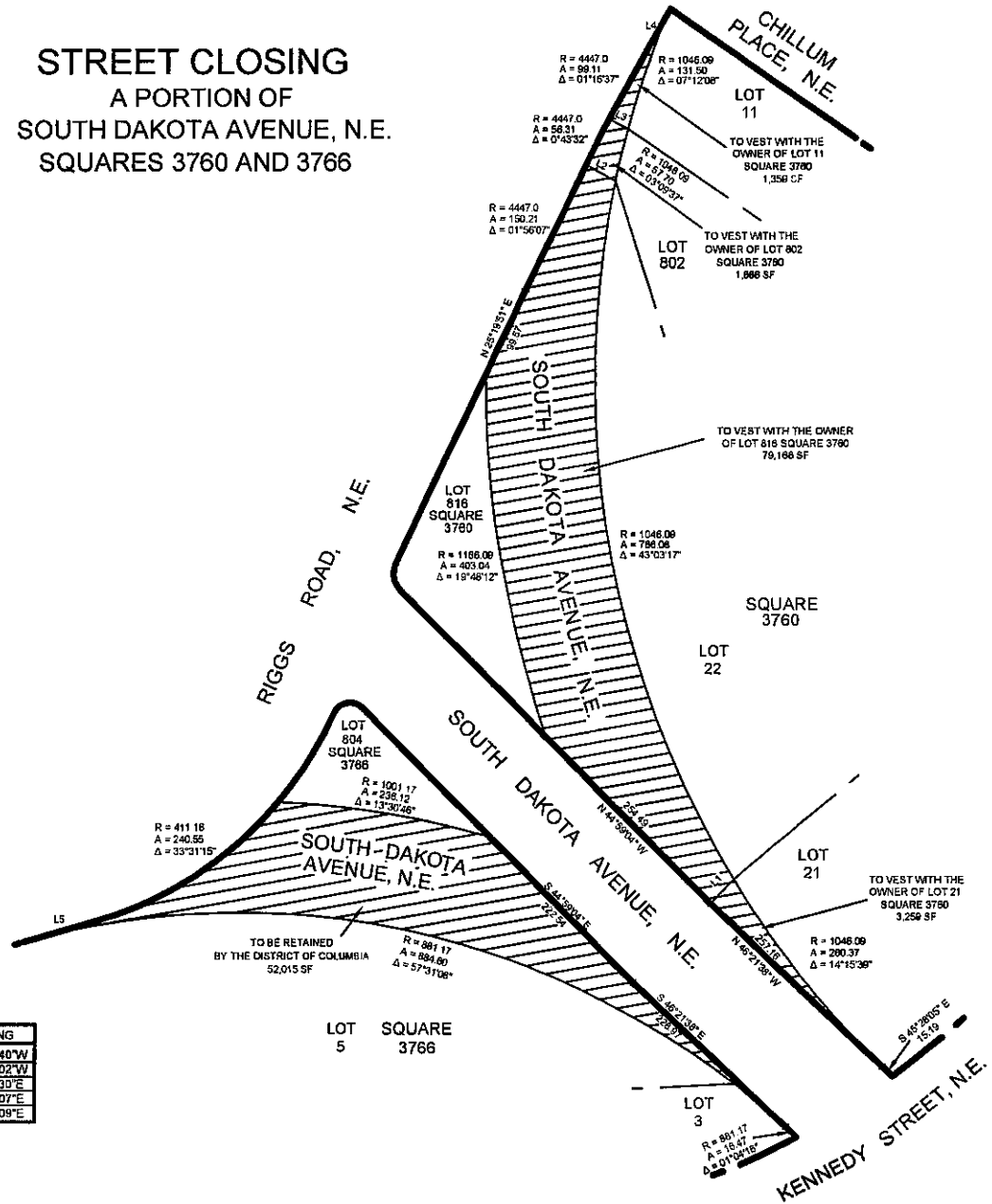
STREET CLOSING A PORTION OF SOUTH DAKOTA AVENUE, N.E. SQUARES 3760 AND 3766

OFFICE OF THE SURVEYOR, D.C.

_____, 2018

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

 SURVEYOR, D.C.



SURVEYOR'S OFFICE, D.C.

Made for: DMFED
 Drawn by: L E S Checked by: _____
 Record and computations by: B MYERS
 Recorded at: _____
 Recorded in Book _____ Page _____ R-18-07241
 Scale 1 inch = 80 feet File No 18-40261

LINE	DISTANCE	BEARING
L1	36.25	S43°38'40"W
L2	37.36	N62°44'02"W
L3	23.20	S62°00'30"E
L4	30.56	N29°16'07"E
L5	70.84	N73°54'09"E



SQ. 3741

SQ. 3741

SQ. 3750

SQ. 3759

SQ. 3761

SQ. 3751

SQ. 3760

SQ. 3765

SQ. 3760

SQ. 3766

SQ. 3766

SQ. 3748

SQ. 3767

2017 TO BE CLOSED

SQ. 3710

SQ. 3706

SQ. 3701

SQ. 3701

SQ. 3705

SQ. 3706

3701

SQ. 3711

SQ. 3701

SQ. 3701

Map contains numerous parcel numbers and street names including DAKOTA AVE, South DAKOTA AVE, and various street names like S 17-18-42 W, N 18-17-00 W, etc.



IN REPLY REFER TO:
NCPC File No. 8005

August 27, 2018

Mr. Roland Dreist
Government of the District of Columbia
Department of Consumer and Regulatory Affairs
Office of the Surveyor
1100 4th Street, SW
Washington, DC 20024

Re: S.O. 18-40261 - Closing of a Portion of South Dakota Avenue, NE, Adjacent to Squares
3760 and 3766

Dear Mr. Dreist:

The purpose of this letter is to respond to your referral of a proposed street closing for National Capital Planning Commission (NCPC) review and comments to the Council of the District of Columbia pursuant to DC Code § 9-202.02.

Upon review of the case documents, NCPC staff has determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. In particular, the project meets the requirements of Exception 8, as the street is not located adjacent to federal property and does not provide access to federal property or affect other federal interests. In addition, the proposed closing is located outside the boundary of the L'Enfant City. The project was also made available for public review on the NCPC website and no comments were received. Accordingly, staff has determined that this project is exempt from Commission review.

This determination applies only to the project listed above. Determinations as to whether a particular project falls within one of the Commission's exceptions are done on a case-by-case basis, either during early consultation or upon request for review. Please note that the applicant cannot make this determination independently, and must submit projects to NCPC to confirm that an exception is warranted.

If you have any questions or need additional information please contact Matthew Flis at (202) 482-7236 or matthew.flis@ncpc.gov.

Sincerely,

Diane Sullivan
Director, Urban Design and Plan Review

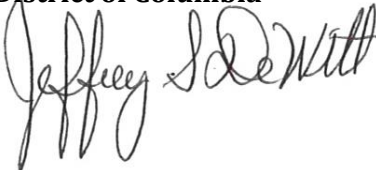
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: April 15, 2019

SUBJECT: Fiscal Impact Statement – Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 Act of 2019

REFERENCE: Bill 23-12, Committee Print provided to the Office of Revenue Analysis on April 10, 2019

Conclusion

Funds are sufficient in fiscal year 2019 and the proposed fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill.

Background

The bill formally closes a portion of South Dakota Avenue, N.E., which is currently a grass field and no longer used as a road. The bill transfers title of some of the closed road to the owner of adjacent lots¹, currently the developer FT Associates LLC, and the remaining land will remain with the District. The closure is required by a development agreement² between the District and FT Associates LLC to build a mixed-use residential and retail development on adjacent lots.

The bill also requires an easement to be provided to Washington Gas, which has underground facilities located in the portion of street to be closed.

Financial Plan Impact

Funds are sufficient in fiscal year 2019 and the proposed fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill.

¹ The title will vest to the owner of Lots 11 and 21 in Square 3760, and Lot 802 in Square 3760.

² An amendment to the excess property term sheet, PR 22-998, "South Dakota Avenue Riggs Road Excess Property Term Sheet Amendment Approval Resolution of 2018" was deemed approved on December 7, 2018.

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **June 4, 2019**

4
5
6 A BILL

7
8 23-12
9

10
11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
12
13 _____
14
15

16 To order the closing of a portion of South Dakota Avenue, N.E., adjacent to Squares 3760
17 and 3766, in Ward 4.
18

19 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
20 act may be cited as the “Closing of a Portion of South Dakota Avenue, N.E., Adjacent to Squares
21 3760 and 3766, S.O. 18-40261, Act of 2019”.

22 Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved
23 December 24, 1973 (87 Stat. 813; D.C. Official Code §1-204.04) and consistent with the Street
24 and Alley Closing and Acquisitions Procedures Act of 1982, effective March 10, 1983 (D.C.
25 Law 4-201; D.C. Official Code §9-201.01 et seq.), the Council finds that a portion of South
26 Dakota Ave., N.E., adjacent to Squares 3760 and 3766, as shown by the hatch-marks on the
27 Surveyor’s plat in S.O. 18-40261, is unnecessary for street purposes and orders it closed with
28 title to the land to vest as shown on the Surveyor’s plat.

29 (b) The approval of the Council of this street closing is contingent upon the execution and
30 recordation of an easement or easements for the benefit of Washington Gas for access to the

31 utility's facilities located in a portion of the street to be closed, as shown on the Surveyor's plat
32 filed in S.O. 18-40261.

33 Sec. 3. Fiscal Impact Statement

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

37 Sec. 4. Effective date.

38 This act shall take effect following approval by the Mayor (or in the event of veto by the
39 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
40 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
41 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
42 Columbia Register.