

**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: November 19, 2019

SUBJECT: Report on Bill 23-304, “Closing of a Public Alley in Square 1445, S.O. 11-01980, Act of 2019”

The Committee of the Whole, to which Bill 23-304, the “Closing of a Public Alley in Square 1445, S.O. 11-01980, Act of 2019” was referred, reports favorably thereon, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On May 20, 2019, Bill 23-304, the “Closing of a Public Alley in Square 1445, S.O. 11-01980, Act of 2019” was introduced by Councilmember Mary Cheh. Bill 23-304 would authorize the closure of an unimproved 15-foot strip of the public alley system between Lots 47 and 87 in Square 1145, bounded by properties at 5529 and 5531 Sherier Place N.W. in Ward 3.

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 23-304, 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 23-304, 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 closed alley will be divided equally among the property owners at 5529 and 5531 Sherier Place N.W., who will continue to maintain the alley as extensions of their yards.

II. LEGISLATIVE CHRONOLOGY

March 30, 1990	Law 8-75, the "Closing of a Public Alley in Square 1445, S.O. 88-152, Act of 1989" becomes law.
May 20, 2019	Bill 23-304, the "Closing of a Public Alley in Square 1445, S.O. 11-01980, Act of 2019" is introduced by Councilmember Mary Cheh.
May 28, 2019	Bill 23-304 is "read" at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.

- May 31, 2019 Notice of Intent to Act on Bill 23-304 is published in the *District of Columbia Register*.
- September 20, 2019 Notice of a Public Hearing on Bill 23-304 is published in the *District of Columbia Register*.
- October 10, 2019 The Committee of the Whole holds a public hearing on Bill 23-304.
- November 19, 2019 The Committee of the Whole marks-up Bill 23-304.

III. POSITION OF THE EXECUTIVE

Roland Dreist, D.C. Surveyor, testified at the Committee's public hearing on October 10, 2019. He stated that the purpose of the alley closure is to allow the property owners to take appropriate measures to relieve problems with security, drainage, and to enhance the area. The applicants for the closure are Patrick and Katherine Hanniford, owners of lot 47 and Kathleen Koerner, owner of lot 87. Mr. Dreist said the most probable value for the closing of the alley as of January 1, 2019 is estimated at \$126,790 (2,250 S.F. x \$56.35).

Mr. Dreist testified that there were no objections on the record, including none from the Executive branch agencies or utility companies.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

Advisory Neighborhood Commission 3B submitted a letter to Roland Dreist, D.C. Surveyor, conveying its support for the closure.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

Christine Saum, Director of Urban Design and Plan Review at the National Capital Planning Commission (NCPC), provided comments to the Council finding that the proposed alley closing falls under an exception in § 9-202.05(4)(A) of the District of Columbia Official Code and therefore does not require NCPC review. NCPC's letter is attached.

VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 23-304 on Thursday, October 10, 2019. The testimony summarized below is from that hearing. Copies of all written testimony are attached to this report.

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 one witness. This is summarized below.

Kathleen Koerner, an applicant for the closure, submitted written testimony in support of the closure.

VII. IMPACT ON EXISTING LAW

Bill 23-304 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 23-304, the Committee finds that the requirements of the Act have been satisfied.¹

VIII. FISCAL IMPACT

The attached 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 15-foot public alley system between Lots 0047 and 0087 in Square 1145, as shown on the Surveyor’s plat filed in S.O. 11-01980, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor’s plat.
<u>Section 3</u>	Fiscal impact statement.
<u>Section 4</u>	Effective date.

X. COMMITTEE ACTION

¹ D.C. OFFICIAL CODE § 9-202.01 *et. seq.* (2015).

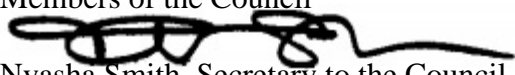
XI. ATTACHMENTS

1. Bill 23-304 as introduced (omitting some attachments).
2. Written Testimony.
3. Surveyor's Plat.
4. NCPC Comments.
5. Fiscal Impact Statement for Bill 23-304.
6. Legal Sufficiency Determination for Bill 23-304.
7. Committee Print for Bill 23-304.

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 : May 28, 2019

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, May 20, 2019. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Closing of a Public Alley in Square 1445, S.O. 11-01980, Act of 2019",
B23-0304

INTRODUCED BY: Councilmember Cheh

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

Attachment

cc: General Counsel
Budget Director
Legislative Services


Councilmember Mary M. Cheh

1
2
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6
7 A BILL
8
9
10

11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
12
13

14
15 To order the closing of the public alley system between Lots 0047 and 0847 in Square
16 1445, bounded by the properties at 5529 and 5531 Sherier Place, N.W., in Ward
17 3.
18

19 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

20 That this act may be cited as the "Closing of a Public Alley in Square 1445, S.O. 11-
21 01980, Act of 2019".

22 Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act,
23 approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04), and
24 consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982,
25 effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the
26 Council finds that the 15-foot public alley system between Lots 0047 and 0087 in Square
27 1145, as shown on the Surveyor's plat filed in S.O. 11-01980, is unnecessary for alley
28 purposes and orders it closed, with title to the land to vest as shown on the Surveyor's
29 plat.

30 (b) The approval of the Council of this alley closing is contingent upon the
31 satisfaction of all conditions set forth in the official file for S.O. 11-01980 before the
32 recordation of the alley-closing plat.

33 Sec. 3. Fiscal impact statement.

34 The Council adopts the fiscal impact statement in the committee report as the
35 fiscal impact statement required by section 4a of the General Legislative Procedures Act
36 of 1975, 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
39 by the Mayor, action by the Council to override the veto), a 30-day period of
40 congressional review as provided in section 602(c)(1) of the District of Columbia Home
41 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
42 206.02(c)(1)), and publication in the District of Columbia Register.



April 6, 2016

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

Subject: Street/Alley Closing Application **S.O. 11-01980**

Dear Mr. Dreist:

In a letter dated **December 12, 2015**, The District of Columbia Water and Sewer Authority (DC Water) objected to the Street/Alley Closing requested in **S.O. 11-01980**. Since that time, the applicant has contacted DC Water and resolved our objections. Therefore, DC Water removes our objection to the proposed street/alley closings requested in **S.O. 11-01980**.

If you have any additional needs from me, I can be reached at the contact information listed below.

Regards,

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!



Permit Operations Department
District of Columbia Water and Sewer Authority
1100 4th St, SW Suite 310, Washington, DC 20024
Ph 202 646 8600 Fax 202 646 8629

May 21, 2012

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

Subject: S.O. 11-01980 – Closing an Alley between Lots 047 and 0847, Square 1445

Dear Mr. Dreist:

The District of Columbia Water and Sewer Authority (DC Water) objects to the proposed alley closure under requested S.O. 11-01980 dated April 23, 2012. DC Water operates and maintains a 10" sewer main within the alley. The applicant must abandon, relocate, or provide an easement to maintain and operate the sewer main.

The applicant is asked to respond with a course of action describing how the utility will be addressed.

If you have any questions, please call me at (202) 646 8611 or email me at cscaper@dcwater.com.

Regards,

A handwritten signature in black ink that reads 'Callie Schaper'.

Callie Schaper
Supervisor, DC Water
1100 4th St. SW Suite 310, Washington, DC 20024
Ph 202 646 8611 Fax 202-646-8629
DC Water - Water is Life!

Office of the Surveyor
MAR 30 2012
RECEIVED



A PHI Company

Pepco Engineering – D.C.
Building #59, Office # 2763
3400 Benning Rd., NE
Washington, DC 20019
(202) 388-2602
Fax (202) 388-2721

May 3, 2012

Mr. Roland F. Dreist, Jr.
Government of the District of Columbia
Department of Consumer and Regulatory Affairs
1100 4th Street, SW, Third Floor
Washington, DC 20024

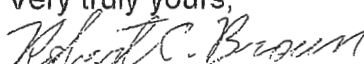
Dear Mr. Dreist:

Subject: Proposed Closing of a Public Alley and Sewer Easement Established in Square
1445, S.O. 11-01980

In response to your memorandum dated April 23, 2012 concerning the subject proposed alley closing and sewer easement, we comment as follows:

We have reviewed the documents showing the proposed alley closing and sewer easement and we have determined that Pepco does not have any facilities within the proposed alley to be closed a sewer easement established. However, in the alley there is a DC owned overhead wire that provides service to a DC street light pole. We find no conflict with the proposed alley closing and sewer easement. Therefore, we do not object to the proposed closing of the alley.

If you have any questions regarding this matter, please call me at (202) 388-2602 or e-mail me at rcbrown@pepco.com.

Very truly yours,

Robert C. Brown
Sr. Supervising Engineer

Network Engineering
OPPE MD/DC



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

May 24th, 2012
Mr. Roland F. Dreist, Jr.
Office of the Surveyor
1100 4th Street SW
Washington, D.C. 20024

RE: Proposed Closing of Alley in Square 1445- S.O. 11-01980

Dear Mr. Dreist:

In reference to your letter dated April 23rd, 2012 which relates to closing of public alley in Square 1445

Location: Square 1445

Verizon Washington D.C. Inc. does not object to the proposal.

Service is no longer required in the Square.

An easement will be provided, and paid for by the owners with metes and bounds description with a plat and all documentation necessary to record the easement to permit existing telephone plant to remain in its present location subject to Verizon approval.

Verizon is fully reimbursed for relocating its plant and feeders. Alley/Street closing will not take place until these facilities are completely relocated and permanent services restored fully to all customers affected by the move.

Telephone cables and terminals are cut off and abandoned.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gabor I. Varsa".

Gabor I. Varsa
Engineer, Outside Plant Engineering, WSAM

GIV/kdy

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

Washington
Gas

6801 Industrial Road
Springfield, Virginia 22151

November 4th, 2015

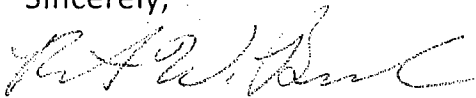
Mr. Roland Driest
Atten. Diana Dorsey Hill
Department Of Consumer and Regulatory Affairs
Building and Land Regulations Administration
Office of The Surveyor
Washington , D.C. 20002

Dear Mr. Roland Driest

RE: Proposed Closing of a Public Alley in Square 1445 adjacent to Lots 0047 and
0847.

We have no facilities in conflict with the area as shown and have no objection to
the closing of the Public Alley in Square 1445 adjacent to Lots 0047 and 0847.

Sincerely,




Robert Banks
Digitizer / Draftsman

**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: August 8, 2018

Subject: S.O. No. 11-01980 – Alley Closure in Square 1445

The property owners of 5531 Sherrier Place, N.W. (Square 1445, Lot 0047) and 5529 Sherrier Place, N.W. (Square 1445, Lot 0847) (the "Applicant") applied to close an unimproved paper alley in Square 1445. In 2016, the District Department of Transportation (DDOT) submitted a report objecting to the closure of the public alley until the following conditions were met:

- The Applicant submit a payment to cover the cost of removing the existing alley lights; and
- Secure a public space permit to close the alley apron.

The Applicant has paid the lighting fee, and is in the process of closing the alley apron. As such, DDOT has no objection to the proposed action to close the paper alley in Square 1445.

JS:kb


Government of the District of Columbia

Department of Transportation



MEMORANDUM

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

FROM: Sam Zimbabwe 
Associate Director, PPSA

DATE: February 3, 2016

SUBJECT: S.O. No. 11-01980 (2nd Request) – Proposed Closing of a Public Alley and Sewer Easement in Square 1445

OVERVIEW

The District Department of Transportation (DDOT) has reviewed the application and materials for the subject site. This memorandum addresses the transportation aspects of the proposal. The property owners of 5531 Sherrier Place, N.W. (Square 1445, Lot 0047) and 5529 Sherrier Place, N.W. (Square 1445, Lot 0847) (the "Applicant") seeks approval to complete the closure of an unimproved paper alley in the subject Square.

BACKGROUND

The Council of the District of Columbia approved the closing in 1990, however the previous property owners failed to record the deed within two years of the approval date. The Approval was contingent upon the Applicant providing an easement for the full width of the alley to allow DC Water access to an existing 10-inch diameter sanitary sewer drain. The entire width of the alley will remain undeveloped for overland drainage.

The Department of Public Works, the DDOT predecessor, submitted a report dated July 22, 1988 with no objection to the closure with the condition the Applicant submit a deposit of \$2,000 to cover the costs to remove the alley apron and restore the curb, gutter and sidewalk and cover all costs to remove one existing alley light in the subject area. (Attachment – A)

DDOT ASSETS

DDOT maintains the public light system that consists of streetlights, alley lights and related infrastructure. There is one existing alley light (SLF No. 11227-E) installed on a utility pole that will have to be removed as part of the closure action. DDOT requires the Applicant to cover all costs for removing the existing alley light, light fixtures, arms and conduit at a cost not to exceed \$2,534.40 (Attachment – B)

PUBLIC SPACE IMPACTS

The Applicant will be responsible for covering all costs to close the existing alley apron and replace it with a standard curb. A public space permit is required to perform the work available through the DDOT Transportation Online Permitting System (TOPS) available at the following link; <https://tops.ddot.dc.gov>. The online permit includes a \$25 application fee and \$75 processing fee to close a driveway/alley apron. Additional construction costs are to be borne by the Applicant.

RECOMMENDATION


DDOT objects to the closure Action until the Applicant submits payment to cover the costs to remove the existing alley light and applies for a public space permit to close the alley apron.

SZ:lb



MEMORANDUM

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

FROM:  Jennifer Steingasser, Deputy Director, Development Review & Historical Preservation

DATE: May 25, 2012

SUBJECT: S.O. 11 – 01980 - Proposed Closing of a Public Alley Portion in Square 1445

I. RECOMMENDATION

The Office of Planning (OP) has completed its review of the application for the requested alley closing and **supports this request** pending comments from the District Department of Transportation.

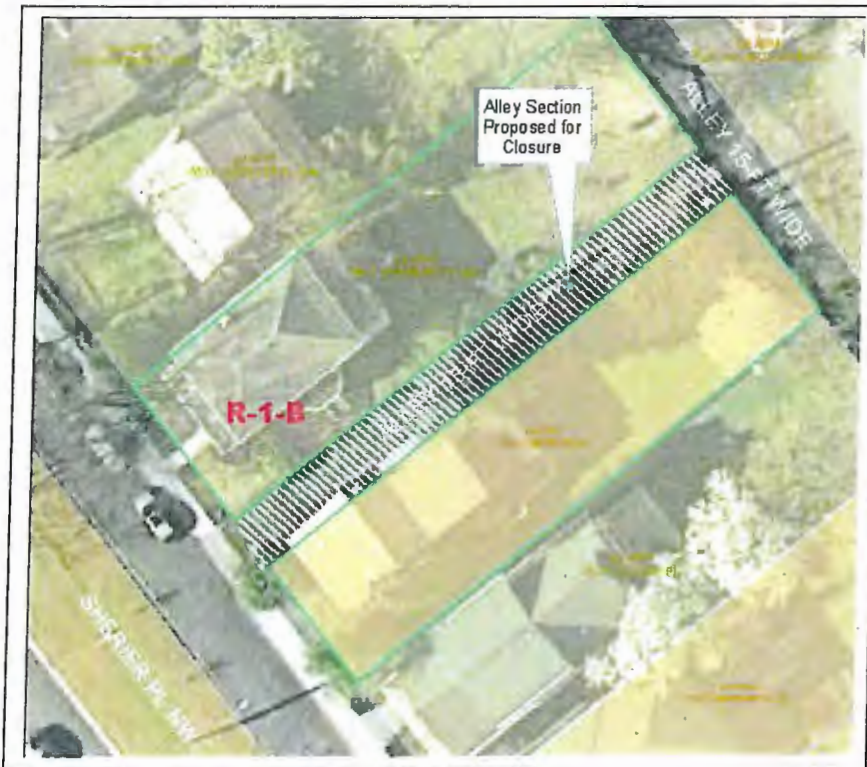
II. SITE DESCRIPTION

Applicants:	Kathleen Koerner (owner of lot 0847); Katherine Hanniford and Patrick Hanniford (owners of lot 0047)
Addresses:	5529 and 5531 Sherier Place NW (respectively)
Legal Description:	Square 1445
Ward:	3
Zoning:	R-1-B - Moderate density residential
Historic District:	None
2010 Comprehensive Plan Future Land Use Map Designation:	Moderate density residential. The proposal to close this unopened alley portion bordered by both properties would not be inconsistent with this designation.
2010 Comprehensive Plan:	The proposal would not be inconsistent with policies in the Land Use Element of the 2010 Comprehensive Plan, and would not significantly add to the development potential of the adjacent lots or result in lots that were uncharacteristic of the neighborhood.

III. PROPOSAL

Request:	To close the cross-hatched portion of unopened alley shown below.
Description:	The subject unimproved alley portion extends southwest between the subject properties to Sherier Place NW from a network of alleys 15-foot wide. The rest of the alleys are improved.

Size:	15.0 x 150.0 feet (2,250 square feet)
Adjacent Ownership:	Same as the applicants.
Proposed Development:	No new development is proposed.



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). Relevant objectives, as contained within the Comprehensive Plan (10 DCMR, Chapter 9), include:

§300 Land Use Element

§310.8 Policy LU-2.2.7: Alley Closings

Discourage the conversion of alleys to private yards or developable land when the alleys are part of the historic fabric of the neighborhood and would otherwise continue to perform their intended functions, such as access to rear garages and service areas for trash collection.

The subject unopened alley extends 150 feet from Sherier Place to the end of the subject properties. The application indicates the neighboring property owners, past and present, have maintained the alley as an extension of their yards and the space is well maintained. From the street the alley appears to be part of the 5529 Sherier Place lawn because of a wrought iron fence along the apparent boundary of 5531 Sherier Place. Although a curb cut identifies where the alley intersects the street, there is no indication of it being used for vehicular access to the adjacent properties or the alley network beyond.

In light of these observations, elimination of unopened alley portion would not disrupt the historic

pattern of the neighborhood and square or impact the provisions of public services such as trash collection. If approved, the curb cut would serve no purpose. The applicant should be required to remove the curb cut to facilitate street parking and continue the existing sidewalk.

§900 Urban Design Element

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

- *Strengthening civic identity through a renewed focus on assets such as public spaces, boulevards, and waterfront areas...*
- *Improving the public realm, particularly street and sidewalk space...*

The request would not result in any change in the amount of existing public alley currently in use, and would not impact the civic identity or public realm. Removal of the curb cut would improve the streetscape.

§909.8: Policy UD 2.1.2: Downtown Street and Block Patterns

Maintain a fine grained pattern of Downtown blocks, street and alleys, with intersections and frontages that encourage pedestrian movement and reduce the potential for immense variations in scale and "fortress-like" office buildings (see Figure 9.8 [Superblock Versus Fine-Grained Street and Development Patterns §909.13]).

This square and alley are outside of the Downtown area.

§913.6 Policy UD-3.1.9: Street Closures

Strongly discourage the closure of streets for private ownership or use. Any request for street closure should be reviewed in terms of the resulting impacts on vehicular and pedestrian circulation, access to private property, emergency access and fire protection, view obstruction, loss of open space, building scale, and other factors.

Elimination of this opened alley portion would not impact the existing vehicular circulation pattern within the square or on the adjacent streets.

Previously this alley portion was the subject of alley closing application reviewed by OP in 1988. That application requested closure of the referenced 15-foot strip of unimproved alley between 5529 and 5531 Sherier Place NW. A memorandum from the Director of the Strategic Planning and Development Review Services to the D.C. Surveyor in July 1988 expressed no objection to the application. Subsequently the D.C. Council adopted the associated legislation, "Closing of a Public Alley in Square 1445, S.O. 88-152, Act of 1989" and it became law on March 15, 1990.

Unfortunately, the property owners at that time did not complete the paperwork necessary to finalize the closure of this alley portion before the adopted legislation expired.

B. Housing Linkage

Projects that obtain bonus commercial floor area or a zoning density increase as a result of a street or alley closing are subject to the Housing Linkage provisions of the District of Columbia Comprehensive Plan. Those provisions do not apply in this case because no commercial development was proposed in conjunction with this request and none is likely in the existing R-1-B zone district.

C. 24 DCMR Chapter 14 Requirements

The alley closing regulations require submission of a plan so that reviewing agencies can determine the potential impact of this request. However, no construction is proposed in association with the proposed alley closing.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
HISTORIC PRESERVATION OFFICE
OFFICE OF PLANNING



MEMORANDUM

TO: Roland Dreist, Office of the Surveyor

FROM: Andrew Lewis, Historic Preservation Office

DATE: April 25, 2012

SUBJECT: Proposed Alley Closure; Square 1445 – Lots 0047 & 0847) (S.O. 11-01980)

Thank you for contacting the DC Historic Preservation Office regarding the above-referenced 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 this closure involves an alley rather than a street.

12-117

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



Office of the Director

MEMORANDUM

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

FROM: James Thackaberry
Supervisory Project Manager

DATE: June 13, 2012

SUBJECT: Department of Housing and Community Development Review Comments
on Alley Closing Application S.O. 11-01980 - to Close a Portion of a
Public Alley Located in Square 1445

The Department of Housing and Community Development (DHCD) has reviewed the above referenced alley closing application. DHCD supports the requested alley closing specified in the application based upon the following understanding of the information contained in the Application:

1. The Applicants are the adjacent property owners applying for closure of the portion of the alley located between Lots 47 and 847.
2. Closure of this particular portion of alley was approved in 1990 by the "Closing of a Public Alley in Square 1445, SO 88-152, Act of 1989" signed into law March 15, 1990. However, the previous owners of the adjacent property failed to complete the recording of the deed within the required two years.
3. The closure of the portion of alley between Lots 47 and 847 is being sought because the alley is an unimproved paper alley that is currently maintained by the two adjacent property owners.
4. The closed alley will be divided equally between the two adjacent property owners. The adjacent property owners will take appropriate measures to deal with minor security and water drainage problems.
5. The closed portion of alley will be returned to the tax rolls when it is returned to the two adjacent properties.



Vincent C. Gray
Mayor

Government of the District of Columbia
Fire and Emergency Medical Services Department
Washington, D.C. 20001



Kenneth B. Ellerbe
Fire & EMS Chief

MEMORANDUM

TO: Roland F. Dreist, Jr.
D.C. Surveyor
Department of Consumer and Regulatory Affairs

FROM: Bruce D. Faust, *BDF*
Deputy Fire Chief/D.C. Fire Marshal
D.C. Fire and EMS Department

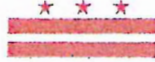
DATE: May 16th, 2012

SUBJECT: S.O. 11-01980

The D.C. Fire and EMS Department, Office of the Fire Marshal has reviewed the above request to close a public alley in Square 1445. Based upon the review and a site visit by Captain Timothy Jefferies, we have no objections to the proposal.

If you have questions concerning this review, please contact Chief Bruce D. Faust at 727-3298.

Bruce D. Faust



GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADVISORY NEIGHBORHOOD COMMISSION 3D

PO Box 40486, Palisades Station

Washington, DC 20016

*PALISADES · KENT · SPRING VALLEY · WESLEY HEIGHTS · NEW MEXICO/CATHEDRAL · THE AMERICAN
UNIVERSITY · FOXHALL VILLAGE · BERKELEY*

November 12, 2015

Mr. Roland F. Dreist, Jr.
Surveyor, D.C.
Office of the Surveyor
Government of the District of Columbia
Department of Consumer & Regulatory Affairs
1104 Fourth Street, SW, Room E320
Washington, DC 20024

RE: Proposed Closing of a Public Alley and Sewer Easement Established in Square 1445 – S.O. 11-01930

Dear Mr. Dreist:

At its regularly scheduled monthly meeting on November 4, 2015, held at the Sibley Memorial Hospital Medical Building and with a quorum present at all times, Advisory Neighborhood Commission (ANC) 3D voted 9-0 to approve the application of Square 1445, lots 0047 and 0847 for closing an alley.

The ANC also recommended that, if the application is approved by the District of Columbia Government, DDOT should install a curb on Sherier Place, NW, between the houses of the applicants at 5531 and 5529 Sherier Place, NW, so as to remove the curb-cut for the alley and create additional parking on the street.

It was noted at the discussion of the application at the ANC meeting that the alley had previously been approved for closing on March 15, 1990, but the previous owners of the houses never recorded the deed.

Thank you for the opportunity to provide these comments to the Office of the Surveyor. ANC 3D requests that the Commission's views be given the "great weight" to which they are entitled under DC law.

Sincerely,

Thomas M. Smith
Chair, ANC 3D

Cc: Ms. Diana Dorsey Hill, Program Specialist

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 closings of Public Alley and Easement in Square 1445- SO, 11-01980

Date: November 25, 2015

The following Alley closing was investigated for review:

Square 1445- SO, 11-01980

The Department has reviewed the proposed closing, at this time we have no objection to the closing of alley Square. 1445- SO, 11-01980.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer
Office of Tax and Revenue



MEMORANDUM

To: Roland F. Dreist, Jr., Surveyor, DC

From: Eugene Clindinin, Supervisory Appraiser, OTR/RPTA/RPAD

Date: September 6, 2019

Subject: Most Probable Assessed Land value for S.O. 11-01980 Public Alley Closing and Sewer Easement Established in Squares 1445.

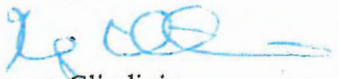
Reference: S.O. 11-01980 Public Alley Closing and Sewer Easement Established in Square 1445.

Pursuant to your request we have derived the most probable estimate of value for the above referenced tract of land.

The most probable estimate of value as of January 1, 2019 which represents tax year 2020 for the public alley and sewer easement closing in square 1445 is estimated at **\$126,790** (2,250 S.F X \$56.35 estimated square foot). The estimate is rounded.

If you have any questions, please contact me at 202.442.6743.

Sincerely,


Eugene Clindinin
Supervisory Appraiser
OTR/RPTA/RPAD

WRITTEN TESTIMONY OF PATRICK HANNIFORD

My name is Patrick Hanniford. My wife, Kate, and I own our house located at 5531 Sherier Place, NW, in Ward 3. We live there with our children, ages 6 and 3. My wife and I purchased the property in March 2011. On October 10, 2019, I testified before the Committee of the Whole on Bill 23-304, the “Closing of a Public Alley in Square 1445, S.O. 11-01980, Act of 2019.” This bill would order the closing of a portion of the public alley in Square 1445. The alley is between our house and the house of our neighbor, Kathy Koerner. These are the only properties to abut the alley. Kate, Ms. Koerner and I are the applicants in connection with the proposed alley closure.

The alley in question is unimproved green space, and we are pursuing this process to ensure that the property remains that way and can be used by our families. Kathy, my wife, and I have been caring for the alley as if it were our own property since we moved into our homes. We cut the grass in warmer months and shovel the section of sidewalk in winter. By pursuing this process, we can have confidence that it will never become a paved roadway. We understand that closing the alley will mean that property taxes will increase, but we view that as a small price to pay to ensure that the alley will not be repurposed.

As I testified in my response to questions from Chairman Mendelson on October 10, we are not seeking to close the alley in order to build a permanent structure on the land in question. My wife and I do not have current plans to enlarge our house. But more importantly, as part of the application process, we granted an easement to DC Water for it to have access to a pipe running underneath the alley. Among the terms of the easement are that we are not permitted to erect any permanent structures in the alley.

We have also been heartened by the backing of our neighbors and community. We have spoken to the surrounding neighbors about our application. And as the Committee may know, in November 2015, we received the unanimous endorsement of ANC 3B. Michael Sriqui, our new ANC representative and Palisades neighbor, recently shared his support for our application.

Finally, for purposes of the record, it is important to note that the closing process for the alley in question was previously completed by the prior owners of our and Ms. Koerner's respective homes. However, as mentioned by Ms. Koerner and confirmed by representatives of the District's Office of the Surveyor, the then-homeowners failed to record title to the land. Given the passage of time, it was not possible to resume the process where our predecessors had left off, but we view ourselves as taking the final steps in a process that was previously approved by all relevant and necessary parties.

My wife and I appreciate your consideration and strongly urge you to adopt 23-304. I appreciate the opportunity to have testified on October 10 and to submit this subsequent written testimony. Please feel free to contact us with any questions. Thank you.

WRITTEN TESTIMONY OF KATHY KOERNER

My name is Kathy Koerner. My house is located at 5529 Sherier Place, NW, in Ward 3. I am writing in support of Bill 23-304, the “Closing of a Public Alley in Square 1445, S.O. 11-01980, Act of 2019.” This bill would order the closing of a portion of the public alley in Square 1445. The alley is between my house and my neighbors, Kate and Patrick Hanniford’s, house. The three of us are the applicants who have requested that this alley be closed.

I moved to my house in July 2002. When I moved, I was provided copies of documentation that indicated the approval of the alley division was enacted thru the ANC, City Council, Congress and signed into law in 1990. However, it was never recorded by the past owners. Thus, the entire process needed to be completed again.

The alley in question does not resemble an alley in any way. The alley is currently entirely grass with a few trees. We have been maintaining the lawn, the landscaping, the trees, and removal of leaves and snow at no cost to the city since 2002. We would like to pass into law, what has been the *de facto* situation for many years. But more importantly, the three of us greatly value green space in the city. By converting the alley into private property, we can assure that it will never be paved over. Even though closing the alley will mean that we will pay a larger amount in property taxes, we are willing to do so to guarantee that the alley will always be grassy.

My house, which was built in the 1920s, is one and half feet from the alley property line. I would like to ensure privacy by having the alley divided into private property. I have no plans to enlarge my house or place any structures on the alley.

All our neighbors have been supportive of this application. ANC 3B voted unanimous approval four years ago in November 2015. This year, our new ANC representative, Michael Sriquei, voiced his approval of our application.

I am requesting adoption of Bill 23-304. Please let me know if you have any questions.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**



Public Hearing

On

Bill 23-304, the “Closing of a Public Alley in Square 1445, S.O. 11-01980 Act of 2019”

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

John A Wilson Building

Room 412

1350 Pennsylvania Avenue, NW

Washington, DC 20004

October 10, 2019

10:00 am

Good Morning, Chairman Mendelson, members, and staff of the Committee of the Whole. I am Roland Dreist, Surveyor of the District of Columbia with the Department of Consumer and Regulatory Affairs. I appear before you today to present testimony on Bill 23-304, the "Closing of a Public Alley in Square 1445, S.O. 11-01980, Act Of 2019." This bill would order the closing of a portion of a public alley in Square 1445, bounded by Sherrier Place N.W., Macomb Street N.W., MacArthur Boulevard N.W., and Cathedral Avenue N.W. in Ward 3.



The purpose of this alley closure is to allow for the applicants who have been maintaining the alley, and are the only properties abutting the alley, to take appropriate measures to relieve problems with security, drainage, and to enhance the area. The portion of the 15 foot alley to be closed was created by a subdivision recorded in County Book 24, Page 50 on August 23, 1909. The alley is unimproved other than a street light and a curb cut on Sherrier Place N.W. The title to the portion of the alley to be closed could not be determined to be held by the District of Columbia or the United States. The most probable value for the closing of the portion of the alley in Square 1445 as of January 1, 2019, which represents tax year 2019 –is estimated at \$126,790.00 (2,250 S.F. x \$56.35).

The applicants for this closure are Patrick and Katherine Hanniford, owners of Lot 47 and Kathleen Koerner, owner of Lot 847. The Surveyor's Office notified the relevant Executive Branch agencies and confirmed that there are no agency objections to this application. The utility companies also have no objection to this closing.

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 April 23, 2012. In a letter dated May 17, 2012, the NCPC determined that the proposed project falls under an exception and did

not require NCPC review. Pursuant to D.C. Official Code § 9-202.02(5), the Surveyor's Office notified Advisory Neighborhood Commission 3B of this application on April 23, 2012. In a letter dated November 12, 2015, ANC 3B supported this application. Pursuant to D.C. Official Code § 9-202.02(6), the Surveyor's Office notified the abutting property owners, who in this case are the applicants. 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.

PURSUANT TO D.C. LAW NO. _____, EFFECTIVE _____, 20____,
 THE ALLEY SHOWN THUS  IS CLOSED AND TITLE VESTS AS SHOWN UPON RECORDATION
 OF THIS PLAT.
 THE SEWER EASEMENT SHOWN THUS  IS SUBJECT TO THE PROVISIONS OF THE COVENANT
 RECORDED WITH THE RECORDER OF DEEDS AS INSTRUMENT NO. _____,
 RECORDED _____, 20____.

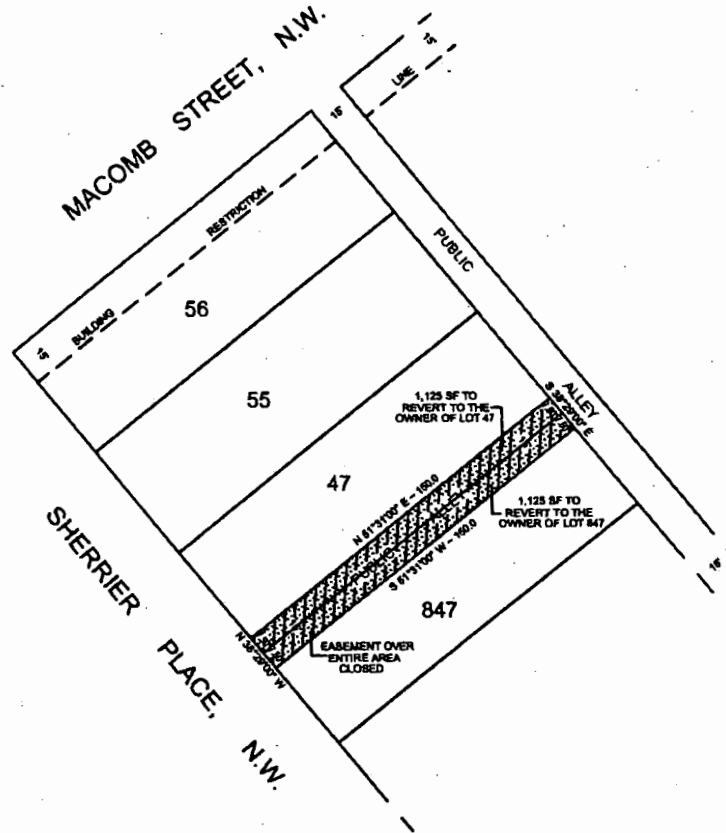
PUBLIC ALLEY CLOSED AND SEWER EASEMENT ESTABLISHED SQUARE 1445

OFFICE OF THE SURVEYOR, D.C.


_____, 2012

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

 SURVEYOR, D.C.



SURVEYOR'S OFFICE, D.C.

Made for: KATHERINE & PATRICK HANFORD
 Drawn by: L.E.S. Checked by: 
 Record and computations by: B. MYERS
 Recorded at: _____
 Recorded in Book _____ Page _____ SR-12-02759
 Scale: 1 inch = 30 feet File No. 11-01980

SQUARE 1445





IN REPLY REFER TO:
NCPC File No. 7380

May 17, 2012

Mr. Roland F. Dreist, Jr.
Surveyor
District of Columbia Department of Consumer and Regulatory Affairs
1100 4th Street, SW
3rd Floor
Washington, DC 20024

Re: S.O. 11-01980 - Proposed Closing of a Public Alley in Square 1445.

Mr. Dreist:

The purpose of this letter is to inform you of the status of the National Capital Planning Commission's (NCPC) review of S.O. 11-01980. By letter dated April 23, 2012, the proposed alley closing was referred to NCPC pursuant to Section 9-202.02 of the D.C. Official Code, which requires the Mayor of the District of Columbia to refer all proposals for full or partial street and alley closings to NCPC for recommendation, except as provided in § 9-202.3.

According to Section 9-202.3, the requirement to refer applications to close all or part of an alley to NCPC does not apply if the application falls within one of the circumstances enumerated in § 9-202.05(2), (4)(A), (5), or (6). NCPC staff has determined that the proposed alley closing falls within one of these circumstances, and specifically that which is described in 9-202.05(4)(A). This particular circumstance exempts from NCPC review applications to close "all or any part of any alley when the application has been supported in writing by all of the record owners of all of the property abutting the entire alley, and when land in the same square is concurrently provided for alley purposes." According to the information you provided, the alley proposed to be closed is an unimproved, 15-foot strip lying between 5529 and 5531 Sherier Place, NW (Square 1445 Lots 0847 and 0047) the only properties abutting this unimproved alley. Also included in the information provided is a written statement of support for the alley closing signed by the owners of these two properties.

The determination that the above described alley closing does not require NCPC review applies only to this application (S.O. 11-01980). These determinations are made on a case-by-case basis at the time of referral. We appreciate the opportunity to comment on the application and look forward to future referrals.

If you have any questions or require additional information please contact Shane L. Dettman, AICP at (202) 482-7267 or shane.dettman@ncpc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Saum".

Christine Saum
Director, Urban Design and Plan Review

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **November 19, 2019**

4
5
6
7 A BILL

8
9 23-304
10
11

12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
13
14
15

16 To order the closing of a portion of the public alley system between Lots 47 and 847 in Square
17 1445, bounded by the properties at 5529 and 5531 Sherier Place, N.W., in Ward 3.
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 Pubic Alley in Square 1445, S.O. 11-01980, Act of 2019.”

21 Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved
22 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04), and consistent with the Street
23 and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law
24 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council finds that the 15-foot public alley
25 system between Lots 47 and 847 in Square 1145, as shown on the Surveyor’s plat filed in S.O.
26 11-01980, is unnecessary for alley purposes and orders it closed, with title to the land to vest as
27 shown on the Surveyor’s plat.

28 (b) The approval of the Council of this alley closing is contingent upon the
29 satisfaction of all conditions set forth in the official file for S.O. 11-01980 before the recordation
30 of the alley-closing plat.

31 Section 3. Fiscal impact statement.

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

35 Sec. 4. Effective date.

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