

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: October 20, 2020

SUBJECT: Report on Bill 23-522, “Closing a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W., and the transfer of jurisdiction back to the Secretary of the Navy, S.O. 14-21786, Act of 2020”

The Committee of the Whole, to which Bill 23-328, the “Closing a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W., and the transfer of jurisdiction back to the Secretary of the Navy, S.O. 14-21786, Act of 2020”¹ was referred, reports favorably thereon with minor amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On October 31, 2019, Bill 23-522, the “Closing a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W., and the transfer of jurisdiction back to the Secretary of the Navy, S.O. 14-21786, Act of 2020”² was introduced by Chairman Phil Menelson at the request of the Mayor. Bill 23-522 would authorize the closure of a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W. to transfer administrative jurisdiction

¹ Formerly the “Closing a portion Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W.; the removal of building restriction lines associated with the portion of Chesapeake Street, S.W., being closed; and the transfer of jurisdiction back to the Secretary of the Navy of the portion of Keel Avenue, S.W. being closed, in Parcels 251/55, 251/56, 242/32, 252/62, 259/1, 259/11, 259/14 and 259/16 in Southwest Washington, D.C., S.O. 14-21786, Act of 2019.”

² *Id.*

of the effected property to the Department of Navy, as the property lies within the fenceline of the Navy's Bellevue Housing Complex (Joint Base Anacostia - Bolling) in Ward 8.

Legal Background

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. Councilmembers may also initiate an alley or street closing 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 23-522, all of the reviews have been completed.

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 23-522, 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.

According to a presentation from the Surveyor of the District of Columbia to the National Capital Planning Commission, the Navy acquired this property in early 1941. The transfer of

jurisdiction of a portion of the property to the District occurred in July 1941. D.C. Council approved a Resolution 8-232, the “Transfer of Jurisdiction over Portions of Public Streets Adjacent to the U.S. Navy’s Bellevue Housing Complex, S.O. 87-300, Resolution of 1990,” to transfer jurisdiction of this property back to the Navy. The approval of the resolution was conditioned on the Navy filing a covenant for sewer and water main easement within two years of the resolution becoming effective. While the Navy did execute a covenant, they filed to it within the two year time limit, so jurisdiction was not transferred back to the Navy.³

Building Restriction Lines

As introduced, Bill 23-522 proposed to not only close rights-of-way but to remove the building restriction lines associated with a segment Chesapeake Street, S.W. In December 2019, the Committee dealt with a similar issue related to building restriction lines on Bill 23-474.⁴ As the Committee noted in its report on Bill 23-474, a building restriction line exists only if there is a street, because it is a no-build area that serves to widen the openness of a right-of-way. A building restriction line has no meaning if a street is closed – if there is no street. Therefore, it must be removed implicitly along with the closing.⁵ At the request of the Committee, the Council’s Office of General Counsel issued an opinion regarding the effect that the closing of a public street has on building restriction lines that were measured from that closed street. As the memorandum notes:

“.. it is our conclusion that when the Council closes a public street and title reverts to private owners, any associated building restriction lines are rendered unenforceable by the act of the closure. Accordingly, it is not necessary for the Council to affirmatively order the removal of such lines in the land records.”⁶

As such, the Committee Print does not include the reference to the building restriction lines that was in Bill 23-522 as introduced.

Conclusion

Given the facts, the Committee recommends Council approval of Bill 23-522.

³ Powerpoint presentation by the District of Columbia Office of the Surveyor, NCPC File # 7688, Closing of a Public Street, S.O. 14-21786.

⁴ Closing of Public Street and Alley abutting Squares 3765 and 3767, S.O. 18-41561, Act of 2020.

⁵ Committee of the Whole Report on Bill 23-474, the “Closing of Public Street and Alley abutting Squares 3765 and 3767, S.O. 18-41561, Act of 2020,” pg. 5.

⁶ D.C. Council Office of General Counsel Memorandum to Chairman Phil Mendelson, December 13, 2019, Re: Effect of the Closing of a Public Street on Associated Building Restriction Lines,” pg. 4.

II. LEGISLATIVE CHRONOLOGY

- October 31, 2019 Bill 23-522, the “Closing a portion Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W.; the removal of building restriction lines associated with the portion of Chesapeake Street, S.W., being closed; and the transfer of jurisdiction back to the Secretary of the Navy of the portion of Keel Avenue, S.W. being closed, in Parcels 251/55, 251/56, 242/32, 252/62, 259/1, 259/11, 259/14 and 259/16 in Southwest Washington, D.C., S.O. 14-21786, Act of 2019” is introduced by Chairman Phil Mendelson at the request of the Mayor.
- November 5, 2019 Bill 23-522 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
- November 8, 2019 Notice of Intent to Act on Bill 23-522 is published in the *District of Columbia Register*.
- July 24, 2019 Notice of a Public Hearing on Bill 23-522 is filed with the Office of the Secretary.
- July 31, 2020 Notice of a Public Hearing on on Bill 23-522 is published in *the District of Columbia Register*.
- September 17, 2020 The Committee of the Whole holds a public hearing on Bill 23-522.
- October 20, 2020 The Committee of the Whole marks-up Bill 23-522.

III. POSITION OF THE EXECUTIVE

Joseph Snider, Deputy Surveyor of the D.C. Office of the Surveyor, testified at the Committee’s public hearing on September 17, 2020. Mr. Snider noted the purpose of the street closure is to transfer administrative jurisdiction of the property to the Department of Navy. He said that the most probable value for the closing of the alley as of January 1, 2020 is estimated at \$72,830 (42,100 square feet multiplied by \$1.73).

Anna Chamberlin, Associate Director of the Planning and Sustainability Division of DDOT, testified at the Committee’s public hearing on September 17, 2020. Ms. Chamberlin’s testimony did not speak to Bill 23-522.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

Advisory Neighborhood Commission 8D did not comment on this street closing, but the Commissioner for SMD 8D04 submitted a letter to the D.C. Surveyor conveying support for the closure.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

By a delegated action of the Executive Director, dated July 14, 2015, the Executive Director of the National Capital Planning Commission found that the proposed street closing for Chesapeake Street, Magazine Road, S.W. (west of Overlook Avenue, SW) and Keel Road, S.W. would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital and would not adversely affect any other federal interests. The letter is attached to this report.

VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on several bills, including Bill 23-522, on Thursday, September 17, 2020. The testimony summarized below pertains to Bill 23-522. Copies of all written testimony are attached to this report.

Holland Hargrove, Senior Realty Specialist with Naval Facilities Engineering Command, testified in support of the bill as the applicant. Mr. Hargrove noted that the portion the street to be closed and transferred is within the fence-line of the Joint Base Anacostia Bolling (JBAB) where the Bellevue Housing Public-Private Venture is located. He said that the street closing and transfer will enable the federal government to better allocate funding toward maintaining the transferred property.

Joseph Snuder, Deputy Surveyor of the District of Columbia, testified on behalf of the Executive. His testimony is summarized in Section III.

Anna Chamberlin, Associate Director of the Planning and Sustainability Division of DDOT, testified on behalf of the Executive. Her testimony is summarized in Section III.

The Committee has received no testimony or comments in opposition to the alley closing or Bill 23-522.

VII. IMPACT ON EXISTING LAW

Bill 23-522 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 23-522, the Committee finds that the requirements of the Act have been satisfied.

VIII. FISCAL IMPACT

The attached fiscal impact statement from the District’s Chief Financial Officer states that funds are sufficient in the FY 2021 through FY 2024 budget and financial plan to implement the bill. The D.C. Surveyor estimates that the most probable value of the land being added to the tax rolls is \$72,830.

IX. SECTION-BY-SECTION ANALYSIS

- Section 1 Short title.
- Section 2 (a) Orders the closing of a portion of the Chesapeake Street S.W., as shown on the Surveyor's plat filed in S.O. 14-21786.
- (b) Orders the transfer of the portion of Keel Avenue, S.W. being closed from the District to the United States (Secretary of the Navy).
- Section 3 Fiscal impact statement.
- Section 4 Effective date.

X. COMMITTEE ACTION

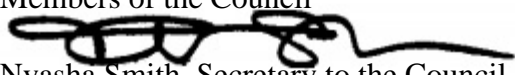
XI. ATTACHMENTS

1. Bill 23-522 as introduced (omitting some attachments).
2. Written Testimony.
3. NCPC Comments.
4. Surveyor's Plat.
5. Fiscal Impact Statement for Bill 23-522.
6. Legal Sufficiency Determination for Bill 23-522.
7. Committee Print for Bill 23-522.

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 : November 04, 2019

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Thursday, October 31, 2019. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Closing a portion Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W.; the removal of building restriction lines associated with the portion of Chesapeake Street, S.W., being closed; and the transfer of jurisdiction back to the Secretary of the Navy of the portion of Keel Avenue, S.W. being closed, in Parcels 251/55, 251/56, 242/32, 252/62, 259/1, 259/11, 259/14 and 259/16 in Southwest Washington, D.C., S.O. 14-21786, Act of 2019", B23-0522

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


Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To order the closing of a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W.; the removal of building restriction lines associated with the portion of Chesapeake Street, S.W., being closed; and the transfer of jurisdiction back to the Secretary of the Navy of the portion of Keel Avenue, S.W. being closed, in Parcels 251/55, 251/56, 242/32, 252/62, 259/1, 259/11, 259/14 and 259/16 in Southwest Washington, D.C. in Ward 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as "Closing a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W.; the removal of building restriction lines associated with the portion of Chesapeake Street, S.W., being closed; and the transfer of jurisdiction back to the Secretary of the Navy of the portion of Keel Avenue, S.W. being closed, in Parcels 251/55, 251/56, 242/32, 252/62, 259/1, 259/11, 259/14 and 259/16 in Southwest Washington, D.C., S.O. 14-21786, Act of 2019".

Sec. 2. Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04 and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council of the District of Columbia finds the portions of the streets shown by the hatch-marks on the Surveyor's plat in S.O. 14-21786 ("Surveyor's Plat") are unnecessary for street purposes and orders them closed, with title to the land to vest as shown on the Surveyor's Plat and further orders the removal of building restriction lines associated with the portion of Chesapeake Street, S.W., being closed as also shown the on Surveyor's Plat.

1 Sec. 3. Pursuant to section 1 of An Act To authorize the transfer of jurisdiction over
2 public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Official
3 Code § 10-111), the Council approves the transfer of jurisdiction from the District back to the
4 United States (Secretary of the Navy) of the portion of Keel Avenue being closed as shown on
5 the Surveyor's Plat.

6 Sec. 4. The Secretary of the Council shall transmit a copy of this act, upon its effective
7 date, to the Office of the Surveyor of the District of Columbia.

8 Sec. 5. The Council adopts the fiscal impact statement prepared by the Chief Financial
9 Officer as the fiscal impact statement required by section 4a of the General Legislative
10 Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-
11 301.47a).

12 Sec. 6. This act shall take effect upon its approval by the Mayor (or in the event of veto
13 by the Mayor, action by the Council to override the veto), and a 30-day period of congressional
14 review as provided in Section 602(c)(1) of the District of Columbia Home Rule Act, approved
15 December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206-02(c)(1)) and publication in the
16 District of Columbia Register.

22 September 2020
Philip Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

SUBJ: WITNESS STATEMENT ON BILL 23-522, CLOSING OF A PORTION OF CHESAPEAKE STREET, S.W., MAGAZINE ROAD, S.W., and KEEL AVENUE S.W...ACT OF 2019

Dear Mr. Mendelson,

Bill 23-522, Closing of a Portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue S.W...Act of 2019, closes a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue S.W. in Washington District of Columbia. This property is currently located within the fence-line of the Joint Base Anacostia Bolling (JBAB) military installation, in a section of the installation where the Bellevue Housing Public Private Venture is located. The United States of America, acting by and through the Department of the Navy (Federal Government) requested the same such closing of streets and transfer in the late 1980s and early 1990s, and a PLAT was prepared for the closing and transfer at that time. The PLAT and street closing was approved by the National Capitol Planning Commission, the Navy, the District of Columbia Surveyor's Office, and the DC City Council in 1990, however it was never recorded, and thus the streets were never closed, and the property was never transferred.

It was not until February 2010, during the time JBAB was in the process of establishing the Public Private Venture for the Bellevue Housing Complex to house military families, that the Federal Government discovered that the PLAT had not been recorded, and thus the street closing and transfer never officially occurred. As a result of this, in 2014, the Navy filed paperwork once again to close the streets, and transfer the property from the District of Columbia to the Federal Government. Since then, the Federal Government has cleared the objections of any dissenting parties, and has worked with the District of Columbia Surveyor's office to move this project through the street closing and transfer process.

The street closing and transfer puts the property on Federal Government Inventory, and allows the Federal Government to better allocate funding toward maintaining the transferred property. Once the streets are closed, and transferred to the Federal Government, they will become part of the Public Private Venture since they are in the Bellevue Housing area of the Installation. Approving this resolution removes maintenance responsibility for this project from the District of Columbia, and places it on the Federal Government. The Federal Government, through its Public Private Venture Partners, already provides some maintenance to the property, but this street closing and transfer will increase the Federal Government's capability to maintain the property. This property is currently inaccessible to the general public and already used for

22 September 2020

SUBJ: WITNESS STATEMENT ON BILL 23-522, CLOSING OF A PORTION OF
CHESAPEAKE STREET, S.W., MAGAZINE ROAD, S.W., and KEEL AVENUE S.W...ACT
OF 2019

Federal Government purposes, so closing the streets and transferring it to the Federal Government, which is the surrounding property owner, poses no risk and no additional restrictions to the District of Columbia and its residents than those that already exist.

Sincerely,



Holland Hargrove
Senior Realty Specialist
Naval Facilities Engineering Command Washington

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



Public Hearing
**B23-522, “Closing a portion of Chesapeake Street, S.W., Magazine Road,
S.W., and Keel Avenue, S.W., S.O. 14-21786 Act of 2019”**

Testimony of
Joseph Snider
Deputy 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

September 17, 2020
10:00 am

Virtual Hearing

Good Morning, Chairman Mendelson, members and staff of the Committee of the Whole. I am Joseph Snider, Deputy Surveyor of the District of Columbia, at the Department of Consumer and Regulatory Affairs (DCRA). I appear before you today to provide testimony on B23-522, “Closing a portion of Chesapeake Street, S.W., Magazine Road, S.W. and Keel Avenue, S.W.; the removal of building restriction lines associated with the portion of Chesapeake Street, S.W., being closed, and transfer of jurisdiction back to the Secretary of the Navy of the portion of Keel Avenue, S.W. being closed in Parcels 251/55, 251/56, 242/32, 252/62, 259/1, 259/11, 259/14 and 259/16, Act of 2019”.

The purpose of Bill 23-522 is to close portions of various streets, eliminate building restriction lines, and transfer administrative jurisdiction back to the Department of Navy, as this property lies within the fence line of the Navy’s Bellevue Housing Complex (Joint Base Anacostia - Bolling) in Ward 8. The applicant for this application is the Department of the Navy. The streets to be transferred and closed are shown on a Transfer of Jurisdiction plat dated July 10, 1941 in Subdivision Book 117 on Pages 1 and 1A. Magazine Road, S.W. also known as Chesapeake Street, S.W., is shown on a plat dated March 26, 1929 and recorded in Subdivision Book 94 on Page 29. Title to the portion of Chesapeake Street and Magazine Road could not be determined to be held by the District or the United States. Keel Avenue, per use transferred to the District in 1941 by the U.S

Navy, appears to be held by the United States. The most probable estimate of value as of January 1, 2020, which represents tax year 2021, for the closed section of Magazine Road/Chesapeake Street, S.W., is estimated at \$72,830.00 (42,100 S.F. X \$1.73 estimated square foot value). The most probable estimate of value as of January 1, 2020, which represents tax year 2021, for the closed section of Keel Avenue, S.W., is estimated at \$133,920.00 (77,399 S.F. X \$1.73 estimated square foot value).

The Office of the Surveyor notified the relevant Executive Branch agencies on June 2, 2015. The Executive Branch agencies have no objections. The utility companies were notified of these applications on June 2, 2015. The utility companies and D.C. Water also have no objections.

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 June 2, 2015. In a letter dated July 14, 2015, NCPC found that the proposed street closings of Chesapeake Street and Magazine Road, S.W., and Keel Road, S.W., would not be inconsistent with the Comprehensive Plan for the National Capital.

Pursuant to D.C. Official Code §9-202.02(5) Advisory Neighborhood Commission (ANC) 8D was notified of these applications on June 3, 2015. In a letter dated July 17, 2017, the commissioner from ANC 8D indicated no objection to the closings. Pursuant to D.C. Official Code §9-202.02(6), the abutting property

owners were notified of the closings and transfer. Any comments from the abutting property owners will be forwarded to the Council when received.

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



D.O. 14-21786

Commission Members

Presidential Appointees

L. Preston Bryant, Jr., Chairman

Elizabeth A. White

Mayoral Appointees

Arrington Dixon

Geoffrey Griffin

Ex Officio Members

Secretary of Defense

The Honorable Ashton Carter

Secretary of the Interior

The Honorable Sarah Jewell

Acting Administrator

General Services Administration

The Honorable Denise Roth

Chairman

Committee on Homeland Security

and Governmental Affairs

United States Senate

The Honorable Ron Johnson

Chairman

Committee on Oversight

and Government Reform

U.S. House of Representatives

The Honorable Jason Chaffetz

Mayor

District of Columbia

The Honorable Muriel Bowser

Chairman

Council of the District of Columbia

The Honorable Phil Mendelson

Executive Director

Marcel C. Acosta

IN REPLY REFER TO:
NCPC FILE No. 7688

JUL 14 2015

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 402
Washington, DC 20004

Dear Chairman Mendelson:

Pursuant to delegations of authority adopted by the Commission on October 3, 1996, I found that the proposed street closing of Chesapeake Street and Magazine Road, SW and Keel Road SW, would not be inconsistent with the Comprehensive Plan for the National Capital. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

Marcel C. Acosta
Executive Director




Enclosure

cc: Councilmember Vincent Orange, Chairman, Committee on Business, Consumer, and Regulatory Affairs
Eric Shaw, Director, DC Office of Planning
Frederick Lindstrom, Commission of Fine Arts
Roland Dreist, DC Surveyor

PUBLIC STREETS CLOSED, BUILDING RESTRICTION LINES REMOVED AND TRANSFER OF JURISDICTION

PARCELS 251/55, 251/56, 252/32, 252/36, 252/62, 252/64, 259/1, 259/5, 259/11, 259/14 AND 259/16

CLOSING OF MAGAZINE ROAD, S.W. AND KEEL AVENUE, S.W. AND CHESAPEAKE STREET, S.W.
WITH BUILDING RESTRICTION LINES AND THE TRANSFER OF LAND FOR KEEL AVENUE, S.W.

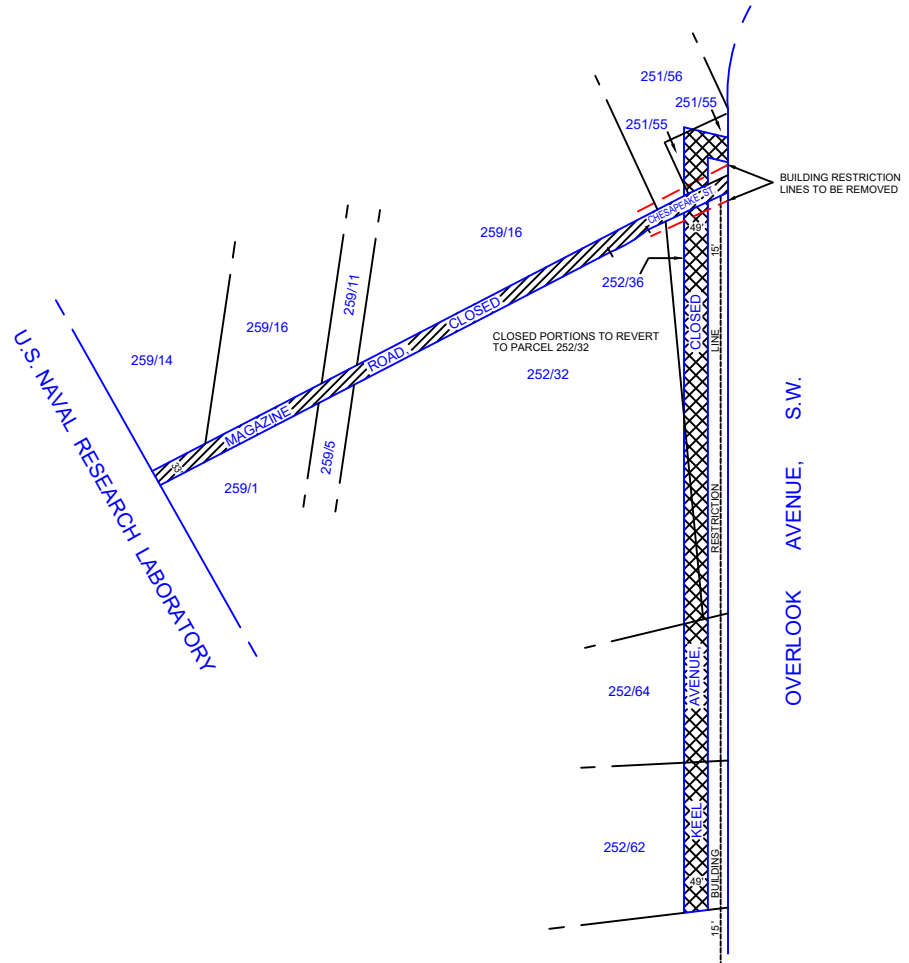
PURSUANT TO D.C. LAW _____, EFFECTIVE _____, 20____,
THE STREETS SHOWN THUS  ARE CLOSED, THE STREET
SHOWN THUS  IS CLOSED AND THE LAND TRANSFERRED
BACK TO THE SECRETARY OF THE NAVY. THE BUILDING RESTRICTION LINES
ARE REMOVED ALONG THE CLOSED PORTION OF CHESAPEAKE STREET,
S.W., SHOWN THUS  TITLE VESTS AS SHOWN UPON THIS
PLAT SUBJECT TO
a) AN EASEMENT TO PEPCO RECORDED AS INSTRUMENT # _____ AND
b) AN EASEMENT TO D.C. WATER RECORDED AS INSTRUMENT # _____.

OFFICE OF THE SURVEYOR, D.C.

_____, 2017

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.



SURVEYOR'S OFFICE, D.C.

Made for: DEBORAH A. MOOMEY
 Drawn by: L.E.S. Checked by: _____
 Record and computations by: _____
 Recorded at: _____
 Recorded in Book _____ Page _____ SR-14-01453
 Scale: 1 inch = 150 feet File No. 14-21786


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: February 19, 2019

SUBJECT: Fiscal Impact Statement - Closing a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W.; the removal of building restriction lines associated with the portion of Chesapeake Street, S.W., being closed; and the transfer of jurisdiction back to the Secretary of the Navy of the portion of Keel Avenue, S.W. being closed, in Parcels 251/55, 251/56, 242/32, 252/62, 259/1, 259/11, 259/14 and 259/16 in Southwest Washington, D.C., S.O. 14-21786, Act of 2019

REFERENCE: Draft Bill provided to the Office of Revenue Analysis on February 8, 2019

Conclusion

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill.

Background

The bill authorizes the closure of public streets that are located within the fence line of the U. S. Department of the Navy's Bellevue Housing Complex. Specifically, the closure includes 15 feet of building restriction line on both sides of Magazine Road, S.W., also known as Chesapeake Street, S.W., and a strip of land known as Keel Avenue, S.W., which runs from north of the intersection of Magazine Road, S.W. to the intersection of Keel Avenue, S.W.¹ According to the Office of the Surveyor, it cannot be determined whether the portion of Magazine Road, S.W. is held by the District or the federal government. Keel Avenue, S.W. is determined to be held by the federal government.

The purpose of the closure is to formally transfer administrative jurisdiction of the land to the Department of the Navy. The closure is contingent upon easements provided for existing Pepco, Washington Gas, and Verizon facilities.

¹The affected parcels are Squares 251/55, 251/56, 242/32, 252/62, 259/11, 259/14, and 259/16.

The Honorable Phil Mendelson

FIS: "Closing a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W.; the removal of building restriction lines associated with the portion of Chesapeake Street, S.W., being closed; and the transfer of jurisdiction back to the Secretary of the Navy of the portion of Keel Avenue, S.W. being closed, in Parcels 251/55, 251/56, 242/32, 252/62, 259/1, 259/11, 259/14 and 259/16 in Southwest Washington, D.C., S.O. 14-21786, Act of 2019," Draft bill provided to the Office of Revenue Analysis on February 8, 2019.

Financial Plan Impact

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The Office of the Surveyor is unable to determine if any of the land belongs to the District government, so the bill is not likely to affect District assets. Even if it were determined to be part of District assets, assets are not part of the District's budget. The land is located within the fence line of the Department of the Navy's property and is not being taxed, so there is no impact to District revenues.

1 **DRAFT COMMITTEE PRINT**
2 **Committee of the Whole**
3 **October 20, 2020**
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7
8 A BILL

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10 23-522
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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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17 To order the closing of a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel
18 Avenue, S.W; and the transfer of jurisdiction back to the Secretary of the Navy of the
19 portion of Keel Avenue, S.W. being closed, in Southwest Washington, D.C. in Ward 8.

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 act be cited as “Closing a portion of Chesapeake Street, S.W., Magazine Road, 8.W., and Keel
22 Avenue, S.W., and the transfer of jurisdiction back to the Secretary of the Navy, S.O. 14-21786,
23 Act of 2020.”

24 Sec. 2. (a) Pursuant to section 404of the District of Columbia Home Rule Act, approved
25 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04 and consistent with the Street
26 and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law
27 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council of the District of Columbia finds the
28 portions of the streets shown by the hatch-marks on the Surveyor's plat in S.O. 14-21786 are
29 unnecessary for street purposes and orders them closed, with title to the land to vest as shown on
30 the Surveyor’s Plat.

31 (b) Pursuant to section 1 of An Act To authorize the transfer of jurisdiction over public
32 land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Official Code § 10-
33 111), the Council approves the transfer of jurisdiction from the District back to the United States
34 (Secretary of the Navy) of the portion of Keel Avenue being closed as shown on the Surveyor's
35 Plat.

36 Sec. 3. Fiscal impact statement.

37 The Council adopts the fiscal impact statement prepared by the Chief Financial Officer as
38 the fiscal impact statement required by section 4a of the General Legislative Procedures Act of
39 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.472).

40 Sec. 4. Effective date.

41 This act shall take effect upon its approval by the Mayor (or in the event of veto by the
42 Mayor, action by the Council to override the veto), and a 30-day period of congressional review
43 as provided in Section 602(c)(1) of the District of Columbia Home Rule Act, approved
44 December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206-02(c)(1)) and publication in the
45 District of Columbia Register.