



MURIEL BOWSER
MAYOR

9/8/2020

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

Dear Chairman Mendelson,

Enclosed for consideration by the Council are (1) the "Transfer of Jurisdiction over Lot 901 within Square 620 Emergency Declaration Resolution of 2020" and (2) the "Transfer of Jurisdiction over Lot 901 within Square 620 Emergency Approval Resolution of 2020." These Resolutions authorize the transfer of administrative jurisdiction from the United States to the District of Columbia over Lot 901 within Square 620 (the "Lots").

The transfer of administrative jurisdiction for Lots 896 and 897 was initially authorized by the Council pursuant to the "Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) Emergency Approval Resolution of 2017." Subsequently, the Council enacted the "Revised Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) and Extinguishment of Covenants Act of 2018," which authorized the transfer of administrative jurisdiction over Lot 896, less the northern portion of Lot 896 that was retained by the District, and Lot 897.

In October 2016, the Council passed the "Omnibus Sursum Corda Development Act of 2016, effective December 8, 2016" (D.C. Law 21-173; 63 DCR 13351), which closed certain streets, including First Terrace, N.W. The closed portion of First Terrace, N.W. abutting Lot 896 became Record Lot 901 and reverted to the United States, which desires to include Lot 901 in the previously approved transfer of administrative jurisdiction. Lot 901 is approximately 1,950 square feet of land area.

The transfer of administrative jurisdiction of Lot 901 will support the redevelopment of the former site of the Sursum Corda housing cooperative as a planned unit development ("PUD"). The PUD, which will include 199 affordable units, up to 136 of which will be reserved for Sursum Corda Households, was granted first-stage approval pursuant to Zoning Commission Order No. 15-20. The second-stage approval for Phase 1 of the PUD was approved by the Zoning Commission on October 21, 2019. Redevelopment of the site is underway.

Pursuant to federal and District of Columbia law, the transfer of jurisdiction of Lot 901 has been approved by the National Capital Planning Commission. The transfer of jurisdiction will support a long-awaited redevelopment, and I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser


Chairman Phil Mendelson
at the request of the Mayor

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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve, on an emergency basis, the transfer of administrative jurisdiction over a portion of U.S. Reservation 724 (Lot 901 within Square 620) in the District of Columbia, from the United States of America, acting by and through the Department of the Interior, National Park Service, to the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the "Transfer of Jurisdiction over Lot 901 within Square 620 Emergency Approval Resolution of 2020."

Sec. 2. (a) Pursuant to section 1 of An Act To authorize the transfer of public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161: D.C. Official Code § 10-111), the Council of the District of Columbia approves the transfer of jurisdiction of approximately 1,950 square feet of land area that was part of the former First Terrace, N.W. (Lot 901 within Square 620), which is now part of U.S. Reservation 724, which also includes Lots 896 and 897 within Square 620, from the United States, acting by and through the Department of the Interior, National Park Service, to the District of Columbia.

(b) This approval restricts the use of Lot 901 to recreational purposes;

(c) Only administrative jurisdiction over Lot 901 is hereby transferred and that title to the transfer remains vested in the United States of America;

25 (d) The District of Columbia shall not transfer administrative jurisdiction of Lot 901
26 without the prior written approval of the National Park Service. The National Park Service shall
27 concur or object in writing 45 days after the receipt of any proposed transfer; and

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

34 (f) Nothing in this resolution shall be construed as binding the United States or the
35 District to expend in any one fiscal year any sum in excess of appropriations made by Congress
36 for this purpose or to involve the United States or the District in any contract or other obligation
37 for this further expenditure of money in excess of such appropriations, as prohibited by 31
38 U.S.C. §1341(a)(1). In addition, all obligations of the District provided herein shall be subject to
39 the limitations set forth in applicable federal law, D.C. Official Code § 47-105, the District of
40 Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01 *et seq.* (as the foregoing
41 statutes may be amended from time to time), and section 446 of the District of Columbia Home
42 Rule Act;

43 (g) The restrictions contained in this resolution shall bind the National Park Service and
44 the District and their assigns;

45 (h) The National Park Service and the District have the right specifically to enforce the
46 restrictions in this subsection. Nothing in this resolution is intended to confer upon any entity

47 other than the National Park Service and the District and their assigns any rights or remedies
48 hereunder.

49 Sec. 3. Transmittal

50 The Secretary to the Council of the District of Columbia shall transmit a copy of this
51 resolution, upon its adoption, to the Mayor, the Surveyor of the District of Columbia, the
52 Director of the National Capital Planning Commission, the Speaker of the United States House
53 of Representatives, the President Pro Tempore of the United States Senate, the Director of the
54 National Parks Service, and the Regional Director of the National Capital Parks, National
55 Service.

56 Sec. 4. Fiscal Impact Statement

57 The Council of the District of Columbia adopts the fiscal impact statement of the Chief
58 Financial Officer as the fiscal impact statement required by section 4a of the General Legislative
59 Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-
60 301.47a).

61 Sec. 5. Effective date.

62 This resolution shall take effect immediately.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Ronan Gulstone
Director
Office of Policy and Legislative Affairs

FROM: Brian K. Flowers
Deputy Attorney General
Legal Counsel Division

DATE: March 19, 2020

SUBJECT: Transfer of Jurisdiction over Lot 901 within Square 620 Emergency Approval Resolution and Accompanying Emergency Declaration Resolution (Sursum Corda) (AE-20-161; xref AE-17-509)

This is to Certify that this Office has reviewed the “Transfer of Jurisdiction over Lot 901 within Square 620 Emergency Approval Resolution of 2020” and the “Transfer of Jurisdiction over Lot 901 within Square 620 Emergency Declaration Resolution of 2020”, and found them to be legally unobjectionable. If you have any questions, please do not hesitate to call me at 724-5524.

Brian K. Flowers

Brian K. Flowers

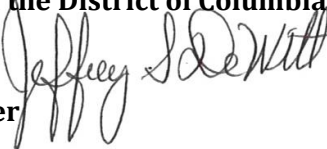
Government of the District of Columbia
Office of the Chief Financial Officer



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, 2020

SUBJECT: Fiscal Impact Statement – Transfer of Jurisdiction over Lot 901 within
Square 620 Emergency Approval Resolution of 2020

REFERENCE: Draft Proposed Resolution as provided to the Office of Revenue
Analysis on March 13, 2020

Conclusion

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

Background

The District assumed administrative jurisdiction over two federally owned parcels of land¹ known as parts of Reservation 724 in 2017² in connection with a larger redevelopment of the Sursam Corda public housing development. The two parcels, located at the northeast corner of First Street, N.W. and L Street, N.W., are controlled by the District and operated as pedestrian walkways and recreational spaces.

The bill transfers the administrative control over a third parcel of Reservation 724, located directly east of the first two parcels,³ from the United States to the District. This transfer is conditioned on the District using the parcel as recreational space. As with the first two parcels transferred in 2017, the United States will retain ownership of the parcel.

¹ Known for assessment and tax purposes as Square 620, Lots 896 and 897.

² Transfer of Jurisdiction over U.S. Reservation 724 (Lots 896 and 897 within Square 620) Emergency Approval Resolution of 2017, effective November 7, 2017 (Resolution 22-299; 64 DCR 12563).

³ Known for assessment and tax purposes as Square 620, Lot 901.

The Honorable Phil Mendelson

FIS: "Transfer of Jurisdiction over Lot 901 within Square 620 Emergency Approval Resolution of 2020," Draft Proposed Resolution as provided to the Office of Revenue Analysis on March 13, 2020

Financial Plan Impact

Funds are sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the proposed resolution. The third parcel, Lot 901, is located on a portion of the recently closed First Terrace, N.W. and is now available for transfer of administrative control to the District as part of Reservation 724. There are no costs associated with the administrative transfer of control over Lot 901 from the United States to the District. The District will enter into an agreement with the developer of the Sursam Corda redevelopment project to construct the recreational and pedestrian spaces across the entirety of Reservation 724 as required in the developer's Planned Unit Development.