

**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 16, 2021

SUBJECT: Report on Bill 24-211, “Closing of a portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021”

The Committee of the Whole, to which Bill 24-211, the “Closing of a portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021” was referred, reports favorably thereon, and recommends approval by the Council.

CONTENTS

I.	Background And Need.....	1
II.	Legislative Chronology.....	5
III.	Position Of The Executive.....	5
IV.	Comments Of Advisory Neighborhood Commissions	5
V.	National Capital Planning Commission Review.....	6
VI.	Summary Of Testimony.....	6
VII.	Impact On Existing Law	6
VIII.	Fiscal Impact.....	6
IX.	Section-By-Section Analysis	7
X.	Committee Action.....	7
XI.	Attachments	7

I. BACKGROUND AND NEED

On April 19, 2021, Bill 24-211, the “Closing of a portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021” was introduced by Chairman Mendelson at the request of the Mayor. Bill 24-211 would order the closing of a portion of Maryland Avenue, S.W., bounded by 6th Street Avenue, S.W., Independence Avenue, S.W., and 4th Street, S.W., in Ward 6 and transfer the jurisdiction of the closed portion of Maryland Avenue, S.W., and portions of Independence Avenue, 4th Street, and 6th Street, S.W., to the National Park Service. The closure of a portion of

Maryland Avenue, S.W., and transfer of jurisdiction is necessary because of the dedication of the Dwight D. Eisenhower Memorial on the site, which is maintained by the National Park Service.

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 24-211, all of the reviews have been completed.

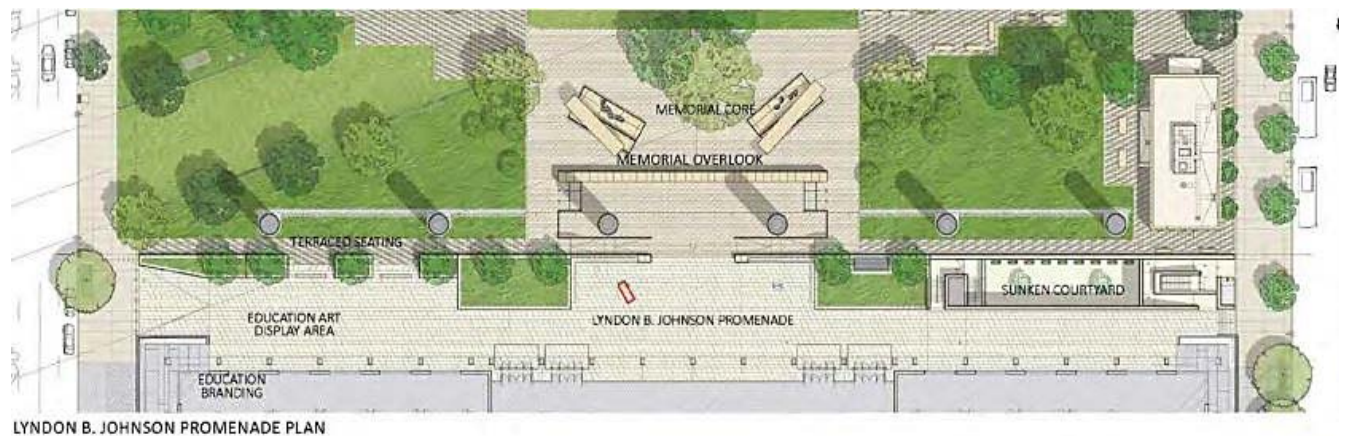
The Act establishes notice requirements for street and alley closing legislation. The Council is required to publish notice of a street or alley closing in the *District of Columbia Register*. Further, the applicant is required to give written notice to all property owners abutting a block or alley affected 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 24-211, 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.

Background Pertinent to Bill 24-211

On October 25, 1999, Congress established a 12-person Dwight D. Eisenhower Memorial Commission in order to create a permanent memorial to Eisenhower showcasing his contributions to the United States.¹ The Commission reviewed 24 different sites for the memorial before selecting a preferred site at the intersection of Maryland and Independence Avenues, S.W., between 4th and 6th Streets, S.W., in 2005.² In reviewing the effects the proposed site would have on existing commemorative works, the National Capital Planning Commission established seven design principles, including that the memorial reflect the L'Enfant Plan principles and incorporate significant green space into the design.³ Contingent upon implementing those design principles, NCPC issued a finding of no significant impact.

The Eisenhower Memorial Commission selected Frank Gehry, a world-renowned architect, to design the memorial in 2009.⁴ Due to controversy over the initial site plan and design from the Eisenhower family and members of Congress, the project was stalled for years.⁵ Congressional funding was used to negotiate changes to original design, including scrapping a proposed tapestry of Eisenhower's hometown, Abilene, Kansas. A final design was agreed to in 2016, with the blessing of the Eisenhower family, that includes seven different elements to commemorate Eisenhower's legacy and contributions. These include a lintel inscribed with Eisenhower's D-Day address to the troops, a wall with an inscription of Eisenhower's Guildhall Address, a commemorative column, a second lintel inscribed with Eisenhower's Second Inaugural Address, Eisenhower's Farewell Address and First Inaugural Address inscribed on two walls, and a second commemorative column.



Final Design Concept for the Eisenhower Memorial

¹ Section 8162 of Public Law 106-79.

² National Park Service, *Proposed Dwight D. Eisenhower Memorial Site Selection Environmental Assessment*, June 2006, pg. 2-4.

³ U.S. House of Representatives, Committee on Natural Resources, *A Five-Star Folly: An Investigation into the Cost Increases, Construction Delays, and Design Problems That Have Been a Diservice to the Effort to Memorialize Dwight D. Eisenhower*, July 25, 2014, pg. 8.

⁴ "Architect Frank Gehry is Picked to Design D.C.'s Eisenhower Memorial," Jacqueline Trescott, *The Washington Post*, April 2, 2009.

⁵ National Capital Planning Commission, Staff Report, October 5, 2017, NCPC File No. 6694.

Construction of the memorial began in November 2017, led by Clark Construction Group out of Bethesda, Maryland. The memorial spans four acres and traces Eisenhower’s coming age through his tenure as the 34th President of the United States (see picture below). The memorial was dedicated on September 17, 2020. It is one of seven memorials to U.S. Presidents in the District.



Dwight D. Eisenhower Memorial Commission photo by Alan Karchmer.

Conclusion

Bill 24-211 is necessary to close a “paper” street (Maryland Avenue, S.W.) that runs diagonally through the memorial, and to transfer jurisdiction of the closed portion of Maryland Avenue, N.W., and a portion of Independence Avenue, S.W., to the National Park Service of the United States Department of Interior. No Executive agencies or utilities have objections to the closure or transfer of jurisdiction. Given these facts, the Committee recommends Council approval of Bill 24-211.

II. LEGISLATIVE CHRONOLOGY

- April 19, 2021 Bill 24-211, the “Closing of a portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021” is introduced by Chairman Mendelson at the request of the Mayor.
- April 20, 2021 Bill 24-211 is “read” at a legislative meeting; on this date the referral of the bill to the Committee of the Whole is official.
- April 23, 2021 Notice of Intent to Act on Bill 24-211 is published in the *District of Columbia Register*.
- September 17, 2021 Notice of a Public Hearing on Bill 24-211 is published in the *District of Columbia Register*.
- October 14, 2021 The Committee of the Whole holds a public hearing on Bill 24-211.
- November 16, 2021 The Committee of the Whole marks-up Bill 24-211.

III. POSITION OF THE EXECUTIVE

Dan Emerine, Manager of Policy and Legislative Affairs at the District Department of Transportation, testified at the Committee’s public hearing on October 14, 2021 on behalf of Anna Chamberlin. Ms. Chamberlin’s testimony notes that DDOT initially objected to the closure until an agreement could be provided showing that D.C. Water would continue to maintain stormwater facilities. The National Park Service provided a letter and agreement to this effect on November 16, 2018. DDOT subsequently withdrew its objections.

Joseph Snider, D.C. Surveyor, testified at the Committee’s public hearing on October 14, 2021. He stated that the purpose of Bill 24-211 to close a portion of Maryland Avenue, S.W., and to transfer the jurisdiction of portions of Maryland Avenue, Independence Avenue, S.W., 4th Street S.W., and 6th Street, S.W. adjacent to Square 492 in Ward 6 to the National Park Service. Mr. Snider said that the most probable estimate of value for the public street being closed as of January 1, 2021 is estimated at \$67,073,900 (74,407 S.F. X \$901.45).

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

In a letter to the National Park Service dated April 10, 2018, Advisory Neighborhood Commission 6D notes that it voted to unanimously support the proposed street dedication and establishment of a building restriction line at a regular Commission meeting on April 9, 2018. The ANC letter is attached to this report.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

By a delegated action of the Chairman, dated April 3, 2018, the Chairman of the National Capital Planning Commission found that the proposed street closing of Maryland Avenue, S.W., would result in adverse effects on the L'Enfant Plan and is inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital, but these adverse effects were addressed through an executed Memorandum of Agreement between the National Park Service, the National Capital Planning Commission, the District of Columbia Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Eisenhower Memorial. 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 24-211, on Thursday, October 14, 2021. The testimony summarized below pertains to Bill 24-211. Copies of all written testimony are attached to this report.

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

Dan Emerine, Manager of Policy and Legislative Affairs at the District Department of Transportation, 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 24-211.

VII. IMPACT ON EXISTING LAW

Bill 24-211 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 24-211, the Committee finds that the requirements of the Act have been satisfied.

VIII. FISCAL IMPACT

The attached November 10, 2021 fiscal impact statement from the District's Chief Financial Officer states that funds are sufficient in the FY 2022 through FY 2025 budget and financial plan to implement the bill.

IX. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	Short title.
<u>Section 2</u>	Closes a portion of Maryland Avenue, S.W., between Independence Avenue and 6 th Street, S.W., with title to the land to vest as shown on the Surveyor's plat.
<u>Section 3</u>	Transfers jurisdiction of the closed portion of Maryland Avenue, S.W., and portions of Independence Avenue, 4 th Street, and 6 th Street, S.W. to the National Park Service.
<u>Section 4</u>	Transmittal.
<u>Section 5</u>	Fiscal impact statement.
<u>Section 6</u>	Effective date.

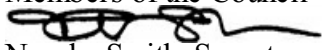
X. COMMITTEE ACTION

XI. ATTACHMENTS

1. Bill 24-211 as introduced.
2. Written Testimony.
3. NCPC Comments.
4. Surveyor's Plat.
5. Fiscal Impact Statement for Bill 24-211.
6. Legal Sufficiency Determination for Bill 24-211.
7. Committee Print for Bill 24-211.

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 : Monday, April 19, 2021
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, April 19, 2021. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Closing of a portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021", B24-0211

INTRODUCED BY: Chairman Mendelson, at the request of Mayor

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

Attachment
cc: General Counsel
Budget Director
Legislative Services



MURIEL BOWSER
MAYOR

April 19, 2021

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

Dear Chairman Mendelson:

Enclosed for the consideration and approval by the Council of the District of Columbia is legislation entitled "Closing of a portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021."

The purpose of this street closing and transfer of jurisdiction of sidewalk spaces is to create a unified site for the development of the Dwight D. Eisenhower Memorial.

Pursuant to D.C. Official Code § 9-202.02(5) the application was referred to Advisory Neighborhood Commission (ANC) 6D on January 29, 2018. In a letter dated April 10, 2018, ANC 6D reported that it had voted in support of this application. The application was referred to the National Capital Planning Commission (NCPC) on January 29, 2018. In a letter dated April 11, 2018, NCPC approved the revised transfer of jurisdiction of part of Maryland Avenue between 4th and 6th Street, S.W., and a portion of sidewalk spaces along 4th Street, 6th Street, and Independence Avenue, S.W., from the District Department of Transportation to the United States Government, under the jurisdiction of the National Park Service and the General Services Administration in order to create a unified site for the Dwight D. Eisenhower Memorial.

Enclosed is a copy of the plat for recording this closing and transfer of jurisdiction with a copy of the application file and legislation.

Sincerely,

A handwritten signature in black ink that reads "Muriel Bowser".

Muriel Bowser

Enclosures


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 Maryland Avenue, S.W., between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., to the National Park Service

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the “Closing of a portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021”.

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 portion of Maryland Avenue, S.W., between Independence Avenue and 6th Street, S.W., shown on the Surveyor’s Plat for S.O. 17-26507 unnecessary for street purposes and orders it closed with title to the land to vest as shown on the Surveyor’s Plat.

Sec. 3. Pursuant to section 1 of An Act To Authorize the Transfer of Jurisdiction over Public Land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Official Code § 10-111), the Council approves the transfer of jurisdiction from the District to the

1 National Park Service of the United States Department of the Interior of (i) the closed portion of
2 Maryland Avenue, S.W., between Independence Avenue and 6th Street, S.W., and (ii) the
3 portions of Independence Avenue and 4th and 6th Streets, S.W., as shown on the Surveyor's Plat
4 for S.O. 17-26507.

5 Sec. 4. The Secretary of the Council shall transmit a copy of this act, upon its
6 effectiveness, to the Surveyor of the District of Columbia, the District of Columbia Recorder of
7 Deeds, the Executive Director of the National Capital Planning Commission, the Speaker of the
8 United States House of Representatives, and the President Pro Tempore of the United States
9 Senate.

10 Sec. 5. The Council adopts the fiscal impact statement prepared by the Chief Financial
11 Officer as the fiscal impact statement required by section 4a of the General Legislative
12 Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-
13 301.47a).

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

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



Public Hearing on

Bill 24-104, “Closing of Public Streets and Alleys and the Removal of Building Restriction Lines Adjacent to Squares 5862, 5865, 5866 and 5867, S.O. 17-26688, Act of 2021”;

Bill 24-105, “Dedication of Land for Public Street and Alley Purpose Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26689, Act of 2021”;

Bill 24-167, “Dedication of Land for Street Purposes and Establishment of a Building Restriction Line in Square 2873, S.O. 20-04746, Act of 2021”;

Bill 24-211, “Closing of a Portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the Transfer of Jurisdiction of the Closed Portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021”;

Bill 24-234, “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021”; and

Bill 24-291, “Omnibus Progressive National Baptist Convention Redevelopment Act of 2021”

Background Information Provided by
Joseph Snider
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

Thursday, October 14, 2021
10:00 a.m.

Good Morning, Chairman Mendelson, members, and staff of the Committee of the Whole. I am Joseph Snider, the Surveyor of the District of Columbia at the Department of Consumer and Regulatory Affairs (DCRA). I appear before you today to provide background information on B24-104, “Closing of Public Streets and Alleys and the Removal of Building Restriction Lines Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26688, Act of 2021”; B24-105, “Dedication of Land for Street and Alley Purposes Adjacent to Squares 5862, 5865, 5866 and 5867, S.O. 17-26689, Act of 2021”; B24-167, “Dedication of Land for Street Purposes and Establishment of a Building Restriction Line in Square 2873, S.O. 20-04746, Act of 2021”; B24-211, “Closing of a Portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the Transfer of Jurisdiction of the Closed Portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets S.W., S.O. 17-26507, Act of 2021”; Bill 24-234, “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021”; and B24-291, “Omnibus Progressive National Baptist Convention Redevelopment Act of 2021.”

Bill 24-104, “Closing of Public Streets and Alleys and the Removal of Building Restriction Lines Adjacent to Squares 5862, 5865, 5866 and 5867, S.O. 17-26688, Act of 2021”

I will begin with B24-104, “Closing of Public Streets and Alleys and the Removal of Building Restriction Lines Adjacent to Squares 5862, 5865, 5866, and

5867, S.O. 17-2688, Act of 2021,” which was introduced by Councilmember White.

The purpose of this bill is to close portions of Firth Sterling Avenue, S.E., Eaton Road S.E. and Stevens Road, S.E., adjacent to Squares 5862, 5865, and 5886 and removal of Building Restriction Lines, and to close portions of the public alley system in Squares 5862, 5865, 5866, and 5887 and removal of building Restriction Lines in Ward 8 to facilitate the development at the Barry Farms site.

The portions of Firth Sterling Avenue, S.E., Eaton Road S.E., Stevens Road, S.E., and alleys to be closed in Squares 5862, 5865, 5866, and 5867 were created by subdivisions as shown in Book Levy Court (LC-2) on Page 1, Book 57 on Page 15, Book 67 on Pages 40 and 40-A, and Book 117 on Page 32 respectively, recorded from years 1867 to 1942.

Title to the closed portions of Firth Sterling Avenue, S.E., Eaton Road, S.E., Stevens Road, S.E., and alleys in Squares 5862, 5865, 5866, and 5867 could not be determined to be held by the District of Columbia or the United States.

The most probable estimate of value as of January 1, 2021, which represents tax year 2022 for the public streets, public alleys and building restriction lines removed in Square 5862, 5865, 5866 and 5867 is \$4,149,800 (152,396 s.f. x \$27.23 (\$27.2304) estimated square foot). The estimate is explained as follows:

- \$2,691,370 (98,837 s.f. x \$27.23 (\$27.2304) estimated square

foot) (for public alleys closed)

- \$1,458,430 (53,550 s.f. x \$27.23 (\$27.2349) estimated square

foot) (for public street closed)

The applicant for this closing is the Barry Farms Redevelopment Associates and the District of Columbia, who are represented by Holland and Knight, LLC. The Office of the Surveyor notified the relevant Executive Branch agencies and utility companies of the application on August 23, 2018. In a letter dated August 8, 2021, the District Department of Transportation (DDOT) objected to this application. However, DDOT would have no objection to this application if all the terms and conditions contained in the Agreement are satisfied as outlined in their letter dated August 8, 2019. In a letter dated August 24, 2018, DC Water objected to this application indicating that it currently operates or maintains facilities located within the proposed street/alley closing area. However, DC Water would not have any objection if the applicant executed and recorded an easement that allows for the continued operation and maintenance of their facilities. DC Water subsequently submitted a letter dated July 23, 2019, stating that it no longer objected to the proposed closure because their objections had been resolved. The remaining Executive Branch agencies have no objections.

The Surveyor's Office notified the utility companies of the application on August 24, 2018. In a letter dated September 18, 2018, Pepco objected to this

application. However, Pepco would not have any objection to the proposed closing of public street and alleys if Pepco's electrical facilities were maintained in place or relocated at no cost to Pepco. Pepco subsequently submitted a letter dated April 3, 2019, stating that it no longer objected to the proposed closure due to the applicant's proposal to enter into an easement agreement with Pepco. The remaining utility companies have no objection.

Pursuant to D.C. Official Code § 9-202.02(3), the Surveyor's Office notified the National Capital Planning Commission (NCPC) of this application on August 24, 2018. In a letter dated September 24, 2018, NCPC staff has determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. Specifically, NCPC concluded the project meets the conditions of Exception 9, regarding amendment to the Highway Plan, which encompass public street/alley dedications or closures outside of the L'Enfant Plan of the Federal City.

Pursuant to D.C. Official Code § 9-202.02(5) Advisory Neighborhood Commission (ANC) 8C was notified of this application on August 24, 2018. In a letter dated April 26, 2019, ANC 8C indicated their support for the proposed street closing.

Bill 24-105, "Dedication of Land for Public Street and Alley Purposes Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26689, Act of 2021"

Next I will turn to B24-105, the "Dedication of Land for Public Street and

Alley Purposes Adjacent to Squares 5862, 5865, and 5867, S.O. 17-26689, Act of 2021,” which was introduced by Councilmember White.

This bill would order the dedication and designation of Obama Way, S.E., Eureka Place, S.E., Solomon Road, S.E., Eaton Road, S.E., River Walk, S.E., Stevens Road, S.E., and Hermitage Way, S.E., adjacent to Squares 5865 and 5866 for public street purposes, to dedicate land to widen portions of Summer Road, S.E., Eaton Road, S.E., and Stevens Road, S.E., adjacent to Squares 5862, 5865 and 5866, and to dedicate land adjacent to Squares 5865, 5866 and 5867 for public alley purposes, and authorize the improvement of the dedicated land for street and alley purposes in Ward 8.

The applicant for this application is the Barry Farms Redevelopment Associates, LLC and the District of Columbia who are represented by Holland and Knight, LLC. The Office of the Surveyor notified the relevant Executive Branch agencies and the utility companies of the application on August 24, 2018. In a letter dated August 8, 2019, DDOT objected to this application. However, DDOT would have no objection to the application if all of terms and conditions contained in the Agreement are satisfied as outlined in their letter dated August 8, 2019. The remaining agencies have no objections.

The Surveyor’s Office notified the utility companies of the application on August 24, 2018. In a letter dated April 12, 2019, Washington Gas objected to the

dedication of land for public street and public alleys due to the existence of active natural gas facilities within the limits of the proposed alley closure. However, in a letter dated October 13, 2020, Washington Gas clarified that it does not have active natural gas facilities within the limits of the proposal and that it has no objections. The remaining utility companies 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 August 24, 2018. In a letter dated September 24, 2018, NCPC staff determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. Specifically, NCPC concluded that the project meets the conditions of Exception 9, regarding amendments to the Highway Plan, which encompass public street/alley dedications or closures outside of the L'Enfant Plan of the Federal City.

Pursuant to D.C. Official Code § 9-202.02(5), Advisory Neighborhood Commission (ANC) 8C was notified of this application on August 24, 2018. In a letter dated April 26, 2019, ANC 8C indicated their support for this application.

B24-167, "Dedication of Land for Street Purposes and Establishment of a Building Restriction Line in Square 2873 (S.O. 20-04746) Act of 2021"

Next I will turn to B24-167, "Dedication of Land for Street Purposes and Establishment of a Building Restriction Line in Square 2873 (S.O. 20-04746) Act

of 2021,” which was introduced by Chairman Mendelson at the request of the Mayor.

The purpose of this bill is to dedicate Lots 1107 and 1113 in Square 2873 to accommodate the extension of W Street N.W., and to establish a 25-foot-wide building restriction line on the southern portion of Lots 1106 and 1112 in Square 2873, in Ward 1.

The Record Lots were recorded in the Office of the Surveyor on August 14, 2019, in Subdivision Book 216, on Page 13 for Lots 1106 and 1107; and on November 27, 2019, in Subdivision Book 216, on Page 118 for Lots 1112 and 1113.

Title to Lots 1106 and 1107 in Square 2873 has been determined to be held with “The Howard University”, “Its Mine Now, LLC” and “50 Turkeys, LLC.” Title to Lots 1112 and 1113 in Square 2873 has been determined to be held with “The Howard University” and “Howard Dormitory Holdings, LLC.”

The most probable estimate of value as of January 1, 2021, which represents tax year 2021 for the land dedication for public street and building restriction line in Square 2873, is \$3,746,710.00 (11,576 s.f. x \$323.83 estimated square foot).

The estimate is explained as follows:

- \$1,873,680 (5,786 s.f. x \$323.83 estimated square foot)

- \$1,873,030 (5,784 s.f. x \$323.83 estimated square foot)

The applicant for this dedication and building restriction line establishment is Howard University, who is represented by Saul Ewing Arnstein and Lehr, LLP.

The Office of the Surveyor notified the relevant Executive Branch agencies and utility companies of this application on July 27, 2020. DDOT objected to this application until the conditions have been satisfied as outlined in their letter dated November 17, 2020. In a letter dated January 6, 2021, Howard University agreed to all of the conditions stated by DDOT in their letter dated November 17, 2020. The remaining Executive Branch agencies have no objection.

Pursuant to D.C. Official § 9-202-02(3), the Surveyor's Office notified the National Capital Planning Commission (NCPC) of this application on July 27, 2020. In a letter dated August 26, 2020, NCPC staff determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) for NCPC's submission guidelines. Specifically, NCPC concluded that the project meets the requirements of Exception 8, which includes street and alley closing located outside of the boundary of the L'Enfant Plan of the Federal City under the following conditions: 1) the street or alley is not adjacent to federal property and 2) the street or alley does not provide access to a federal property or affect other federal interests. The project was also made available for public review on the NCPC website, and no comments were received.

Pursuant to D.C. Official Code § 9-202.02(5), Advisory Neighborhood Commission (ANC) 1B was notified of this application on July 27, 2020. In a letter dated September 3, 2020, ANC 1B indicated that they support the proposed street dedication and establishment of a building restriction line in Square 2873. The applicant is the owner of the property of the street dedication and building restriction line to be established.

Bill 24-211, “Closing of a Portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the Transfer of Jurisdiction of the Closed Portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021”

Next I will turn to B24-211, “Closing of a Portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the Transfer of Jurisdiction of the Closed Portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021,” which was introduced the Chairman Mendelson, at the request of the Mayor.

The purpose of this bill is to close a portion of Maryland Avenue, S.W., and to transfer the jurisdiction of portions of Maryland Avenue, Independence Avenue, S.W., 4th Street S.W., and 6th Street, S.W. adjacent to Square 492 in Ward 6 to the National Park Service. This relates to the new Dwight D. Eisenhower Memorial.

The portion of Maryland Avenue, S.W. to be closed was created by the establishment of the Federal City of Washington. The street is shown on the King

Plats, Plate 9 in the year 1803.

Title to the portion of Maryland Avenue, S.W. to be closed is determined 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 public street closed in Square 492 and N 492 is \$67,073,900 (74,407 s.f.). The estimate is explained as follows:

- The public street closed title to revert to USA GSA is \$2,352,330 (2,248 s.f. x \$1,046.41 estimated square foot). This estimate is rounded and based on Lot 110 of Square 492.
- The public street closed to revert to USA N.P.S. is \$64,721,570 (72,159 s.f. x \$896.93 estimated square foot). The estimate is rounded and based on lot 800 of Square N-492.

The applicant for this application is the U.S. Department of the Interior, National Park Service. The Office of the Surveyor notified the relevant Executive Branch agencies and utility companies on January 29, 2018. They 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 January 29, 2018. In a letter dated April 11, 2018, NCPC stated pursuant to delegation of

authority adopted by the Commission on December 14, 1977, the Chairman approved the revised transfer of jurisdiction of a portion of Maryland Avenue between 4th and 6th Streets, S.W. and portions of sidewalk space along 4th and 6th and Independence Avenue, S.W. from the District Department of Transportation to the United States Government, under the jurisdiction of the National Park Service and the General Services Administration in order to create a unified site for the Dwight D. Eisenhower Memorial.

Pursuant to D.C. Official Code § 9-202.02(5), Advisory Neighborhood Commission (ANC) 6D was notified of this application on January 29, 2018. In a letter dated April 10, 2018, ANC 6D indicated their support for this application.

B24-234, “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021”

Next I will turn to B24-234, “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021,” which was introduced by Councilmember McDuffie.

The purpose of this bill is to remove from the Highway Plan the extension of Jackson Street, N.E. located within Lot 806 in Square 3835 in Ward 5.

The applicant for this application is PO 8th Street, LP who is represented by Holland and Knight, LLC. The Office of the Surveyor notified DDOT on December 9, 2020. In a letter dated February 3, 2021, DDOT indicated they had

no objections to the elimination of the segment of Jackson Street, N.E. from the D.C. Highway Plan.

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 December 9, 2020. In a letter dated December 29, 2020, NCPC indicated that staff determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. Particularly, NCPC determined that the project meets the requirements of Exception 9, which includes the amendments to the Highway Plat that do not have a negative impact on federal property and cause no environmental impacts including adverse effects on historic properties. Staff review did not identify any federal interests that would be impacted by the proposed modification.

Pursuant to D.C. Official Code §9-202.02(5), Advisory Neighborhood Commission (ANC) 5E was notified of this application on December 9, 2020. In a letter dated December 15, 2020, ANC 5E indicated that they have no objection to the proposed modification.

B24-291, “Omnibus Progressive National Baptist Convention Redevelopment Act of 2021”

Finally, I will turn to Bill 24-291 “Omnibus Progressive National Baptist Convention Redevelopment Act of 2021,” which was introduced by

Councilmember Gray.

The portion of 50th Street, N.E. to be closed was created by a subdivision of the Town of Lincoln as shown in Book G.S. on Page 25, recorded in the year 1874. Title to the closed portion of 50th Street, N.E. could not be determined to be held by the District of Columbia or the United States.

The purpose of this bill is to remove from the Highway Plan extension of a portion of 50th Street, N.E. located within Lots 827, 828, 829, and 830 in Square 5194, to order the closing of a portion of 50th Street, N.E. adjacent to Square 5194, and to accept the dedication of Lots 828 and 830 in Square 5194 in Ward 7 for public street purposes.

The most probable estimate of value as of January 1, 2021, which represents tax year 2022 for the portion of public street to be closed in Square 5194 is \$17,910 (370 s.f. x \$48.40 estimated square foot). The estimate is explained as follows:

- \$17,910 (370 s.f. x \$48.40 estimated square foot) for portion of 50th Street to Owner of Lot 827.

The applicant for this application is the Progressive National Baptist Convention, LLC who is represented by Holland and Knight, LLC. The Office of the Surveyor notified the relevant Executive Branch agencies on June 1, 2021.

DDOT objected to this application until the conditions have been satisfied as outlined in their letter dated June 29, 2021. It now appears that their concerns have been resolved.

In a letter dated June 8, 2021, Verizon objects to this proposal unless conditions outlined in their letter are met. The remaining utility companies 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 1, 2021. In a letter dated June 21, 2021, NCPC staff determined that the proposed project falls under two exceptions listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. Particularly, NCPC concluded that the project meets the requirements of Exception 8, which pertains to District of Columbia Zoning Commission referrals related to street closures outside of the L'Enfant City boundary under the following conditions: 1) the street or alley is not adjacent to federal property and 2) the street or alley does not provide access to a federal property or affect other federal interest. Additionally, the project also meets the requirements of Exception 9, which relates to Highway Plan amendments that do not have a negative impact on federal property and causes no environmental impacts, including adverse effect on historic properties. Staff has determined that each of these conditions apply to the proposed District referral and

therefore, that this project is exempt from Commission review.

Pursuant to D.C. Official Code § 9-202.02(5), Advisory Neighborhood Commission 7C was notified of this application on June 1, 2021. To date, we have not received comments from ANC 7C.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of Transportation



Public Hearing on

- Bill 24-104, Closing of Public Streets and Alleys and the Removal of Building Restriction Lines Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26688 Act of 2021
- Bill 24-105, Dedication of Land for Public Street and Alley Purposes Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26689 Act of 2021
- Bill 24-167, Dedication of Land for Street Purposes and Establishment of a Building Restriction Line in Square 2873 (S.O. 20-04746) Act of 2021
- Bill 24-211, Closing of a portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021
- Bill 24-234, Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021
- Bill 24-291, Omnibus Progressive National Baptist Convention Redevelopment Act of 2021

Testimony of
Anna Chamberlin
Associate Director, Planning & Sustainability Division
District Department of Transportation

Before the
Committee of the Whole

Council of the District of Columbia

Thursday, October 14, 2021
10:00 a.m.

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good morning Chairman Mendelson, members of the Council, staff, and District residents. My name is Anna Chamberlin, and I am the Associate Director of the Planning and Sustainability Division at the District Department of Transportation, commonly referred to as DDOT. I am here today to present testimony on behalf of Mayor Muriel Bowser and Acting DDOT Director Everett Lott regarding six bills, which are Bill 24-104, the “Closing of Public Streets and Alleys and the Removal of Building Restriction Lines Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26688 Act of 2021,” Bill 24-105, the “Dedication of Land for Public Street and Alley Purposes Adjacent to Squares 5862, 5865, 5866, and 5867, S.O. 17-26689 Act of 2021,” Bill 24-167, the “Dedication of Land for Street Purposes and Establishment of a Building Restriction Line in Square 2873 (S.O. 20-04746) Act of 2021,” Bill 24-211, the “Closing of a portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021,” Bill 24-234, the “Abandonment of the Highway Plan for Jackson Street, N.E., S.O. 21-00463, Act of 2021,” and Bill 24-291, the “Omnibus Progressive National Baptist Convention Redevelopment Act of 2021.”

The stated purpose of Bill 24-104 is to close portions of the public street and alley system adjacent to Squares 5862, 5865, 5866, and 5867, as shown by the hatch marks on the Surveyor’s plat in S.O. 17-26688. DDOT filed a report with the Office of the Surveyor on August 8, 2019, related to S.O. 17-26688. DDOT’s report noted that the agency objected to the proposed closure and removal of building restriction lines until several conditions are met. Since the conditions are lengthy I will not read them in full, but I have attached our report for the record. Once these conditions have been met, DDOT would have no objection to the recordation of the plat.

The stated purpose of Bill 24-105 is to dedicate the streets and alleys adjacent to Squares 5862, 5865, 5866, and 5867 as Obama Way, S.E., Eureka Place, S.E., Soloman Road, S.E., Eaton Road, S.E., River Walk, S.E., Stevens Road, S.E., and Hermitage Way, S.E. as shown on the Surveyor's plats filed under S.O. 17-26689. DDOT filed a report with the Office of the Surveyor on August 8, 2019, related to S.O. 17-26689. DDOT's report noted that the agency objected to the proposed closure and removal of building restriction lines until several conditions are met. Since the conditions are lengthy I will not read them in full, but I have attached our report for the record. Once these conditions have been met, DDOT would have no objection to the recordation of the plat.

The stated purpose of Bill 24-167 is to dedicate Lots 1107 and 1113, in Square 2873 for street purposes to accommodate the extension of W Street, N.W. right-of-way, and establish a 25 foot wide building restriction line on Lots 1106 and 1112 in Square 2873, in Northwest Washington, D.C. in Ward 1. DDOT filed a report with the Office of the Surveyor on November 17, 2020, related to S.O. 20-04746. DDOT's report noted that the agency objected to the proposed dedication until several conditions are met. The first condition is that the applicant has constructed the public space improvements pursuant to the terms and conditions of the Horizontal Public Use Agreement signed by the parties. The applicant just recently began construction so no conditions have been satisfied at this time. The next condition will be that the public space improvements have been inspected by DDOT and meet or exceed DDOT standards and specifications consistent with the Horizontal Public Use Agreement, and that the dedication plat for W Street NW shall not be recorded until DDOT has agreed to accept the public space improvements, all statutory warranties have been provided and the applicant has complied with all of the terms and conditions of the Horizontal Public Use Agreement. The applicant has been

working with DDOT through the terms of the Horizontal Public Use Agreement. Once these conditions have been met, DDOT would have no objection to the recordation of the plat.

The stated purpose of Bill 24-211 is to order the closing of a portion of Maryland Avenue, S.W. and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets S.W., to the National Park Service. DDOT initially objected to this closure until an agreement could be provided evidencing that DC Water will continue to maintain the stormwater facilities on, under and through the sidewalks around the site along 4th Street, 6th Street and Independence Avenue SW. The National Park Service has since provided a letter committing to issue the necessary access permits once the transfer is complete. Accordingly, DDOT has no objections to the proposed closures in this bill.

The stated purpose of Bill 24-234 is to remove from the plan for the extension of a permanent system of highways a portion of Jackson Street, N.E., located within Lot 805, Square 3835. DDOT has no objections to the proposed closures in this bill.

The stated purpose of Bill 24-291 is to remove from the plan for extension of a permanent system of highways a portion of 50th Street, N.E., located within Lot 825 in Square 5194. It calls for the closing of 50th Street, N.E. and Nannie Helen Burroughs Avenue, N.E., adjacent to Square 5194 and accepts the dedication of Lots 828 and 830 in Square 5194 for public street purposes. DDOT filed a report with the Office of the Surveyor on June 29, 2021, related to S.O. 21-02992. The first condition is that the applicant records at the Recorder of Deeds a DDOT-approved public access easement for the portion of the Property to be improved by 6-ft sidewalk and retaining wall, which will be maintained by the property owner. The applicant has not returned the signed easement at this time, so no conditions have been satisfied. The applicant has been working with DDOT on the easement and we are waiting for final

signature. Once these conditions have been met, DDOT would have no objection to the recordation of the plat.

This concludes my testimony. Thank you for allowing me the opportunity to testify before you today. I am available to answer any questions that you may have.



Delegated Action of the Chairman

PROJECT

Revised Closing of Maryland Avenue between 4th and 6th Streets, SW, adjacent to Square 492 and N-492 and transfer of jurisdiction of portions of Maryland Avenue, Independence Avenue, 4th Street, and 6th Street, SW
Washington, DC

SUBMITTED BY

District of Columbia Office of the Surveyor

NCPC FILE NUMBER

7684

NCPC MAP FILE NUMBER

1.71(44.40)44709

ACTION TAKEN

Approval of comments to the Council of the District of Columbia and
Approval of transfer of jurisdiction

REVIEW AUTHORITY

40 U.S.C. § 8124(a), D.C. Code § 10-111, and D.C. Code § 9-202.02

The District of Columbia Office of the Surveyor has submitted a *revised* application for the closing of Maryland Avenue, between 4th and 6th Streets SW, along with a transfer of jurisdiction for portions of Maryland Avenue and sidewalk spaces along Independence Avenue, 4th and 6th Streets, SW, from the District Department of Transportation (DDOT) to the United States government in order to allow for the construction of the Dwight D. Eisenhower Memorial. In July 2015, the Commission provided comments to the Council of the District of Columbia regarding the proposed street closure of Maryland Avenue. With the closure of Maryland Avenue, the Commission also approved the related transfer of jurisdiction from DDOT to the United States government, under the jurisdiction of the National Park Service (NPS), in order to create a unified site for the Eisenhower Memorial. Since the 2015 Commission Action, the applicant has made minor technical corrections to the plat to be more accurate and consistent with the memorial design.

Previously, all land was transferred to the United States government under the administrative jurisdiction of NPS. The land will still be transferred to the United States government, but the jurisdiction of the land will be assigned to two federal agencies: NPS and the General Services Administration (GSA). The plat correction was needed in order to assign jurisdiction of the Lyndon B. Johnson (LBJ) Promenade to GSA. The final design for the memorial, which was approved by the Commission in October 5, 2017, included a 50-foot buffer area along the north façade of the LBJ Building serving as a pedestrian promenade between the memorial and the LBJ Building. While the memorial site will be under the jurisdiction of NPS, GSA will retain control of the LBJ Promenade. Following construction, NPS will be responsible for the long-term operation and maintenance of the memorial, while GSA will maintain the LBJ Promenade.

The Commission's previous comments¹ on the proposed street closure still pertain. However, the applicant has revised the plat and associated legal description to correct three minor issues:

1. A 2,248 square-foot triangular portion of the Maryland Avenue right-of-way located within the proposed LBJ Promenade was originally transferred to NPS, but is now transferred to GSA.
2. The Maryland Avenue right-of-way adjacent to Reservation 5 had an irregular alignment. Portions of Reservation 5 are now reallocated to the Maryland Avenue right-of-way to simplify the Maryland Avenue diagonal alignment. The portion of Maryland Avenue right-of-way to be closed and revert to NPS has an area of 76,953 square feet.
3. The sidewalk segments around the rectangular memorial site were irregular and lacked continuity. Portions of the Maryland Avenue right-of-way are now realigned to sidewalk spaces along Independence Avenue, 4th and 6th Streets, SW to provide a continuous sidewalk area around the memorial. As a result, 20,947 square feet of sidewalk space will be transferred to NPS.

¹ July 9, 2015 Commission Action. The Commission:

Approves the transfer of jurisdiction of a portion of Maryland Avenue between 4th and 6th Streets, SW along with portions of 4th Street, 6th Street, and Independence Avenue, SW to the National Park Service in order to create a unified site for the Dwight D. Eisenhower Memorial.

Advises the Council of the District of Columbia regarding the proposed street closure of Maryland Avenue:

- The proposal to close a portion of Maryland Avenue, SW between 4th and 6th Street, SW would result in adverse effects on the L'Enfant Plan and is inconsistent with policies in the Federal Elements of the Comprehensive Plan for the National Capital.
- The adverse effects on the L'Enfant Plan associated with the closure of Maryland Avenue between 4th and 6th Streets, SW were addressed through consultation under Section 106 of the National Historic Preservation Act for the Dwight D. Eisenhower Memorial. In 2012, the National Park Service, the National Capital Planning Commission, the District of Columbia State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Eisenhower Memorial Commission executed a Memorandum of Agreement that detailed mitigation measures to address the adverse effects.
- The proposal to close Maryland Avenue, SW between 4th and 6th Streets, SW should only take effect if the National Park Service issues a permit to construct the Dwight D. Eisenhower Memorial.

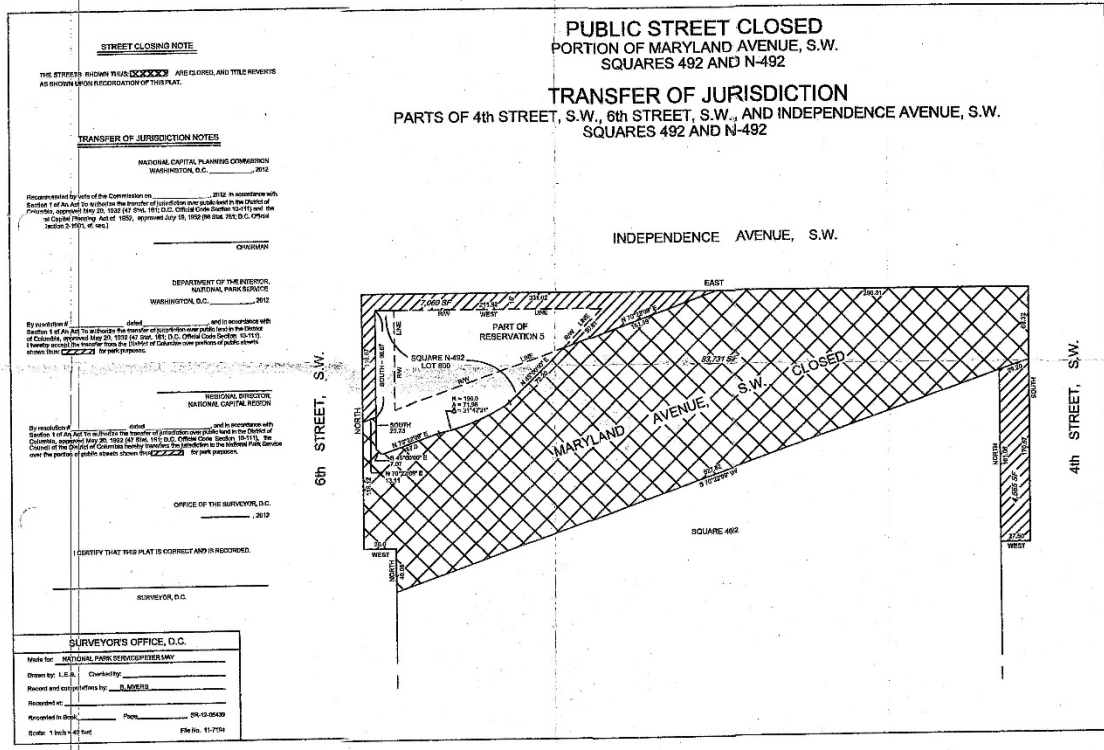


Figure 1: Previously Proposed Street Closure and Transfer of Jurisdiction (July 2015 Plat)

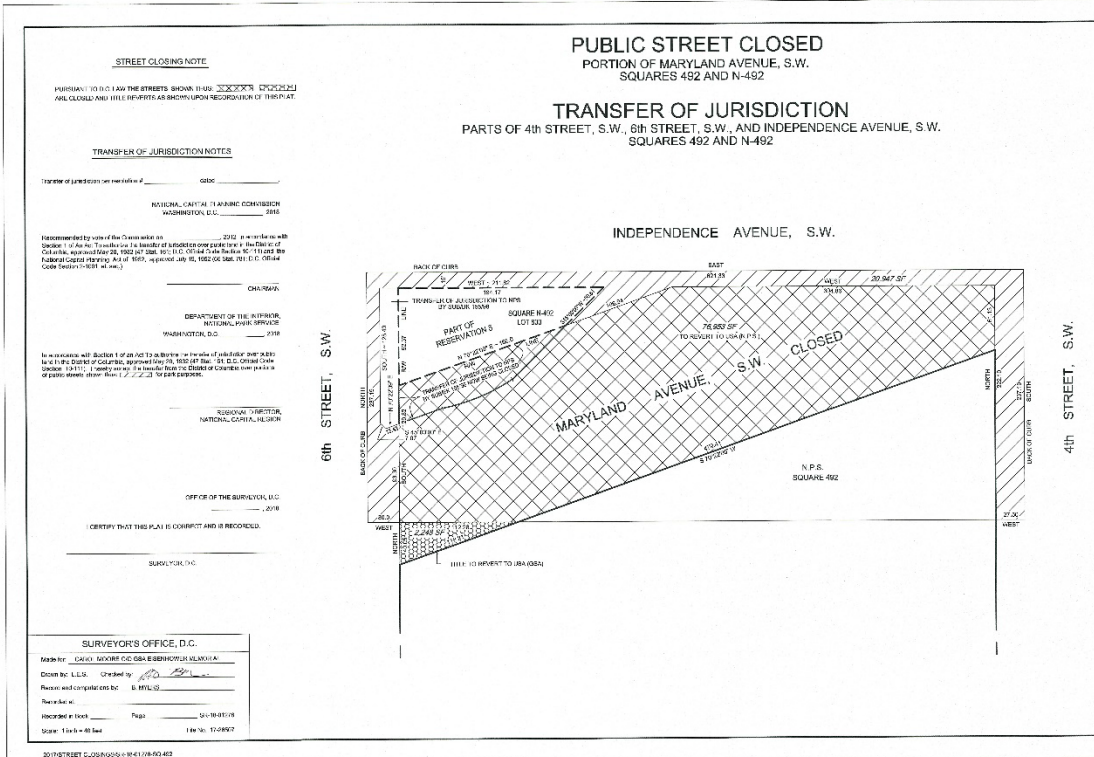


Figure 2: Currently Proposed Street Closure and Transfer of Jurisdiction (March 2018 Plat)

NPS and NCPC each have an independent responsibility to comply with the National Environmental Policy Act (NEPA) for the Dwight D. Eisenhower Memorial including the transfer of jurisdiction of sidewalk spaces along Independence Avenue, 4th Street, and 6th Street, SW. The 2011 Environmental Assessment (EA) prepared for the Dwight D. Eisenhower Memorial included an analysis of three action alternatives and a no action alternative. The EA included an analysis of the transfer of jurisdiction of the sidewalk spaces. NPS was the lead federal agency for the EA, while NCPC and GSA were cooperating agencies. On March 6, 2012, NPS issued a Finding of No Significant Impact for implementation of Alternative #3, Maryland Park/Tapestry alternative which included any transfer of jurisdictions required. NCPC, with its preliminary approval of the memorial in October 2014, found the design would not have a significant impact on the human environment. In making this finding, the Commission relied on the EA prepared for the design of the memorial as well as the EA prepared at the time of site selection in 2006. NCPC does not have a NEPA responsibility when providing comments on street closures.

NPS and NCPC each have a responsibility to comply with Section 106 of the National Historic Preservation Act (NHPA) for the transfer of jurisdiction of the sidewalk spaces. Through the Section 106 consultation on the design of the memorial, NPS and NCPC identified adverse effects on the L'Enfant Plan. As a result of that consultation, consideration was given to the unification of several parcels to create a site for the memorial. To resolve adverse effects identified through the Section 106 consultation, NPS, the Commission, the District of Columbia State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Eisenhower Memorial Commission executed a Memorandum of Agreement (MOA) in 2012. GSA was a concurring party on the MOA. On March 1, 2017, the MOA expired pursuant to its duration provision, resulting in the reissuance of a new MOA for a period of five years beginning on May 3, 2017. NCPC does not have a responsibility to comply with Section 106 when providing comments on street closures.

The Coordinating Committee reviewed the proposal at its March 14, 2018 meeting. Without objection, the Committee forwarded it to the Commission with the statement that the project has been coordinated with all participating agencies. The participating agencies were NCPC; the General Services Administration; the Washington Metropolitan Area Transit Authority; the National Park Service; the District of Columbia Office of Planning; the State Historic Preservation Office; the District Department of Transportation; and the District Department of Energy and Environment.

*

*

*

Pursuant to delegations of authority adopted by the Commission on December 14, 1977 and per 40 U.S.C. § 8124(a), I approve the revised transfer of jurisdiction of a portion of Maryland Avenue between 4th and 6th Streets, SW and portions of sidewalk spaces along 4th Street, 6th Street, and Independence Avenue, SW from the District Department of Transportation to the United States government, under the jurisdiction of the National Park Service and the General Services Administration in order to create a unified site for the Dwight D. Eisenhower Memorial. In addition, I advise the Council of the District of Columbia regarding the proposed street closure of Maryland Avenue that:

- The proposal to close a portion of Maryland Avenue, SW between 4th and 6th Street, SW would result in adverse effects on the L'Enfant Plan and is inconsistent with policies in the Federal Elements of the Comprehensive Plan for the National Capital.
- The adverse effects on the L'Enfant Plan associated with the closure of Maryland Avenue between 4th and 6th Streets, SW were addressed through consultation under Section 106 of the National Historic Preservation Act for the Dwight D. Eisenhower Memorial. In 2012, the National Park Service, the National Capital Planning Commission, the District of Columbia State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Eisenhower Memorial Commission executed a Memorandum of Agreement (MOA) that detailed mitigation measures to address the adverse effects. On March 1, 2017, the MOA expired pursuant to its duration provision, resulting in the reissuance of a new MOA for a period of five years beginning on May 3, 2017.
- The proposal to close Maryland Avenue, SW between 4th and 6th Streets, SW should only take effect if the National Park Service issues a permit to construct the Dwight D. Eisenhower Memorial.

// Original Signed //

4/5/2018

L. Preston Bryant, Jr.
Chairman

Date

STREET CLOSING NOTE

PURSUANT TO D.C. LAW THE STREETS SHOWN THUS: [XXXXXX], [XXXXXX] ARE CLOSED AND TITLE REVERTS AS SHOWN UPON RECORDATION OF THIS PLAT.

TRANSFER OF JURISDICTION NOTES

Transfer of jurisdiction per resolution # _____ dated _____.

NATIONAL CAPITAL PLANNING COMMISSION
WASHINGTON, D.C. _____, 2018

Recommended by vote of the Commission on _____, 2012 in accordance with Section 1 of An Act To authorize the transfer of jurisdiction over public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Official Code Section 10-111) and the National Capital Planning Act of 1952, approved July 19, 1952 (66 Stat. 781; D.C. Official Code Section 2-1001, et. seq.)

CHAIRMAN

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE
WASHINGTON, D.C. _____, 2018

In accordance with Section 1 of an Act To authorize the transfer of jurisdiction over public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Official Code Section 10-111), I hereby accept the transfer from the District of Columbia over portions of public streets shown thus: [XXXXXX] for park purposes.

REGIONAL DIRECTOR,
NATIONAL CAPITAL REGION

OFFICE OF THE SURVEYOR, D.C.
_____, 2018

I CERTIFY THAT THIS PLAT IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.

SURVEYOR'S OFFICE, D.C.

Made for: CAROL MOORE C/O GSA EISENHOWER MEMORIAL
Drawn by: L.E.S. Checked by: _____
Record and computations by: B. MYERS
Recorded at: _____
Recorded in Book _____ Page _____ SR-18-01278
Scale: 1 inch = 40 feet File No. 17-26507

PUBLIC STREET CLOSED

PORTION OF MARYLAND AVENUE, S.W.
SQUARES 492 AND N-492

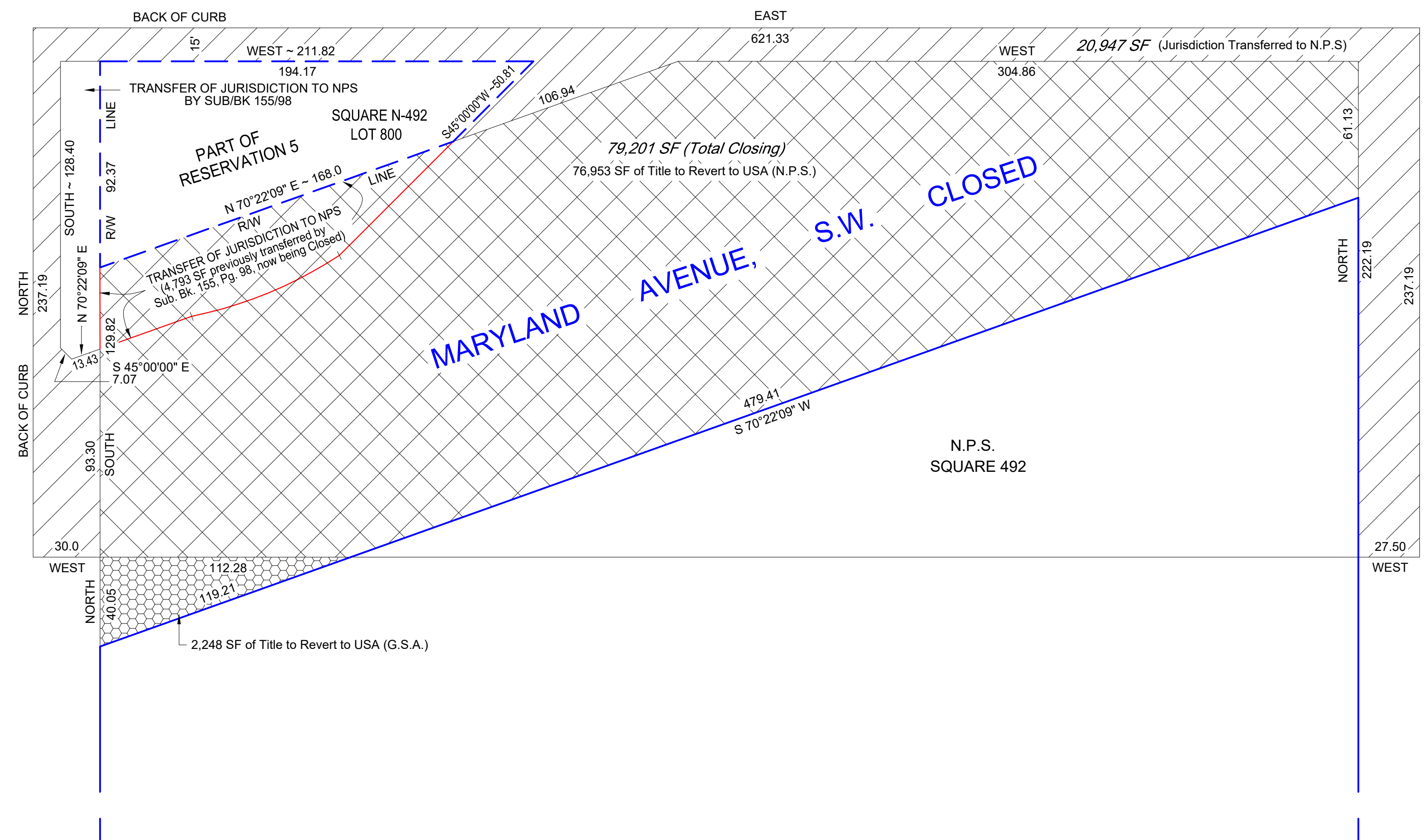
TRANSFER OF JURISDICTION

PARTS OF 4th STREET, S.W., 6th STREET, S.W., AND INDEPENDENCE AVENUE, S.W.
SQUARES 492 AND N-492

INDEPENDENCE AVENUE, S.W.

6th STREET, S.W.

4th STREET, S.W.




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



Fitzroy Lee
Acting Chief Financial Officer

MEMORANDUM

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

FROM: Fitzroy Lee
Acting Chief Financial Officer 

DATE: November 10, 2021

SUBJECT: Fiscal Impact Statement – Closing of a portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021

REFERENCE: Bill 24-211, Committee Print as provided to the Office of Revenue Analysis on November 8, 2021

Conclusion

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill.

Background

The bill approves the closure of a portion¹ of Maryland Avenue, S.W. unnecessary for street purposes and the transfer of its jurisdiction to the National Park Service of the United States Department of the Interior, for use as part of the Dwight D. Eisenhower Memorial. The closure affects sidewalks and tree boxes, and the purpose of the transfer is to have the entire site under a single jurisdiction.

Financial Plan Impact

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill. The Department of the Interior has satisfied objections raised by District agencies and some utilities. As of the writing of this fiscal impact it was unclear if objections by Verizon have

¹ Specifically, the portion of Maryland Avenue, S.W., between Independence Avenue and 6th Street, S.W., as shown on the Surveyor's Plat on S.O. 17-26507.

The Honorable Phil Mendelson

FIS: Bill 24-211, "Closing of a portion of Maryland Avenue, S.W. between Independence Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act of 2021," Committee Print as provided to the Office of Revenue Analysis on November 8, 2021

been resolved, but the objections of the utility did not involve District assets, so there is no fiscal impact.

1 **COMMITTEE PRINT**
2 **Committee of the Whole**
3 **November 16, 2021**
4
5

6 A BILL
7

8 24-211
9

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

15 To order the closing of a portion of Maryland Avenue, S.W., between Independence Avenue and
16 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland
17 Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., to the
18 National Park Service.
19

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 act may be cited as the “Closing of a portion of Maryland Avenue, S.W. between Independence
22 Avenue and 6th Street, S.W., and the transfer of jurisdiction of the closed portion of Maryland
23 Avenue and portions of Independence Avenue and 4th and 6th Streets, S.W., S.O. 17-26507, Act
24 of 2021”.

25 Sec. 2. Pursuant to Section 404 of the District of Columbia Home Rule Act, approved
26 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.04 and consistent with the Street
27 and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law
28 4-201; D.C. Official Code § 9-201.01 *et seq.*), the Council of the District of Columbia finds the
29 portion of Maryland Avenue, S.W., between Independence Avenue and 6th Street, S.W., shown
30 on the Surveyor’s Plat for S.O. 17-26507 unnecessary for street purposes and orders it closed
31 With title to the land to vest as shown on the Surveyor’s Plat.

32 Sec. 3. Pursuant to section 1 of An Act To Authorize the Transfer of Jurisdiction over

33 Public Land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Official
34 Code § 10-111), the Council approves the transfer of jurisdiction from the District to the
35 National Park Service of the United States Department of the Interior of (i) the closed portion of
36 Maryland Avenue, S.W., between Independence Avenue and 6th Street, S.W., and (ii) the
37 portions of Independence Avenue and 4th and 6th Streets, S.W., as shown on the Surveyor's Plat
38 for S.O. 17-26507.

39 Sec. 4. Transmittal.

40 The Secretary of the Council shall transmit a copy of this act, upon its effectiveness, to
41 the Surveyor of the District of Columbia, the District of Columbia Recorder of Deeds, the
42 Executive Director of the National Capital Planning Commission, the Speaker of the United
43 States House of Representatives, and the President Pro Tempore of the United States Senate.

44 Sec. 5. Fiscal impact.

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

48 Sec. 6. Effective date.

49 This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor,
50 action by the Council to override the veto), a 30-day period of congressional review as provided
51 in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973
52 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia
53 Register.

54