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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 8-96

"Disposal of District Owned Surplus Real Property Amendment Act of 1989".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-302 on first and second readings, November 21, 1989, and December 19, 1989, respectively. The legislation was deemed approved without the signature of the Mayor on January 18, 1990, pursuant to Section 404(e) of "the Act", and was assigned Act No. 8-148, published in the January 26, 1990, edition of the D.C. Register, (Vol. 37 page 795) and transmitted to Congress on January 23, 1990 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-96, effective March 15, 1990.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 23,24,25,26,29,30,31

February 1,2,5,6,7,8,20,21,22,23,26,27,28

March 1,2,5,6,7,8,9,12,13,14

MAR 15 1990

Codification
District of Columbia Code
(1990 Supplement)

AN ACT

D.C. ACT 8 - 148

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JAN 18 1990

To amend An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to allow for the disposal of real property owned by the District of Columbia through means other than a public or private sale to the highest bidder, and to require Council review of the disposition of all real property owned by the District government that is no longer needed for public purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disposal of District Owned Surplus Real Property Amendment Act of 1989".

Sec. 2. For the purposes of this act, the term "real property" means land titled in the name of the District of Columbia ("District") or in which the District has a controlling interest and includes all structures of a permanent character erected thereon or affixed thereto, any natural resources located thereon or thereunder, all riparian rights attached thereto, or any air space located above or below the property or any street or alley under the jurisdiction of the Mayor."

New,
Section
9-401.1
Note,
Sections
9-401
5-905
9-501
16-1332

Sec. 3. Section 1 of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Code, sec. 9-401), is amended to read as follows:

Section
9-401

"Sec. 1. (a) Except for real property disposed of pursuant to the District of Columbia Community Development Act of 1975, effective December 16, 1975 (D.C. Law 1-39; D.C. Code, sec. 5-905(c)), the Mayor is authorized and empowered in his discretion, for the best interests of the District of Columbia ("District") and with the approval of the Council by resolution, to sell, convey, lease (inclusive

of options) for a period of greater than 20 years, exchange, or otherwise dispose of real property, in whole or in part, now or hereafter owned in fee simple by the District, whether purchased with appropriated, grant, or other funds, the proceeds of general obligation bonds or Tax Revenue Anticipation Notes issued by the District government, or United States Treasury Notes, or obtained by any other means including exchange, condemnation, eminent domain, gift, dedication, donation, devise or assignment, for municipal, community development, or other public purpose, which the Council finds to be no longer required for public purposes.

"(b) The Mayor, in order to carry out the provisions of this act, shall transmit to the Council a proposed resolution that contains a description of the real property to be disposed of and the proposed method of disposition, which shall be one of the following:

"(1) Public or private sale to the highest bidder;

"(2) Negotiated sale to a for-profit or non-profit entity for specifically designated purposes;

"(3) A lease for a period of greater than 20 years;

"(4) A combination sale/leaseback for specifically designated purposes;

"(5) An exchange of interests in real property;

or

"(6) Any other means the Mayor finds to be in the best interests of the District.

"(c) The proposed resolution to provide for the disposition of real property pursuant to subsection (b) of this section shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove of the proposed disposition of the property, in whole or in part, by resolution within the 90-day period, the proposed resolution shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.).

"(d) Approval of the disposition of the real property by the Council shall expire 2 years after the effective date of the resolution of approval. If the Mayor determines prior to the end of the 2 year period that the property cannot be disposed of within the 2 year period, the Mayor may submit to the Council no later than 60 days prior to the end of the 2 year period a resolution seeking additional time for the disposition of the property, and shall include with the resolution a detailed status report on efforts made

toward disposition of the property as well as the reasons for the inability to dispose of the property within the 2 year period. If the Council does not take action to approve or disapprove the resolution within 30 days of receipt of the resolution, not including Saturdays, Sundays, legal holidays, or days of Council recess, the resolution shall be deemed approved.

"(e) The Mayor shall incorporate into the terms of the disposition of real property disposed of through a negotiated sale pursuant to subsection (b)(2) of this section, the right of the District to reacquire the property at the price originally conveyed plus any amounts secured by the property that have been approved by the Mayor, if the property is no longer used for the authorized purpose. For property located within the corporate boundaries of the District, if the District does not exercise its reacquisition option, the owner in fee simple shall be entitled to use the property or sell, convey, or otherwise dispose of the property for use in a manner that is consistent with the designation of the real property on:

"(1) The Generalized Land Use Maps adopted pursuant to section 1136 of the District of Columbia Comprehensive Plan Act of 1984, effective April 10, 1984 (D.C. Law 5-76; D.C. Code, sec. 1-246); and

"(2) The Official Zoning Map of the District of Columbia adopted pursuant to section 1 of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk and uses of buildings and other structures and of the uses of land in the District of Columbia, approved June 20, 1938 (52 Stat. 797; D.C. Code, sec. 5-413).

"(f) The Mayor shall take any steps necessary to ensure continuous community input in the disposition of any real property to be disposed of in accordance with this section, which shall include, for property located within the corporate boundaries of the District, providing notice to any affected Advisory Neighborhood Commission of the final terms and conditions for the sale of the property, for review and comment in accordance with section 13 of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Code, sec. 1-261), prior to the disposition of the property."

Note,
Section
1-261

Sec. 4. The Mayor shall establish a centralized automated database that contains an inventory of all real property owned by the District. Information contained in the database for each property shall include, but not be limited to, the following:

- (1) The street address of the property;
- (2) The property's square and lot number;

New,
Section
9-407
Note,
Section
9-501

- (3) The current or last use of the property;
- (4) The method by which the property was acquired;
- (5) The underlying zoning for the property;
- (6) For property located within the corporate boundaries of the District, the designation of the property on the Generalized Land Use Maps, adopted pursuant to section 1136 of the District of Columbia Comprehensive Plan Act of 1984, effective April 10, 1984 (D.C. Law 5-76; D.C. Code, sec. 1-246);
- (7) The area of the property in square feet and, if improved, the gross floor area, including the subsurface area, and the number of stories of any building on the property;
- (8) The current assessed value of the property and any improvements;
- (9) The Advisory Neighborhood Commission within which the property is located; and
- (10) Whether the real property is located within a historic district or is designated as a Registered Historic Landmark under District or federal laws and, if so, the designation.

Sec. 5. Section 6(c) of the District of Columbia Community Development Act of 1975, effective December 16, 1975 (D.C. Law 1-39; D.C. Code, sec. 5-905(c)), is amended as follows:

Section
5-905

- (1) By redesignating the existing text as paragraph (1);
- (2) By amending paragraph (1) to read as follows:
"(1) For the purposes of this act, the Mayor may dispose of any real property owned by the District of Columbia by negotiation or public or private bid, on such terms and conditions as he deems necessary to accomplish the purposes of the act with the consent of the Council, provided that prior to any such disposition there shall be a public hearing on the proposed terms and conditions after at least 30 days public notice. A proposed disposition shall be in accordance with sections 1(c)-(e) of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Code, sec. 9-401(c)-(e)). Each proposed disposition shall be submitted to the Council for approval, in whole or in part, by resolution."; and
- (3) By adding a new paragraph (2) to read as follows:
"(2) The proposed resolution to provide for the disposition of real property pursuant to paragraph (1) of this subsection shall be submitted to the Council for a

90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed disposition of the property, in whole or in part, by resolution within the 90-day period, the proposed resolution shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.)."

Sec. 6. Section 16-1332(a) of the District of Columbia Code is amended by inserting the phrase "with the consent of the Council in accordance with section 1 of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Code, sec. 9-401)," after the phrase "The Mayor of the District of Columbia may,".

Section 16-1332

Sec. 7. Chapter 283 of An Act To permit the exchange of land belonging to the District of Columbia for land belonging to the abutting property owner or owners, and for other purposes, approved August 1, 1951 (65 Stat. 150; D.C. Code, sec. 9-501), is amended as follows:

Section 9-501

(a) By striking the phrase "with the approval of the National Capital Planning Commission"; and

(b) By inserting the phrase ", in accordance with section 1 of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Code, sec. 9-401)" after the phrase "Council of the District of Columbia".

Sec. 8. (a)(1) The provisions of the Disposal of District Owned Surplus Real Property Amendment Act of 1989 shall apply to any property for which a land disposition agreement was not concluded prior to November 1, 1989.

Note, Section 9-401

(2) The provisions of the Disposal of District Owned Surplus Real Property Amendment Act of 1989 regarding Council approval of the disposition of property shall not apply to the following properties:

(A) The Dunlop Building Incubator, located at 2321 4th Street, N.E., Lot 808 in Square 3629;

(B) The fringe parking lot, located at Michigan Avenue and Irving Streets, N.E., Lot 31 in Parcel 121;

(C) The Crummel School, located at 1900 Gallaudet Street, N.E., Lot 22 in Parcel 142;

(D) The Capital City Business and Industrial Park, located at W Street between Brentwood Road and Montana Ave., N.E., Lot 808 in Square 3863 and Lot 119 in Parcel 142;

(E) Lot 47 in Parcel 243, located at the Southeast Corner, Martin Luther King Blvd. and Savannah St., S.E., Lot in Square;

(F) The Capital City Market Annex Expansion site, located at 1248 4th Street, N.E., Lot 802 in Square 3587;

(G) The Anacostia Gateway, located at 1201 Good Hope Road, S.E., Lot 1017 in Square 5769;

(H) 61-69 P Street, N.W., a redevelopment housing project, located at 61 through 69 P Street, N.W., Lots 166, 167, 168, 169, and 803 in Square 615;

(I) Old Police Precinct No. 9, located at 525 9th Street, N.W., Lot 808 in Square 936;

(J) Deanwood Gardens, located at 4808-4810 Nannie Helen Burroughs Avenue, N.E., Lot 13 in Square 5148;

(K) 1607 U Street, S.E., the Single-Home Development Project, located at 1607 U Street, S.E., Lot 816 in Square 5777;

(L) Perry School, the Northwest No. 1 Urban Renewal Area located at 1st, Pierce, and M Streets, N.W., Lot 849 in Square 557;

(M) The Washington Treatment Center, Inc., located at Benning Road and Hanna Place, S.E., Lots 307 and 827 in Square 5359;

(N) Knox Village, located at the Alabama Avenue Development Zone at Knox and Irving Streets, S.E., Lot 800 in Square 5727W; and

(O) The Golden Rule Terrace Apartments, located adjacent to the Center Leg Freeway at New York and New Jersey Avenues, N.W., as follows:

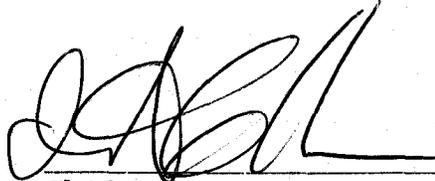
(i) The portion of Lot 835 in Square 525 bounded by New York Avenue, N.W., Square 556, L Street, N.W., and the Center Leg Freeway and the portion of Lot 835 in Square 525 bounded by the Center Leg Freeway, L Street, N.W., and 4th Street, N.W.;

(ii) The portion of Lot 838 in Square 558 bounded by L Street, N.W., New Jersey Avenue, N.W., K Street, N.W., and the Center Leg Freeway; and

(iii) Lot 1 and the portions of Lots 828 and 831 in Square 526 bounded by L Street, N.W., the Center Leg Freeway, K Street, N.W., and the western lots in Square 526.

(b) The District shall conclude a disposition of the properties referred to in subsection (a) of this section within 2 years of the effective date of the Disposal of District Owned Surplus Real Property Amendment Act of 1989.

Sec. 9. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1972 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and the publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia

DEEMED APPROVED WITHOUT
SIGNATURE UPON EXPIRATION
OF 10-DAY MAYORAL REVIEW PERIOD.

NOT SIGNED

Mayor
District of Columbia

January 18, 1990



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-302

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-21-89

VOICE VOTE: Approved

Recorded vote on request

Absent: Thomas

ROLL CALL VOTE: -- RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell A. Smith
 Secretary to the Council

12-27-89
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-19-89

VOICE VOTE: Approved, Member Crawford voted Present

Recorded vote on request

Absent: Winter

ROLL CALL VOTE: -- RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell A. Smith
 Secretary to the Council

12-27-89
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: -- RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

 Secretary to the Council

 Date