

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To order the closing of O Street, N.E., between North Capitol and First Streets, N.E, and the closing of public alleys in Square 670, bounded by North Capitol Street, N.E., O Street, N.E., First Street, N.E., and New York Avenue, N.E., in Ward 5.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of O Street, N.E., S.O. 98-124, and Closing of Public Alleys in Square 670, S.O. 90-235, Act of 2000".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982 ("Act") the Council of the District of Columbia finds that O Street, N.E., between North Capitol Street, N.E. and First Street, N.E., as shown on the Surveyor's plat filed under S.O. 98-124, and the public alleys in Square 670, as shown on the Surveyor's plat filed under S.O. 90-235, are unnecessary for street and alley purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plats.

Sec. 3. (a) The closures of this street and these public alleys are contingent upon the establishment of easements and satisfaction of other conditions required by the Department of Public Works, the Office of Planning, and affected public utilities as set forth in the official files on S.O. 98-124 and S.O. 90-235.

(b) Prior to the issuance of any building permit for commercial office space encompassing the area vested pursuant to this act, the applicant shall demonstrate to the satisfaction of the Office of Planning that \$75,000 has been paid to the Housing Production Trust Fund, established by section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Code § 45-3102). If development of the site does not include commercial office space, no housing linkage payment shall be required. Pursuant to section 305.11(g) of the Comprehensive Plan, the Council has provided a lesser housing linkage requirement than would otherwise apply to these street and alley closings because the commercial development that will be facilitated by these street closings is located within an area designated on the Comprehensive Plan

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land use policies map as the Northeast No. 1/Eckington Yards development opportunity area, and a lesser linkage requirement is necessary to implement Comprehensive Plan objectives and policies for this area which otherwise would likely not be achieved.

Sec. 4. Notwithstanding section 212 of the Act, if an abutting property owner files an objection to this alley closing pursuant to sections 210 and 211 of the Act, the Surveyor shall record the alley closing plat prior to the payment of any damages assessed through an *in rem* proceeding. The objecting property owner shall retain the right to seek damages under section 211 of the Act, and the alley closing applicant shall be fully responsible for any damages that may be assessed by the court in an *in rem* proceeding.

Sec. 5. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (84 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 6. The Secretary to the Council shall transmit a copy of this act, upon its effectiveness, each to the District of Columbia Surveyor, the Office of Planning, the Building and Land Regulation Administration of the Department of Consumer and Regulatory Affairs, and the District of Columbia Recorder of Deeds.

Sec. 7. This act shall take effect upon its approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in

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section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia