

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To order the closing of a public alley in Square 529, bounded by H Street, N.W., Massachusetts Avenue, N.W., 3rd Street, N.W., G Street, N.W., and 4th Street, N.W., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 529, S.O. 01-1183, Act of 2001".

Sec. 2. Pursuant of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01 *et seq.*) ("Act"), the Council of the District of Columbia finds that the public alley in Square 529, as shown on the Surveyor's plat filed under S.O. 01-1183, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Sec. 3. The closure of this public alley is contingent upon:

(1) The establishment of a turnaround easement and the satisfaction of other conditions required by the Department of Public Works as set forth in the official file of S.O. 01-1183;

(2) The satisfaction of the condition required by the Fire and Emergency Medical Services Department as set forth in the official file on S.O. 01-1183; and

(3) The establishment, for the benefit of all of the property owners within the square, of either:

(A) A surface access easement of the alley to be closed; or

(B) A new north-south surface access easement connecting the two existing east-west alleys in the middle of the square, of which 15 feet in width shall be located on the rear of the applicant's property (Lot 841 and additional lots to the south). The Council encourages the owners of Lot 832 and the Best Western Hotel lots to contribute not less than an additional 5 feet in width from the rear of their property to this north-south surface access easement so that the total width of this easement would be not less than 20 feet.

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Sec. 4. Notwithstanding section 212 of the Act (D.C. Official Code § 9-202.12), if an abutting property owner files an objection to this alley closing pursuant to sections 210 and 211 of the Act (D.C. Official Code § 9-202.10 and §9-202.11, respectively), 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. Official Code § 1-206.02(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. Official Code § 47-392.03(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia