

# ENROLLMENT(S)

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(5)

AN ACT

D.C. ACT 9-226

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 19, 1992

To order the closing of Glover Archbold Parkway, N.W., between Upton Street, N.W., and Van Ness Street, N.W., and to provide for the establishment of a street easement to be known as 40th Place, N.W., in Square 1789 and adjacent to Glover Archbold Parkway, N.W., S.O. 90-117, in Ward 3.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of Glover Archbold Parkway, N.W., S.O. 90-117, Act of 1992".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Code § 7-421), the Council finds that Glover Archbold Parkway, N.W., between Upton Street, N.W., and Van Ness Street, N.W., as shown on the Surveyor's plat filed under S.O. 90-117 and in section 4, is unnecessary for street purposes. Notwithstanding any other provision of law, including title II of the Street and Alley Closing and Acquisition Procedures Act of 1982, the Council orders the street closed subject to the following conditions:

(1) The filing, in the Recorder of Deeds Division of the District of Columbia Department of Finance and Revenue, of a covenant between the District and the owners of the lots in Square 1789, adjacent to Glover Archbold Parkway, N.W., granting an easement to establish a new street pursuant to section 3.

(2) The filing, in the Recorder of Deeds Division of the District of Columbia Department of Finance and Revenue, of a covenant between the District and the owners of all lots abutting Glover Archbold Parkway, N.W., between Upton Street, N.W., and Van Ness Street, N.W., ("abutting owners") granting an easement, the full width and length of the area to be closed, to the District for the ownership, operation, maintenance, and replacement, if necessary, of its utilities. The easement shall provide that no permit shall be required for this work. The District may require a hold harmless provision in the covenant, provided that any such provision shall be limited to damages or injuries arising solely from an abutting owner's actions in the easement area, and provided further that the United States of America shall be exempt from any hold harmless requirement. The covenant shall also provide an easement to the benefit of the Potomac Electric Power Company to maintain and service existing electric utility facilities in the easement area and to

install any additional underground conduits deemed necessary to supply electricity to its customers.

Sec. 3. Notwithstanding any other provision of law, including section 2 of An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities, approved March 2, 1893 (27 Stat. 532; D.C. Code § 7-108), the Council hereby authorizes and directs that the District accept and maintain a new public street, to be known as 40th Place, N.W., as shown on the Surveyor's plat filed under S.O. 90-117 and in section 4, subject to all of the following conditions:

(1) The street shall exist pursuant to an easement granted by the owners of all lots within Square 1789 abutting Glover Archbold Parkway, N.W. The easement shall expire no earlier than July 31, 2064.

(2) The street shall be built according to the standards of the District of Columbia Department of Public Works except that the width, including curbs and sidewalk, shall be as shown on the Surveyor's plat.

(3) A 15-foot wide easement shall be established within the area known as Glover Archbold Parkway, N.W., for the installation and maintenance of District-owned streetlights serving 40th Place, N.W. This easement shall allow the District and its contractors to enter the easement area at all times without a permit, and shall remain effective for as long as 40th Place, N.W., is open as a public street. Within this easement area only shrubs, ornamental-size trees, and groundcover may be planted. The cost to relocate existing streetlights and poles in connection with the establishment of 40th Place, N.W., shall be that of the owners of all lots within Square 1789 abutting Glover Archbold Parkway, N.W. If 40th Place, N.W., is closed to the public on or after the expiration of the easement provided in paragraph (1) of this section, the owners of all lots within Square 1789 abutting Glover Archbold Parkway, N.W., shall pay the total cost for the removal of the District-owned streetlights.

(4) The owners of all lots within Square 1789 abutting Glover Archbold Parkway, N.W., shall, at their cost, remove the pavement within the Glover Archbold Parkway, N.W., being closed by this act and restore the area to approximately the grade existing in 1986.

Sec. 4. The closing of Glover Archbold Parkway, N.W., between Upton Street, N.W., and Van Ness Street, N.W., and the establishment of a street easement to be known as 40th Place, N.W., shall be as follows:

# PUBLIC STREET CLOSED

## EASEMENTS ESTABLISHED

Pursuant to D.C. Law \_\_\_\_\_, effective \_\_\_\_\_, 19\_\_\_\_  
the street shown thus: XXXX is closed, and title reverts as shown upon  
recording of this plat. The easements shown for street, watermain, sewer,  
and street light purposes are subject to the provisions of the covenant  
recorded with the Recorder of Deeds as Instrument No. \_\_\_\_\_,  
recorded \_\_\_\_\_, 19\_\_\_\_

Office of the Surveyor, D.C.

\_\_\_\_\_, 19\_\_\_\_

I certify that this plat is correct and is recorded.

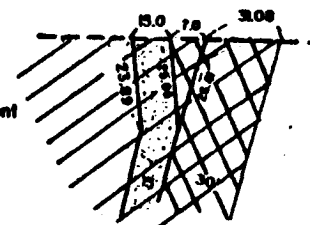
\_\_\_\_\_  
Surveyor

### LEGEND

XXXX: street closing, watermain and sewer easement

XXXX: street light easement

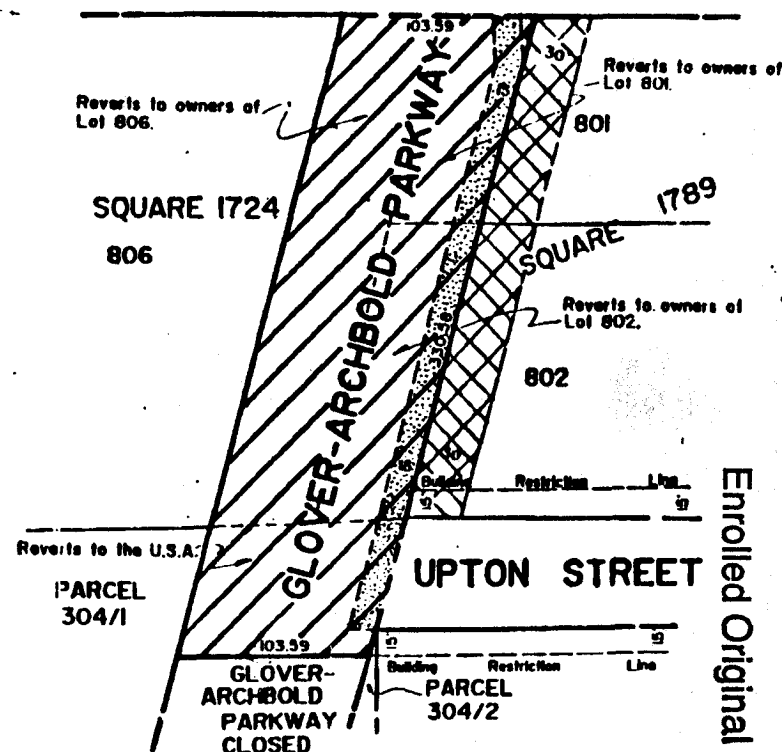
XXXX: 40' Place easement



ENLARGEMENT

VAN NESS

STREET, N.W.



Enrolled Original

|                         |   |
|-------------------------|---|
| SURVEYOR'S OFFICE, D.C. |   |
| Made for                | TACPECIA Advisory Neighborhood Commission 3-C |
| Drawn by                | P.M. Rollins S.O. 4323                        |
| Recorded at             |   |
| Recorded in Book        | page  |
| Scale                   | 1 inch = 50 feet                              |
| File No.                | 90-87   |

Sec. 5. The recordation tax required pursuant to the District of Columbia Real Estate Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Code § 45-921 *et seq.*), and the transfer tax required pursuant to title IV of the District of Columbia Revenue Act of 1980, effective September 13, 1980 (D.C. Law 3-92; D.C. Code § 47-901 *et seq.*), shall be waived for:

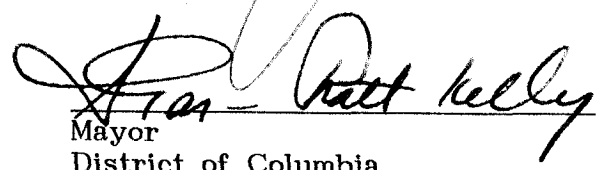
(1) The reversion of the closed right-of-way to the abutting owners as shown on the Surveyor's plat filed under S.O. 90-117 and in section 4; and

(2) The transfer of any portion of the closed right-of-way from the abutting owners to the National Park Service for inclusion in the Glover Parkway and Childrens' Playground.

Sec. 6. (a) 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, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) If the covenant required by section 2 is not filed within 2 years of the effective date of this act, this act shall expire.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED: June 19, 1992



# COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

## RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-340

☐ Item on Consent Calendar

☒ ACTION & DATE: Adopted First Reading, 5-6-92

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: Lightfoot

☐ 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. WILSON   |     |     |      |      | JARVIS         |     |     |      |      | ROLARK         |     |     |      |      |
| BRAZIL         |     |     |      |      | LIGHTFOOT      |     |     |      |      | SMITH, JR.     |     |     |      |      |
| CRAWFORD       |     |     |      |      | MASON          |     |     |      |      | THOMAS, SR.    |     |     |      |      |
| CROPP          |     |     |      |      | NATHANSON      |     |     |      |      |                |     |     |      |      |
| EVANS          |     |     |      |      | RAY            |     |     |      |      |                |     |     |      |      |

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

### CERTIFICATION RECORD

Shylee Ford  
Secretary to the Council

June 11, 1992  
Date

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted Final Reading, 6-2-92

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: all present

☐ 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. WILSON   |     |     |      |      | JARVIS         |     |     |      |      | ROLARK         |     |     |      |      |
| BRAZIL         |     |     |      |      | LIGHTFOOT      |     |     |      |      | SMITH, JR.     |     |     |      |      |
| CRAWFORD       |     |     |      |      | MASON          |     |     |      |      | THOMAS, SR.    |     |     |      |      |
| CROPP          |     |     |      |      | NATHANSON      |     |     |      |      |                |     |     |      |      |
| EVANS          |     |     |      |      | RAY            |     |     |      |      |                |     |     |      |      |

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

### CERTIFICATION RECORD

Shylee Ford  
Secretary to the Council

June 11, 1992  
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. WILSON   |     |     |      |      | JARVIS         |     |     |      |      | ROLARK         |     |     |      |      |
| BRAZIL         |     |     |      |      | LIGHTFOOT      |     |     |      |      | SMITH, JR.     |     |     |      |      |
| CRAWFORD       |     |     |      |      | MASON          |     |     |      |      | THOMAS, SR.    |     |     |      |      |
| CROPP          |     |     |      |      | NATHANSON      |     |     |      |      |                |     |     |      |      |
| EVANS          |     |     |      |      | RAY            |     |     |      |      |                |     |     |      |      |

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

### CERTIFICATION RECORD

Secretary to the Council

Date