

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.

West Group
Publisher

To order the closing of a portion of 3rd Street, S.E., between Tingey Street, S.E., and the Anacostia River, the closing of a portion of 4th Street, S.E., between Tingey Street, S.E., and the Anacostia River, the closing of a portion of 5th Street, S.E., between M Street, S.E., and the Anacostia River, the closing of a portion of 6th Street, S.E., between M Street, S.E., and Potomac Avenue, S.E., the closing of a portion of N Street, S.E., between 1st Street, S.E., and Canal Street, S.E., the closing of a portion of N Street, S.E., between 2nd Street, S.E., and 4th Street, S.E., and the closing of a portion of Potomac Avenue, S.E., between Public Space in Square W-771 and Isaac Hull Avenue, S.E., and the dedication of a new street running east and west between 1st Street, S.E., and Canal Street, S.E., and between Canal Street, S.E., and Public Space in Square W-771, to be designated N Street, S.E., the dedication of a new street running east and west between 2nd Street, S.E., and 5th Street, S.E., to be designated Water Street, S.E., the dedication of a new street running east and west between 4th Street S.E., and 5th Street, S.E., to be designated Tingey Street, S.E., and the dedication of 4 new streets running north and south between Tingey Street, S.E., and Water Street, S.E., to be designated as 2nd Street, S.E., 3rd Street, S.E., 4th Street, S.E., and 5th Street, S.E., in Ward 6; and to amend the Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., S.O. 03-1420, Act of 2004 to correct an error in the description of the area included within the Tingey Street, S.E., right-of-way to exclude a portion of an historic building known as Building 160 from the right-of-way, and to require the Office of the Surveyor to amend its records to reflect the correction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing, Dedication, and Designation of Public Streets at The Yards Act of 2009".

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. Official Code § 9-202.01 *et seq.*) ("Act"), the Council finds that portions of the streets in Squares 743, 744, W-771, 771, 802, 803, 826, 827, 853, 883 and 884, as shown on the Surveyor's plat filed under S.O. 07-8801, are unnecessary for street purposes and orders them closed, with title to the land

to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the official S.O. File 07-8801.

Sec. 3. (a) Pursuant to sections 302 and 401 of the Act (D.C. Official Code §§ 9- 203.02 and 9-204.01), and notwithstanding the requirements of section 303(a), (b), and (c)(2) and section 304 of the Act (D.C. Official Code §§ 9-203.03(a), (b), and (c)(2) and 9-203.04), the Council accepts the dedication of land as shown on the Surveyor's plat filed under S.O. 07-8802 and designates the streets as N Street, S.E., 2nd Street, S.E., 3rd Street, S.E., 4th Street, S.E., 5th Street, S.E., Water Street, S.E., and Tingey Street, S.E., as shown on the Surveyor's plat filed under S.O. File 07-8802. Note,
§ 9-203.02

(b) The Council's acceptance of the dedication of land described in subsection (a) of this section is contingent upon the issuance of the written statement by the District Department of Transportation required by section 303(c)(1) of the Act (D.C. Official Code § 9-203.03(c)(1)) ("DDOT Statement"); except, that the DDOT Statement shall not be required if the District of Columbia, acting through the District Department of Transportation, and Forest City SEFC, LLC, have executed an agreement governing the acceptance and dedication of street improvements in the Southeast Federal Center and the agreement is in full force and effect.

(c) Nothing in this section shall be deemed to waive any laws, regulations, rules, or orders that are applicable to the construction of improvements on the land dedicated pursuant to this section.

Sec. 4. Notwithstanding section 6 of An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities, and for other purposes, approved June 28, 1898 (30 Stat. 520; D.C. Official Code § 9-101.06), the Council amends the Permanent System of Highways by adding the area of land shown on the Surveyor's plat filed in S.O. File 07-8802.

Sec. 5. Pursuant to section 401 (D.C. Official Code § 9-204.01) and notwithstanding section 402 of the Act (D.C. Official Code § 9-204.02), the dedication of land as described in section 3 and on the Surveyor's plat filed in S.O. 07-8802 shall be designated as follows: Note,
§ 9-204.01

(1) The eastern extension of Tingey Street, S.E., between 4th Street, S.E., and 5th Street, S.E., shall be designated as Tingey Street, S.E.

(2) The western extension of N Street, S.E., (Closed) between 1st Street, S.E., and Canal Street, S.E., and between Canal Street, S.E., and Public Space in Square W-771 shall be designated as N Street, S.E.

(3) The southern most street running east-west shall be designated as Water Street, S.E.

(4) The eastern most street running north-south shall be designated as 5th Street, S.E.

(5) The southern extension of 4th Street, S.E., shall be designated as 4th Street, S.E.

(6) The north-south street between Public Space in Square W-771 and 4th Street, S.E., shall be designated as 3rd Street, S.E.

(7) The western most street running north-south shall be designated as 2nd Street, S.E.

Sec. 6. All references in this act to the Surveyor's plat filed under S.O. 8801 shall refer to the plat that is entitled "Public Streets Closed," which depicts Canal Street, S.E., at a right-of-way width of 80 feet, and all references in this act to the Surveyor's plat filed under S.O. 07-8801 shall refer to the plat that is entitled "Public Streets Dedicated" and marked by hand "Revised," and which depicts 2nd Street, S.E., at a right-of-way width of 43 feet.

Sec. 7. The Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., S.O. 03-1420, Act of 2004, effective April 8, 2005 (D.C. Law 15-310; 52 DCR 1720), is amended as follows:

(a) Section 2 (D.C. Official Code § 9-203.02, note) is amended as follows:

Note,
§ 9-203.02

(1) Subsection (a)(1) is amended by striking the phrase "provided, that" and inserting the phrase "provided, that the dedication of land, in fee, for street purposes of Tingey Street shall exclude the land that is located under the existing historic building known as Building 160, consisting of approximately 2,577 square feet, as such land is depicted on a certain survey, prepared by AMT, LLC, to mark and map ("excluded land") and recorded in the records of the Office of the Surveyor on February 25, 2008, as Map RS-126 and prepared in conjunction with a plat in Survey Book 1000 at page 203 and also known as Map No. RS-126; and, provided further, that" in its place.

(2) A new subsection (c) is added to read as follows:

"(c) On July 16, 2008, the excluded land, as described in subsection (a)(1) of this section, shall revert to and be vested in the United States of America, acting by and through the Administrator of the General Services Administration."

(b) Section 5 is amended as follows:

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b) The plat entitled "Public Streets Dedicated and Easement Established, Square 770" and recorded in Subdivision Book 202 at page 26 among the records of the Office of the Surveyor ("Office"), filed under S.O. 03-1420, shall be amended by the Surveyor to reflect the excluded land within Tingey Street described in subsection (a)(1) of this section. The Surveyor shall correct any other plats or surveys in the Office's records considered necessary by the Surveyor to reflect the excluded land."

Sec. 8. Transmittal.

The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

Sec. 9. Fiscal impact statement.

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 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 10. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia