

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To order the closing of a portion of a public alley in Square 85, bounded by K Street, N.W., L Street, N.W., 19th Street, N.W., and 20th Street, N.W., in Ward 2.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Portion of a Public Alley in Square 85, S.O. 06-8859, Act of 2006".

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) ("Act"), the Council finds that a portion of the public alley system in Square 85, as shown on the Surveyor's plats filed under S.O. 06-8859, 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. (a) Notwithstanding section 212 of the Act (D.C. Code § 9-202.12), if an abutting property owner files an objection to the closing of the alleys in Square 85 pursuant to sections 210 and 211 of the Act (D.C. Official Code § 9-202.10 and § 9-202.11), the Surveyor shall record the alley closing plat prior to the payment of any damages assessed through an *in rem* proceeding; provided, that the conditions set forth in section 4 of this act have been satisfied.

(b) An objecting property owner shall retain the right to seek damages under section 211 of the Act, and the applicant shall be fully responsible for any damages that may be assessed by the court in an *in rem* proceeding.

Sec.4. The approval of the Council of this closing is contingent upon the:

(1) Execution of a covenant between the applicant, the owners of adjacent lots 57 and 60 of Square 85, and the District providing an access easement over the 30-foot wide portion of the alley to be closed extending from the continuation of the west line of the north/south alley to the edge of the property line of lot 840;

(2) Execution of a covenant between the applicant and the owner of adjacent lot 57 of Square 85 providing easements for access to the existing doors of the building on Lot 57.

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(3) Execution of a covenant between the applicant and the owner of adjacent Lot 60 of Square 85 providing easements for access to the existing doors of the building on Lot 60.

(4) Applicant's building plans satisfying the easement and other conditions required by the Water and Sewer Authority as set forth in the official file on S.O. 06-8859;

(5) Recordation of the Surveyor's plat for the alley closing filed under S.O. 06-8859; which recordation shall be contingent upon the covenants described in paragraphs (1), (2), and (3) of this section being recorded on the Surveyor's plat.

(6) Applicant making the minimum affordable housing payment as required by the Office of Planning memorandum dated October 23, 2006, to the Surveyor in the official file for S.O. 06-8859; building permits for new construction shall not be issued until this payment is made.

Sec. 5. 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 (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 effective date, to the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

Sec. 7. 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

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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