

A RESOLUTION

**Proposed Resolution
20-76**

To declare the existence of an emergency, due to Congressional review, with respect to the need to approve an extension of time to dispose of District-owned real property located at 5131 Nannie Helen Burroughs Avenue, N.E., known as the Strand Theater.

**See Emergency Act
D.C. Act 20-11
20 DCSTAT 464**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Extension of Time to Dispose of the Strand Theater Congressional Review Emergency Declaration Resolution of 2013”.

**Extension of Time to
Dispose of the
Strand Theater
Congressional
Review Emergency
Declaration
Resolution of 2013**

Sec. 2. (a) On June 16, 2008, the Deputy Mayor for Planning and Economic Development awarded Washington Metropolitan Community Development Corporation (“Developer”), exclusive rights to negotiate to redevelop the District-owned real property located at 5131 Nannie Helen Burroughs Avenue, N.E., known for tax and assessment purposes as Lot 801 in Square 5196 (“Strand Theater”), along with an adjacent developer-owned property, as part of a commercial-use project that will include vibrant, street-front retail, a community and office space, and off-street parking.

(b) Pursuant to the Land Disposition Agreement (“LDA”) dated March 30, 2010, the Developer is required to secure all sources of financing for the Strand Theater as a condition precedent to closing. Due to a risk-adverse market, lender underwriting standards were raised in terms of equity requirements and debt-service coverage ratios, forcing a slight reduction in the project’s scale. Lender requirements that a retail tenant be secured before committing financing to the project have led to further delays. Additionally, other sources of funding, including public lenders, would not commit until the developer secured a higher loan-to-value ratio.

(c) The Developer has secured a letter of intent from a retail tenant and has begun to complete all pre-development activities associated with securing all sources of funding for the project, as required by the LDA. Due to delays in securing financing, exacerbated by the requirement that a retail tenant be secured, closing will not occur by the expiration of the Council’s previous extension to October 6, 2012, pursuant to the Strand Theater Disposition Extension Approval Resolution of 2011, effective September 20, 2011 (Res. 19-360; 58 DCR 8477).

(d) On October 4, 2012, the Council enacted the Extension of Time to Dispose of the Strand Theater Emergency Amendment Act of 2012, effective October 4, 2012 (D.C. Act 19-457; 59 DCR 11748) (“emergency legislation”), which remedied the above-referenced issues. The emergency legislation expired on January 2, 2013.

(e) Accompanying temporary legislation has not completed a 30-day Congressional review period required by 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 is not projected to become law until March of 2013.

(f) The emergency legislation extended the Mayor's disposition authority for the Property until October 6, 2013, to allow the parties to meet the closing and pre-development deadlines. It is important that the provisions of the emergency legislation remain in effect with minimal interruption until the temporary legislation takes effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Extension of Time to Dispose of the Strand Theater Congressional Review Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.