

A RESOLUTION

**Proposed
Resolution
20-498**

To approve the disposition of District-owned real property located at 100 41st Street, N.E., most commonly known as the Benning School, and more specifically designated for tax and assessment purposes as Lot 828 in Square 5084.

**Benning
School
Property
Disposition
Approval
Resolution of
2013**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Benning School Property Disposition Approval Resolution of 2013”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “CBE Agreement” means an agreement with the District governing certain obligations of the Lessee or the developer of the Property under the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) (“CBE Act”), including the equity and development participation requirements set forth in section 2349a of the CBE Act (D.C. Official Code § 2-218.49a).

(2) “Certified business enterprise” means a business enterprise or joint venture certified pursuant to the CBE Act.

(3) “First Source Agreement” means an agreement with the District governing certain obligations of the Lessee or any developer of the Property pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the Property.

(4) “Lessee” means the DC Preparatory Academy, a nonprofit District of Columbia corporation or its successor.

(5) “Property” means the real property located 100 41st Street, N.E., most commonly known as the Benning School, and more specifically designated for tax and assessment purposes as Lot 828 in Square 5084.

Sec. 3. Approval of disposition.

(a) Pursuant to section 1(b) and (b-1) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b) and (b-1)) (“Act”), the Mayor transmitted to the Council a request for the Council to authorize a lease of the Property to the Lessee.

(b) The proposed disposition would occur through a negotiated ground lease of greater than 20 years to the Lessee, whose primary address is 707 Edgewood Street, N.E., Washington, D.C. 20017.

(c) The Lessee is in possession of the Property as a subtenant under a lease with the Charter School Incubator Initiative dated January 6, 2010 and is in good standing under its sublease.

(d) The proposed disposition is expected to include the following terms and conditions, in addition to other terms and conditions as the Mayor considers necessary or appropriate:

(1) The Lessee shall redevelop the Property in accordance with plans approved by the District and shall use the Property primarily as a charter school and educational facility.

(2) The Lessee shall enter into a CBE Agreement with the District. The CBE Agreement will require the Lessee to contract with certified business enterprises for at least 35% of the contract dollar volume of the redevelopment of the Property, if any, and, if possible, shall require at least 20% equity and development participation of certified business enterprises.

(3) The Lessee will enter into a First Source Agreement with the District.

(e) The Council finds that the Property is not required for public purposes.

(f) The Council finds that the Mayor's analysis of economic and other policy factors supporting the disposition of the Property justifies the lease proposed by the Mayor.

(g) All documents submitted with this resolution shall be consistent with the executed term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act (D.C. Official Code §10-801 (b-1)(2)).

(h) The Council approves the disposition of the Property.

Sec. 4. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Mayor, the Department of General Services, and the Office of the Chief Financial Officer.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.