



2018 OCT -1 PM 9:27
OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR
OCT - 1 2018

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for the consideration by the Council of the District of Columbia is legislation entitled "Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 Act of 2018." This bill proposes the closing of a portion of a public street adjacent to Squares 3760 and 3766, bounded by Riggs Road, Chillum Place, and Kennedy Street in Northeast Washington D.C. in Ward 4. The applicant is the Deputy Mayor for Planning and Economic Development.

Pursuant to the South Dakota Avenue Riggs Road Excess Property Disposition Approval Resolution of 2016 (R21-0717), the purpose of this road closure is to allow for the disposition of a portion of the property to a developer for imminent development.

Pursuant to D.C. Official Code §9-202-02(5), the application was referred to Advisory Neighborhood Commission (ANC) 4B on August 2, 2018. In a letter dated August 30, 2018, the Single Member District Commissioner for ANC 4B09 indicated her ANC's support for this application. The application was referred to the National Capital Planning Commission (NCPC) on August 2, 2018. In a letter dated August 27, 2018, NCPC has determined that the application falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's guidelines. Accordingly, it has been determined that this project is exempt from NCPC review. The application was referred to the abutting property owners on August 2, 2018. No comments from the abutting property owners have been received.

Enclosed is a copy of the plat for recording this road closure along with a copy of the application and draft legislation. I urge prompt consideration of this legislation, in order to allow the associated development project to move forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser


Chairman Phil Mendelson
at the request of the Mayor

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To order the closing of a portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766, in Ward 4.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the “Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766 Act of 2018”.

Sec. 2. (a) Pursuant to section 404 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-204.04 and consistent with the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §9-201.01 *et seq.*) (“the Act”), the Council finds that the portion of South Dakota Avenue, N.E., as shown by the hatch-marks on the Surveyor’s plat filed under S.O. 18-40261 (“Plat”), are unnecessary for street purposes and orders it closed.

(b) Having determined that title to the portion of the street to be closed is held by the District of Columbia (“District Land”), the Council further orders, pursuant to section 208 of the Act (D.C. Official Code § 9-202.08), that:

32 (1) Upon closing, title to a portion of the District Land shall vest to the owner of
33 Lot 11 in Square 3760 as shown on the Plat;

34 (2) Upon closing, title to a portion of the District Land shall vest to the owner of
35 Lot 21 in Square 3760 as shown on the Plat;

36 (3) Upon closing, title to the portion of the District Land shall vest to the owner of
37 Lot 802 in Square 3760 as shown on the Plat;

38 (4) Upon closing, title to a portion of the District Land on Square 3766 shall
39 remain with the District of Columbia as shown in the Plat;

40 (5) Title to the remaining portion of the District Land on Square 3760 shall
41 remain with the District of Columbia, or shall vest with its successor in title pursuant to the
42 South Dakota Avenue Riggs Roads Excess Property Disposition Approval Resolution of 2016
43 (Res. 21-0717).

44 (6) Prior to closing, the District of Columbia, by and through the Office of the
45 Deputy Mayor for Planning and Economic Development, shall grant an easement to Washington
46 Gas for the utility's facilities located in the portion of street to be closed, the metes and bounds
47 of which easement shall be stated in a declaration of covenants recorded in the Office of the
48 Recorder of Deeds prior to the recordation of the Plat by the Surveyor.

49 Sec. 3. The Secretary of the Council shall transmit a copy of this act, upon its effective
50 date, to the Office of the Surveyor of the District of Columbia.

51 Sec. 4. Fiscal impact Statement

52 The Council adopts the fiscal impact statement prepared by the Chief Financial Officer as
53 the fiscal impact statement required by section 4a of the General Legislative Procedures Act of
54 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

55 Sec. 5. Effective date.

56 This act shall take effect following approval by the Mayor (or in the event of veto by the
57 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
58 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
59 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
60 Columbia Register.

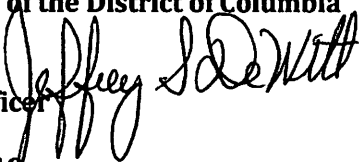
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: September 21, 2018

SUBJECT: Fiscal Impact Statement – Closing of a Portion of South Dakota Avenue,
N.E., adjacent to Squares 3760 and 3766 Act of 2018

REFERENCE: Draft Resolution provided to the Office of Revenue Analysis on
September 19, 2018

Conclusion

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill.

Background

The bill formally closes a portion of South Dakota Avenue, N.E., which is currently a grass field and no longer used as a road. The bill transfers title of some of the closed road to the owner of adjacent lots¹, currently the developer FT Associates LLC, and the remaining land will remain with the District. The closure is required by a development agreement² between the District and FT Associates LLC to build a mixed-use residential and retail development on adjacent lots.

The bill also requires an easement to be provided to Washington Gas, which has underground facilities located in the portion of street to be closed.

Financial Plan Impact

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the resolution.

¹ The title will vest to the owner of Lots 11 and 21 in Square 3760, and Lot 802 in Square 3760.

² An amendment to the term sheet is currently pending before Council. PR 22-998, "South Dakota Avenue Riggs Road Excess Property Term Sheet Amendment Approval Resolution of 2018" was introduced September 17, 2018.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM


TO: Alana Intrieri
Director
Office of Policy and Legislative Affairs

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: September 21, 2018

SUBJECT: Legal Sufficiency Review of Draft Bill: "Closing of a Portion of South Dakota Avenue, N.E., Adjacent to Squares 3760 and 3766 Act of 2018"
(AL-18-448)

This is to Certify that this Office has reviewed the above-referenced proposed resolution and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Janet M. Robins

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer
Office of Tax and Revenue



MEMORANDUM

To: Roland F. Dreist, Jr., Surveyor, DC

From: Eugene Clindinin, Supervisory Appraiser, OTR/RPTA/RPAD

Date: August 14, 2018

Subject: Most Probable Assessed Land value for S.O. 18-40261 Closing Portion of South Dakota Avenue NE in Squares 3760 and 3766.


Reference: S.O. 18-40261 Closing Portion of South Dakota Avenue NE in Squares 3760 and 3766

Pursuant to your request we have derived the most probable estimate of value for the above referenced tracts of land.

The most probable estimate of value as of January 1, 2018 which represents tax year 2018 for the closing of South Dakota Avenue NE is estimated at **\$9,802,780** (SQ 3760 85,474 S.F X \$80 estimated square foot value of \$6,837,920 and SQ 3766 52,015 S.F X \$57 estimated square foot value of 2,964,860). Total square footage of 137,489 sq. ft.

If you have any questions, please contact me at 202.442.6743.

Sincerely,


Eugene Clindinin
Supervisory Appraiser
OTR/RPTA/RPAD



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Executive Office of the Mayor

Office of the Deputy Mayor for Planning and Economic Development



VIA ELECTRONIC MAIL

July 26, 2018

Mr. Roland Dreist
Office of the Surveyor
1100 4th St SW
Washington, DC 20024
E: roland.dreist@dc.gov

Re: *Expediting Road Closure Application former slip lanes at South Dakota Avenue NE and Riggs Rd NE*

Dear Mr. Dreist:

We are requesting the Office of the Surveyor expedite the road closure application referenced above and submitted by DDOT. This road closure is required prior to the District closing on the disposition of a portion of this property to a developer for imminent development. If the road closure is not completed expeditiously, then the District's disposition authority expires.

We further request all agencies and utility companies conform to Title 24, Chapter 24-14, Section 24-1401 of the DC Municipal Regulations on Road Closure's Agency Review, subsection 1401.4: "The agencies and persons listed in § 1401.2 shall forward their comments to the Director [of the Office of the Surveyor] within thirty (30) days of receipt of the application. Failure to provide written comments within the thirty-day (30) period shall result in the Director assuming that the non-responding agency or person has no comments and has no objections to the application."

Please contact me at if you have any questions or need any additional information in order to expedite the processing of the application.

Sincerely,

Patrick Pendleton Smith
Project Manager

Brian T. Kenner
Deputy Mayor



Government of the District of Columbia
Department of Transportation



d. Planning and Sustainability Division

July 25, 2018

Reference: Right-of-way closure of former right-turn slip lanes at South Dakota Avenue NE and Riggs Road NE on behalf of the Office of the Deputy Mayor for Planning and Economic Development.

Attn: Roland F. Dreist, Jr., Surveyor
Office of the Surveyor
Department of Consumer and Regulatory Affairs
1100 4th Street SW, 3rd Floor
Washington, DC 20024

Mr. Dreist:

The attached application requests the closure of District Right-of-Way at the intersection of South Dakota Avenue NE and Riggs Road NE. The extent of the requested closure covers land formerly functioning as right turn slip lanes for southeast and northbound traffic. In July 2012, the lanes were removed as part of an intersection realignment project intended to facilitate future land development.

As development plans and agreements have progressed, the Office of the Deputy Mayor for Planning and Economic Development (DMPED) has requested that the District Department of Transportation (DDOT) apply for closure. Because DDOT is supporting DMPED's project, some of the closure's required application components have been or will be furnished by DMPED, as applicable:

- A written statements by abutting property owners in support of the application;
- The initial filing fee of \$2,7500.00;
- Eight (8) sets of site development plans; and
- A public hearing and recordation fee of \$1,287.00.

Enclosed, DDOT has furnished the completed Surveyor's Office application form and an associated sketch. This letter serves as documentation of the intent and purpose of the street closing. DDOT understands that DMPED may provide an additional letter containing more information about the anticipated project's context and requirements.

Please do not hesitate to contact me if you have questions regarding this application.

Sincerely,



Jim Sebastian

**Associate Director, Planning and Sustainability Division
District Department of Transportation**

Revised: 6/28/13

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT OPERATIONS DIVISION
OFFICE OF THE SURVEYOR
1104 4TH STREET, S.W., 3RD FLOOR
WASHINGTON, DC 20024**

Surveyor's Office File No. 18-40261

_____ Date

**APPLICATION TO CLOSE/DEDICATE A STREET OR ALLEY OR ELIMINATION OF
BUILDING RESTRICTION LINE**

Location

Street(s)

Name: South Dakota Avenue NE

Abutting Squares: 3766, 3710, 3748, 3760

Portion to be closed/dedicated: Former Riggs Road NE southeast-bound slip lane & South Dakota Ave NE north-bound right turn slip lane

AS PER SKETCH ATTACHED

Alley(s)

Name: N/A

Abutting Squares: N/A

Portion to be closed/dedicated.: N/A

AS PER SKETCH ATTACHED

This application is made by:

District Department of Transportation

202.671.2331

Applicant's Name (print)

Telephone Number

55 M Street SE Washington DC 20003

Address

I certify that the above information is true to the best of my knowledge.


Signature of Applicant or Agent

**TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL,
CALL THE INSPECTOR GENERAL AT 1-800-521-1639**

Revised: 6/28/13

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT OPERATION DIVISION
OFFICE OF THE SURVEYOR
1100 4TH STREET, S.W., 3RD FLOOR
WASHINGTON, DC 20024**

Retail Tenant Displacement Form

Note: The following information is required relative to provisions of DC Law 6-133 (DC Act 6-171).

Surveyor's Office File No. 18-40261

Regarding an application for the proposed closing/dedication of the following street(s) or alley(s), the undersigned, being the applicant or the agent for the applicant, hereby makes the following representations as complete and true:

1. All properties associated with the proposed closing/dedication are listed as follows:

Square	Lot Number
3766, 3760 (see sketch)	804, 816 (see sketch)

2. The proposed closing/dedication will or will not result in displacement of existing retail tenants because of the demolition, substantial rehabilitation, or discontinuance of an existing building.


Name	Address	Square/Lot
------	---------	------------

07/25/2018

Date

Jim Sebastian

Print or Type Name


Signature

Note: This form must be completed, signed and submitted with the application.

**TO REPORT WASTE, FRAUD OR ABUSE BY ANY DC GOVERNMENT OFFICE OR OFFICIAL,
CALL THE INSPECTOR GENERAL AT 1-800-521-1639**

Revised: 6/28/13

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT OPERATION DIVISION
OFFICE OF THE SURVEYOR
1100 4TH STREET, S.W., 3RD FLOOR
WASHINGTON, DC 20024

WRITTEN SUPPORT STATEMENT FOR STREET CLOSING

Surveyor's Office File No. 18-40261

We the undersigned owners, pursuant to §9-202.10 of the D.C. Official Code, do hereby support the application by the District of Columbia for the closing of As shown on attached sketch
Applicant's Name description and limits of street or alley sought to be closed

Fen Chan, and under penalty of law we represent by our signature that we are the owner(s) of the property listed below:

Fen Chan, Managing Member
Fen Chan on behalf of JRC Limited,
LLC
Lot 0011, Square 3760

I certify that the above owners' names agree with our records

By:

Supervisor, Maps & Titles Section
Office of Real Property Taxes
Department of Finance and Revenue

Date

Revised: 6/28/13

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT OPERATION DIVISION
OFFICE OF THE SURVEYOR
1100 4TH STREET, S.W., 3RD FLOOR
WASHINGTON, DC 20024**

WRITTEN SUPPORT STATEMENT FOR STREET CLOSING

Surveyor's Office File No. 18-40261

We the undersigned owners, pursuant to §9-202.10 of the D.C. Official Code, do hereby support the application
by the District of Columbia for the closing of As shown on attached sketch
Applicant's Name description and limits of street or alley sought to be closed

Anacostia Realty, LLC, and under penalty of law we represent by our signature that we are
the owner(s) of the property listed below:

Anacostia SPE, Inc.,
its Managing Member
Eyob Mamo
Lot 0021, Square 3760

I certify that the above owners' names agree with our records

By:

Supervisor, Maps & Titles Section
Office of Real Property Taxes
Department of Finance and Revenue

Date

Revised: 6/28/13

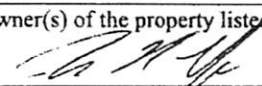
GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
PERMIT OPERATION DIVISION
OFFICE OF THE SURVEYOR
1100 4TH STREET, S.W., 3RD FLOOR
WASHINGTON, DC 20024

WRITTEN SUPPORT STATEMENT FOR STREET CLOSING

Surveyor's Office File No. 18-40261

We the undersigned owners, pursuant to §9-202.10 of the D.C. Official Code, do hereby support the application
by the District of Columbia for the closing of As shown on attached sketch
Applicant's Name description and limits of street or alley sought to be closed

_____, and under penalty of law we represent by our signature that we are
the owner(s) of the property listed below:


John Yoo on behalf of Carlau, LLC
Lot 0802, Square 3760

I certify that the above owners' names agree with our records

By:

Supervisor, Maps & Titles Section
Office of Real Property Taxes
Department of Finance and Revenue

Date

AS SHOWN THIS EZZZZZ IS SET ASIDE FOR STREET PURPOSES

OFFICE OF THE SURVEYOR, D.C.
WASHINGTON, D.C. 20540

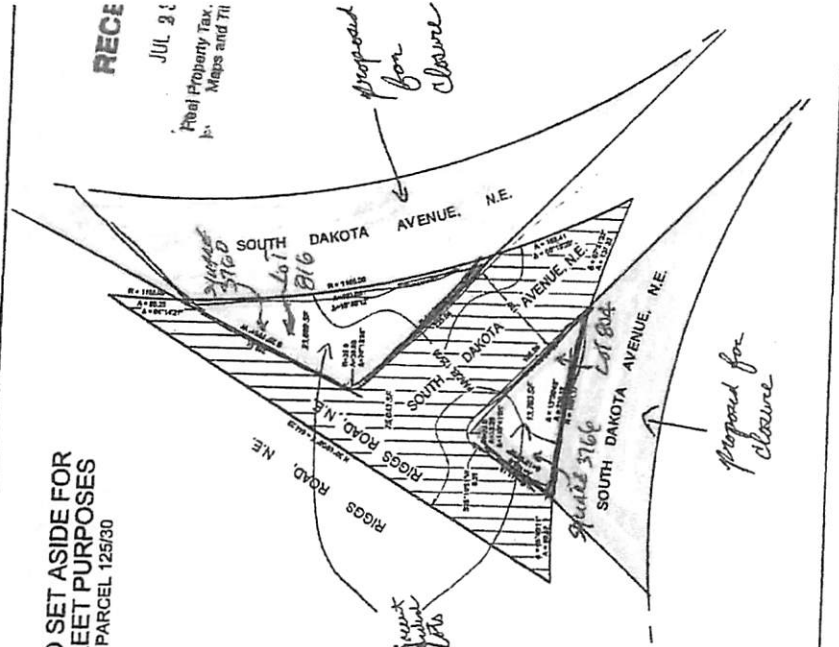
AND THAT THIS IS CORRECT AND IS RECORDED.
[Signature]
FRED SURVEYOR, D.C.

LAND SET ASIDE FOR STREET PURPOSES PARCEL 125/30

RECEIVED
JUL 21

Sketch Only--to be formalized based on survey.
Closure is highlighted.
Residual Lots are outlined.

Final Property Tax Maps and Fil



DEPARTMENT OF THE SURVEYOR, D.C.
PROPERTY SURVEYING AND MAPPING DIVISION

d. B. B.

RESUME

Mr. [Name], [Address], [City], [State], [Zip]

PROFESSIONAL SURVEYOR, D.C. No. [Number]

DATE: [Date]

As a condition of this license, the licensee shall, in any and all cases, comply with the following conditions: (1) The licensee shall not engage in any other business or profession which may conflict with the duties of a professional surveyor; (2) The licensee shall not engage in any other business or profession which may reflect unfavorably on the profession of surveying; (3) The licensee shall not engage in any other business or profession which may reflect unfavorably on the Department of the Surveyor, D.C.; (4) The licensee shall not engage in any other business or profession which may reflect unfavorably on the State of the District of Columbia; (5) The licensee shall not engage in any other business or profession which may reflect unfavorably on the United States of America.

UNIVERSITY OFFICE, D.C.

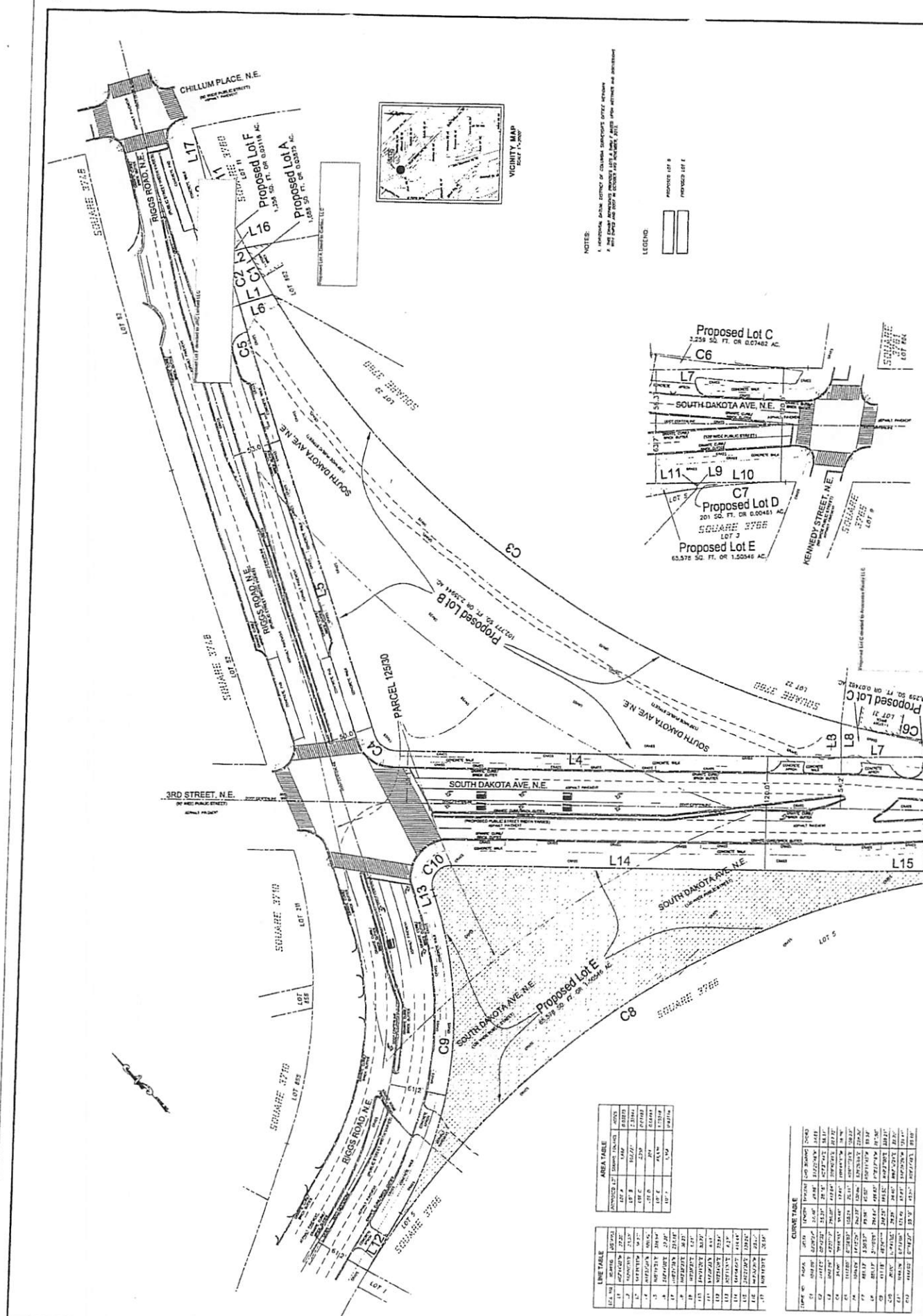
SEARCHED [] INDEXED []

SERIALIZED [] FILED []

JUL 21 1962

FBI - WASHINGTON

ENCLOSURE 10-11522-111



NOTES:
 1. EXISTING AND PROPOSED LOT LINES, DIMENSIONS AND AREAS ARE SHOWN.
 2. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO BE VERIFIED BY THE OWNER.
 5. ALL DIMENSIONS ARE TO BE VERIFIED BY THE OWNER.

LEGEND
 PROPOSED LOT A
 PROPOSED LOT B
 PROPOSED LOT C
 PROPOSED LOT D
 PROPOSED LOT E

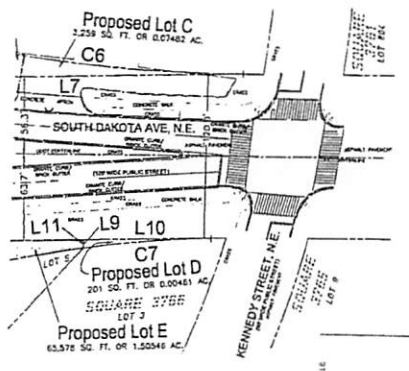


EXHIBIT OF PROPOSED LOTS AND STREET RIGHTS OF WAY
 FORT TOTTEN TRIANGLE
 SOUTH DAKOTA AVE & RIGGS ROAD, N.E.
 WARD 443 WASHINGTON, D.C.

PROPOSED LOT	TOTAL AREA (AC)	AREA (SQ FT)
LOT A	0.0041	350
LOT B	0.0041	350
LOT C	0.0041	350
LOT D	0.0041	350
LOT E	0.0041	350

LINE NO.	STARTING POINT	ENDING POINT	LENGTH (FEET)	BEARING
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LINE NO.	STARTING POINT	ENDING POINT	LENGTH (FEET)	BEARING	CURVE DATA
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AMT, LLC
 PROFESSIONAL ENGINEER & LAND SURVEYOR
 WASHINGTON, D.C. 20004
 PHONE: (202) 462-1100 FAX: (202) 462-1101

FORT TOTTEN SOUTH

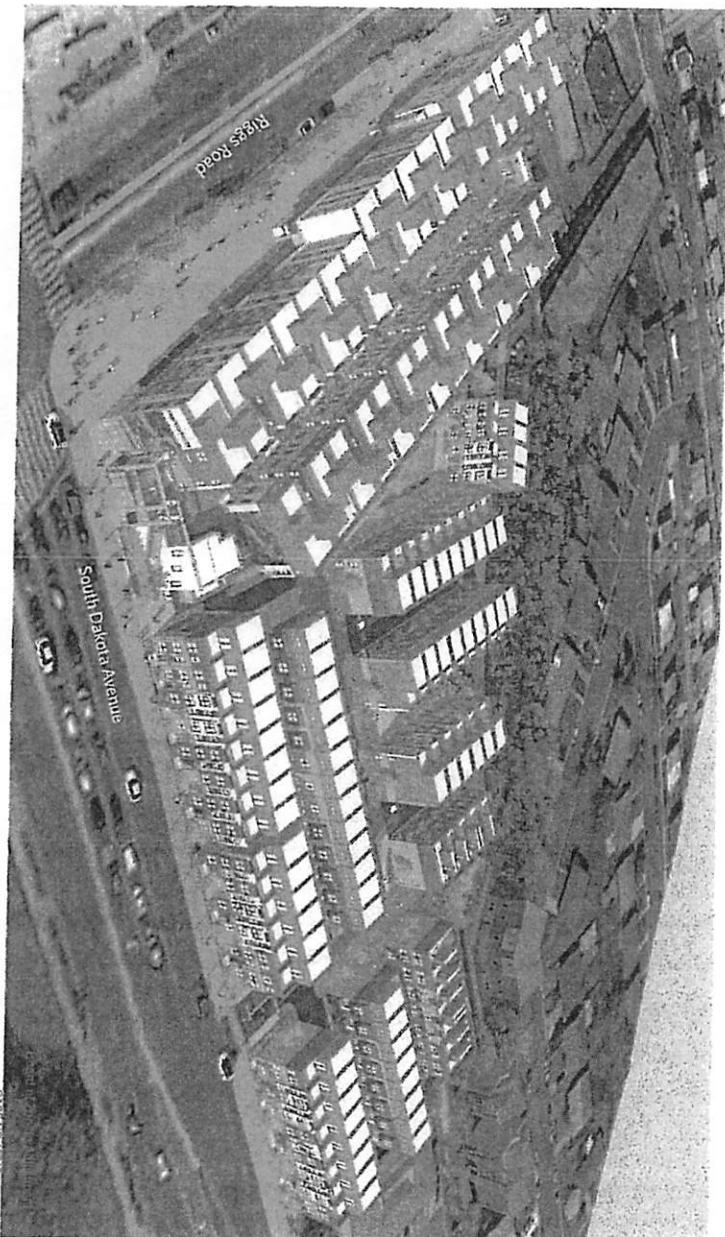
5543 SOUTH DAKOTA AVE NE

WASHINGTON, D.C. 20011

MARCH 8, 2018

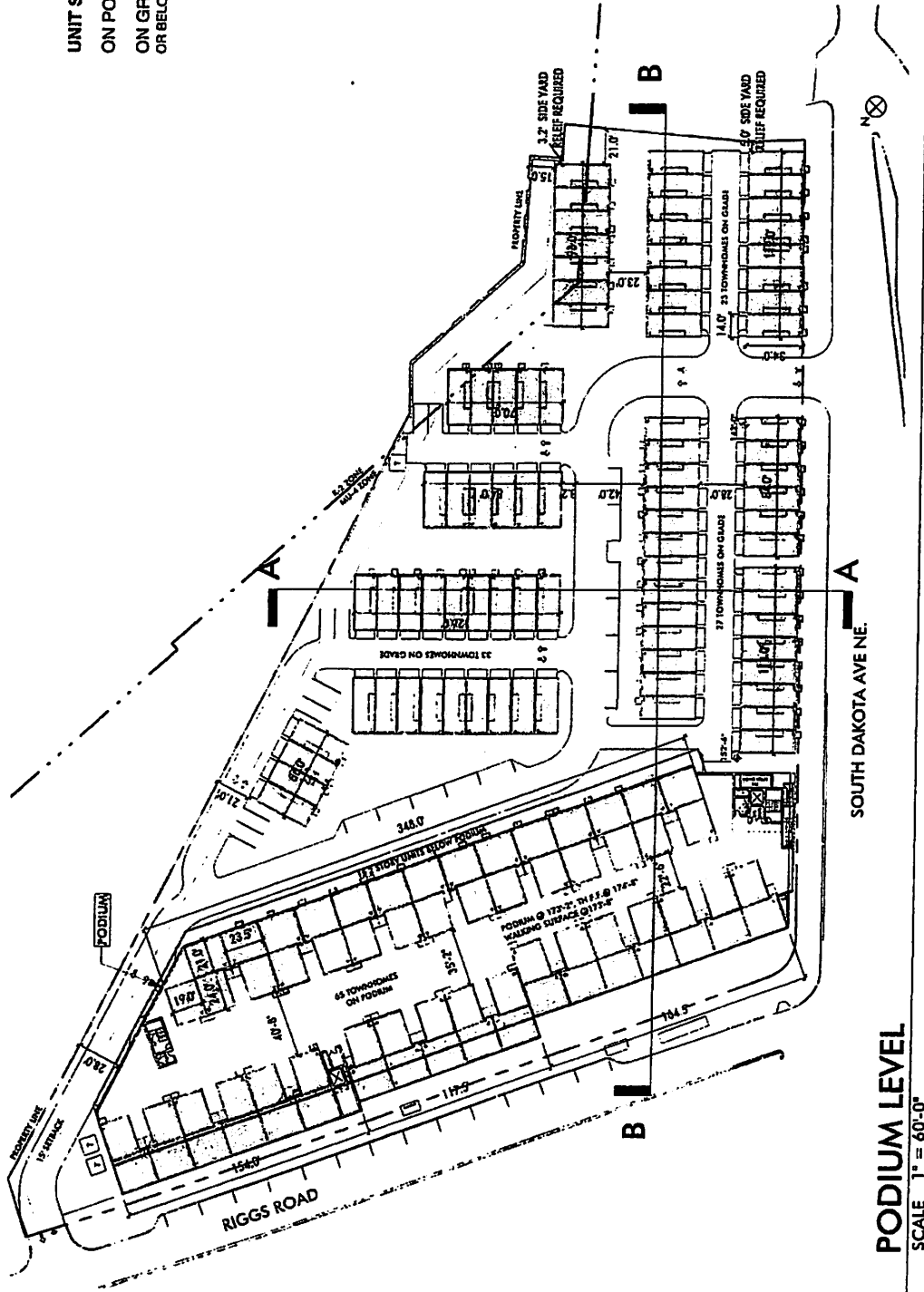
PREPARED BY
MVA PROPERTY CONSULTANTS

mva+a



CASE NO. 17-05
EXHIBIT NO. 7

UNIT SUMMARY: 160-185 TOWNHOMES
ON PODIUM: Approximately 65 TOWNHOMES
ON GRADE: Approximately 98 TOWNHOMES
 OR BELOW PODIUM

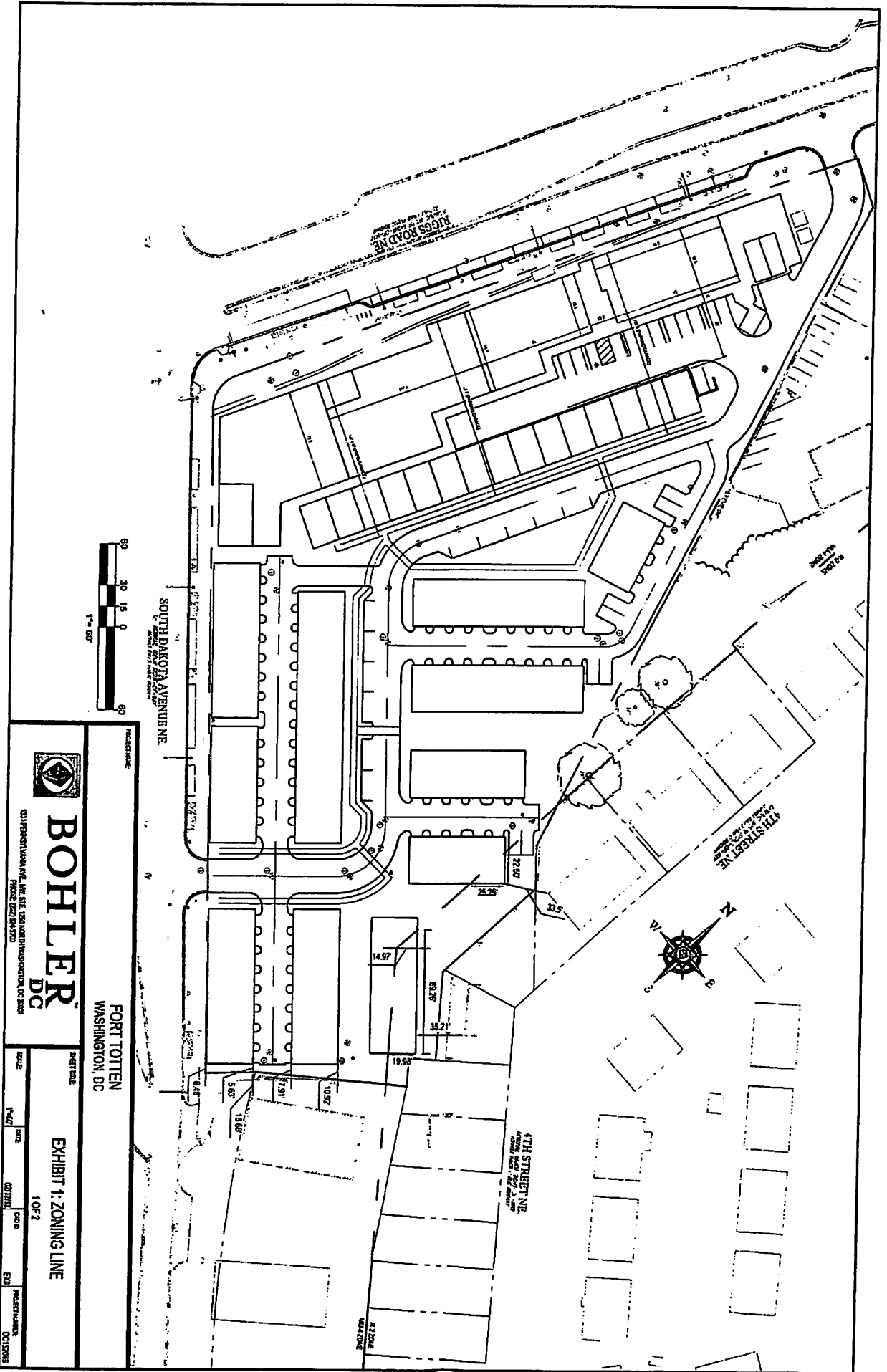



1 PODIUM LEVEL
 L1 SCALE 1" = 60'-0"

Conceptual Site Plan - Podium Level
EYA-FORT TOTTEN SOUTH



mv+a




BOHLER
 DC

1311 PENNSYLVANIA AVE. NW, STE. 1225 NORTH WASHINGTON, DC 20004
 PHONE: (202) 383-8300

EXHIBIT 1: ZONING LINE
 10P2

SCALE	DATE	DRAWN	PROJECT NUMBER
1"=60'	02/27/11	CJAD	DC15016

PROJECT NAME
FORT TOTTEN
 WASHINGTON, DC

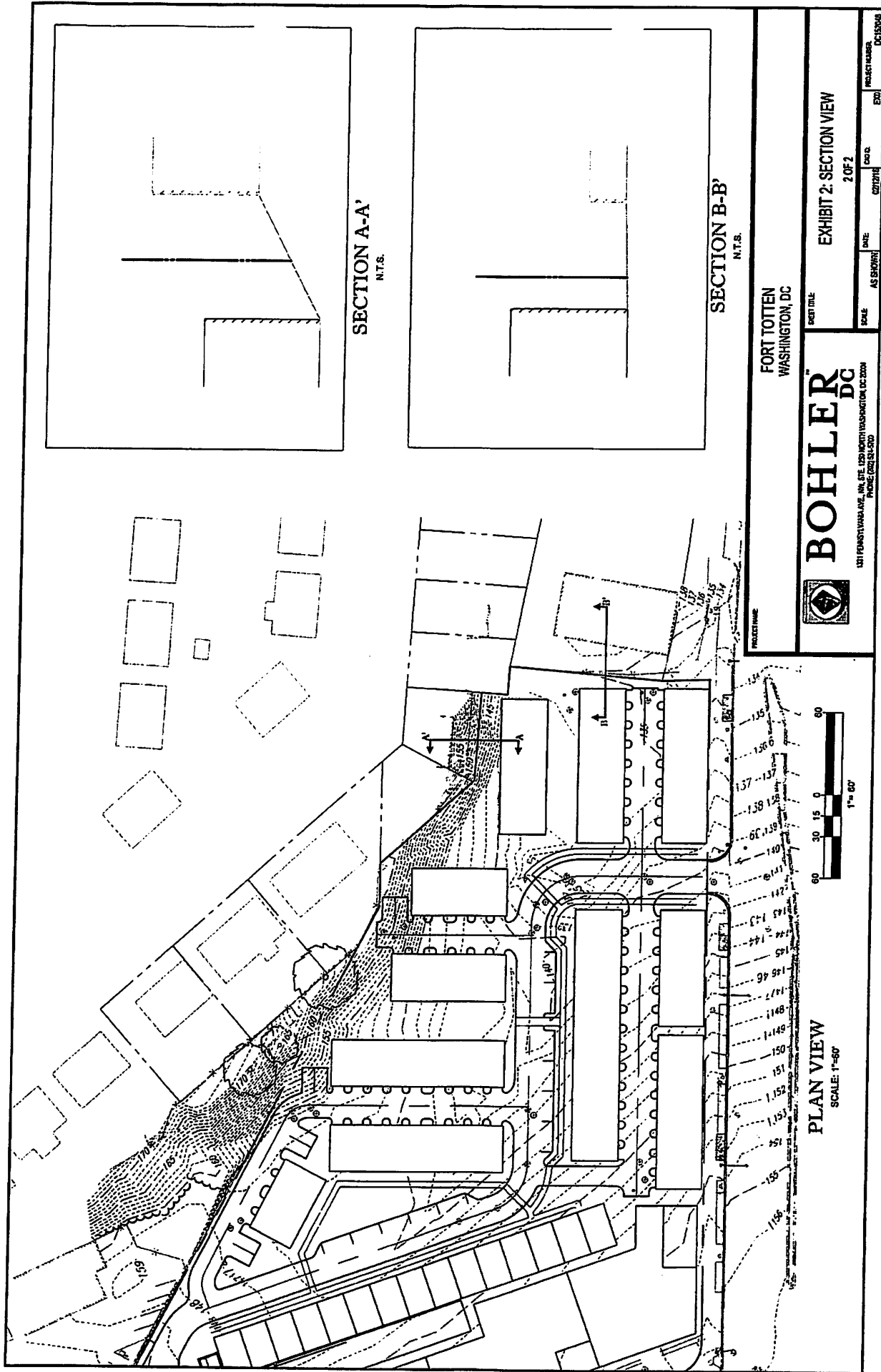


SOUTH DAKOTA AVENUE NE
 150'

47A STREET NE
 150'

A-2 ZONE
 150'





STREET CLOSING
A PORTION OF
SOUTH DAKOTA AVENUE, N.E.
SQUARES 3760 AND 3766

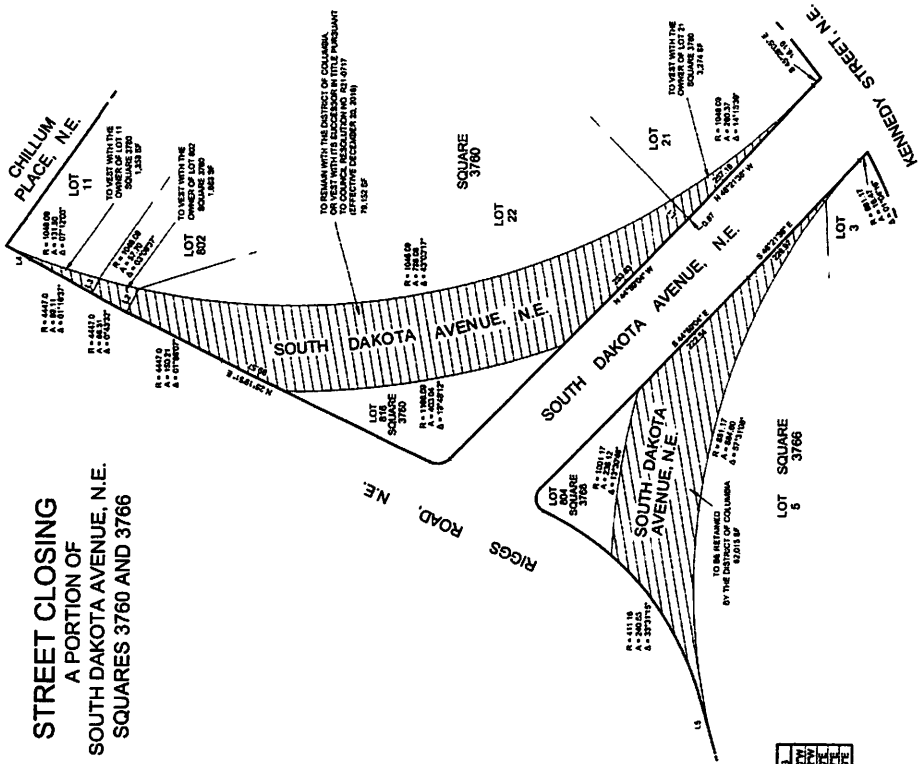
PERMIT TO BUILD _____ D.C. LAW _____ PASSED IN CONFORMANCE WITH THE DISTRICT OF COLUMBIA AND EFFECTIVE _____ THE STREETS SHOWN THUS _____ CLOSED, AND TITLE HEREAS SHOWN UPON THIS PLAN.

OFFICE OF THE SURVEYOR, D.C.

2018

I CERTIFY THAT THIS PLAN IS CORRECT AND IS RECORDED.

SURVEYOR, D.C.



LINE	DISTANCE	BEARING
1	36.24	S 89° 22' 00" W
2	37.36	N 82° 30' 00" W
3	20.30	S 85° 00' 00" W
4	70.24	N 73° 30' 00" E
5	70.24	N 73° 30' 00" E

SURVEYOR'S OFFICE, D.C.

Made for: DMRD

Drawn by: L.E.S. Checked by: [Signature]

Recorded and completed by: B. JONES

Recorded at: _____ Page: _____

Scale: 1 inch = 50 feet

File No: 14-0251

2118 STREET_CLOSING 14-0251 SOUTH DAKOTA AVENUE

17.18-40261



Advisory Neighborhood Commission 4B

6856 Eastern Avenue, NW - Suite 314

Washington, DC 20012

202-291-6282 (Office)

*Scot Knickerbocker, ANC 4B03, Chair; Natalee Snider, ANC 4B06, Vice Chair;
Tanya Topolewski, ANC 4B02, Secretary; Andre Carley, ANC 4B01, Treasurer;
Brenda Parks, ANC 4B04; Yolanda Hughes, ANC 4B05; Judi Jones, ANC 4B07;
Barbara Rogers, ANC 4B08; Tischa Cockrell, ANC 4B09*

August 30, 2018

Roland Driest
D.C. Surveyor
Deputy Mayor for Planning and Economic Development (DMPED)
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 317
Washington, DC 20004

Mr. Roland Driest:

I, Tischa Cockrell as the Single Member District (SMD) Commissioner for Advisory Neighborhood Commission (ANC) 4B09, have been heavily engaged in reviewing and supporting the redevelopment of the JBG and District owned land at the southeast corner of South Dakota Avenue NE and Riggs Road NE ("Fort Totten South"). ANC 4B09 supports the vision that was approved by the City Council by an LDDA (legislation #PR21-0904) in December 2016. The LDDA would result in a redevelopment of the site to include ground floor retail along Riggs Road NE and townhomes including 29 affordable units. The community association Lamond-Riggs Citizen's Association (LRCA), has supported this vision as well and negotiated a \$325,000 community benefits agreement with the developer.

On August 3, 2018, our ANC SMD was asked by the City to comment on road closure legislation to legally abandon the old off ramp that used to allow northbound cars on South Dakota Avenue NE to turn right onto Riggs Road NE without having to stop at the traffic light. This off ramp was physically abandoned years ago and it is currently a grass field that is essentially in the middle of the proposed redevelopment site. It has been communicated to our ANC SMD, that the development cannot move forward without the proposed legislation to abandon this road. To the extent this is the case, despite the short notice, we support the request to abandon the road to allow for the developer to purchase the District land as approved in the LDDA and for the project to continue to move forward.

Thank you,


Commissioner Tischa Cockrell
ANC4B09

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION



d. Planning and Sustainability Division

To: Roland F. Dreist, Jr
DC Surveyor
Office of the Surveyor

From: Jim Sebastian 
Associate Director

Date: September 5, 2018

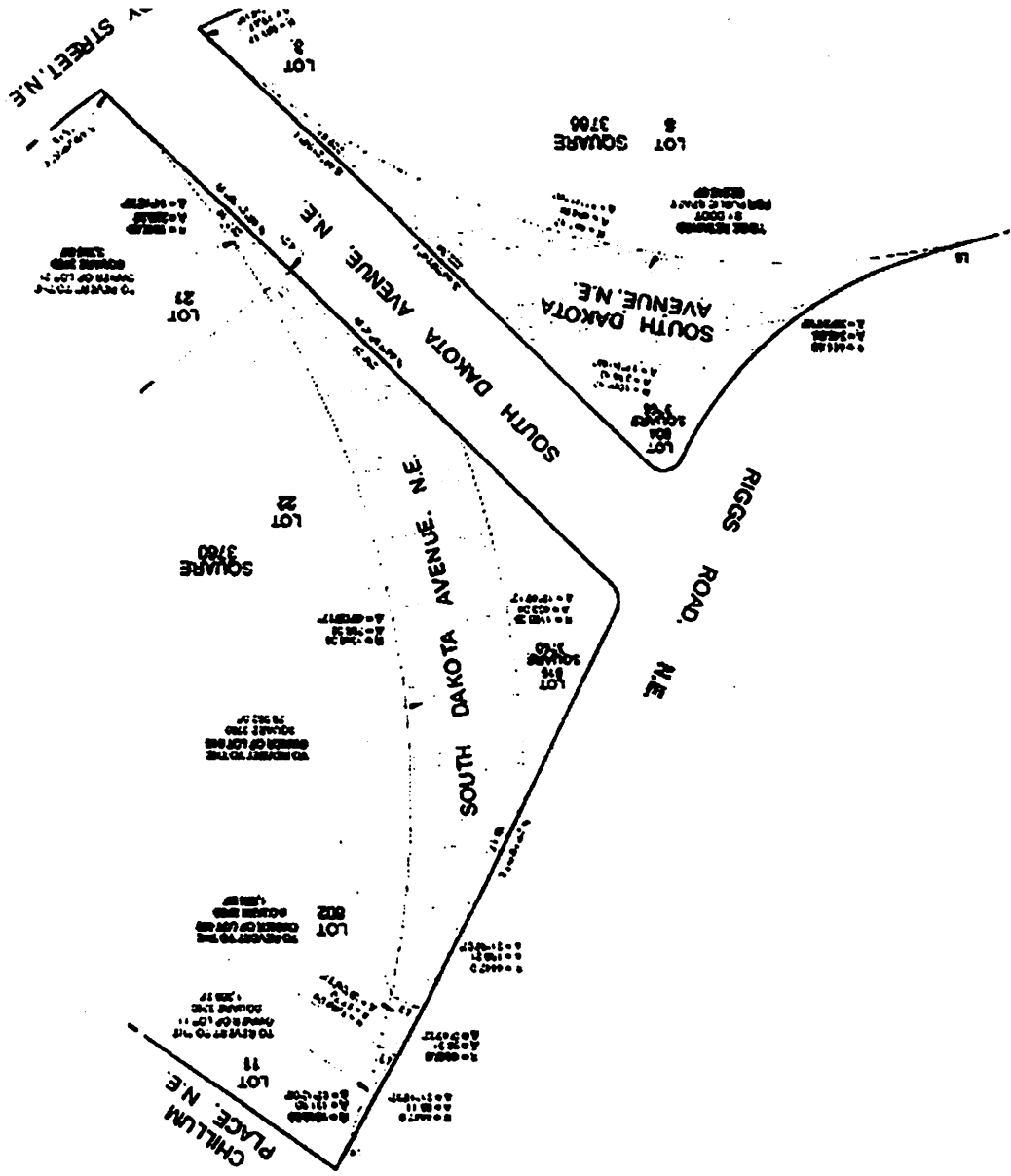
Subject: S.O. No. 18-40261 – Proposed Closing of a Portion of South Dakota Avenue NE, adjacent to Squares 3760 and 3766

Overview

The District Department of Transportation (DDOT, the Applicant) on behalf of the Office of the Deputy Mayor for Planning and Economic Development (DMPED) seeks approval to close a portion of South Dakota Avenue NE at the location of the former slip lanes facilitating access to and from Riggs Road NE. The subject request is located in Squares 3760 and 3766.

In July 2012, the slip lanes were removed as part of an intersection realignment project. In 2018, DMPED identified a developer for the northern side of South Dakota Avenue NE through the District's disposition process, and the proposed closure will move the disposition process forward.

If approved, the closure will revert to a number of different parties, as shown in the Figure 1 plat. The northernmost portion of the closure on the northern side of South Dakota Avenue NE—between lines L3 and L4 in the plat—will revert to the owner of Square 3760, Lot 11. Moving south, the portion of closure identified between L2 and L3 will revert to the owner of Square 3760, Lot 802. The largest portion on the north side of South Dakota Avenue NE—shown between L1 and L2 in the plat—will revert to the owner of Lot 816, which is the District of Columbia Government. The resulting lot will be combined with Square 3760, Lot 816 to facilitate development following DMPED's disposition process. The final portion on the northern side of South Dakota Avenue NE, south of L1, will revert to the owner of Square 3760, Lot 21. On the southern side of South Dakota Avenue NE, the entire portion of the closure will be retained by DDOT as public space.



Development Proposed of Columbia's property and pending lot received BZA relief on May 30, 2018. The potential development presented a proposal containing roughly 160-185 townhomes and between 20,000 SF and 30,000 SF. The site plan is shown in Figure 2 below. The site will contain two (2) curb cuts. As discussed in DDOT's block median is necessary and any conflict points related to the site's proposed access locations.

Development is anticipated on the southern side of the closure. The closed roadway would remain primarily as public space.

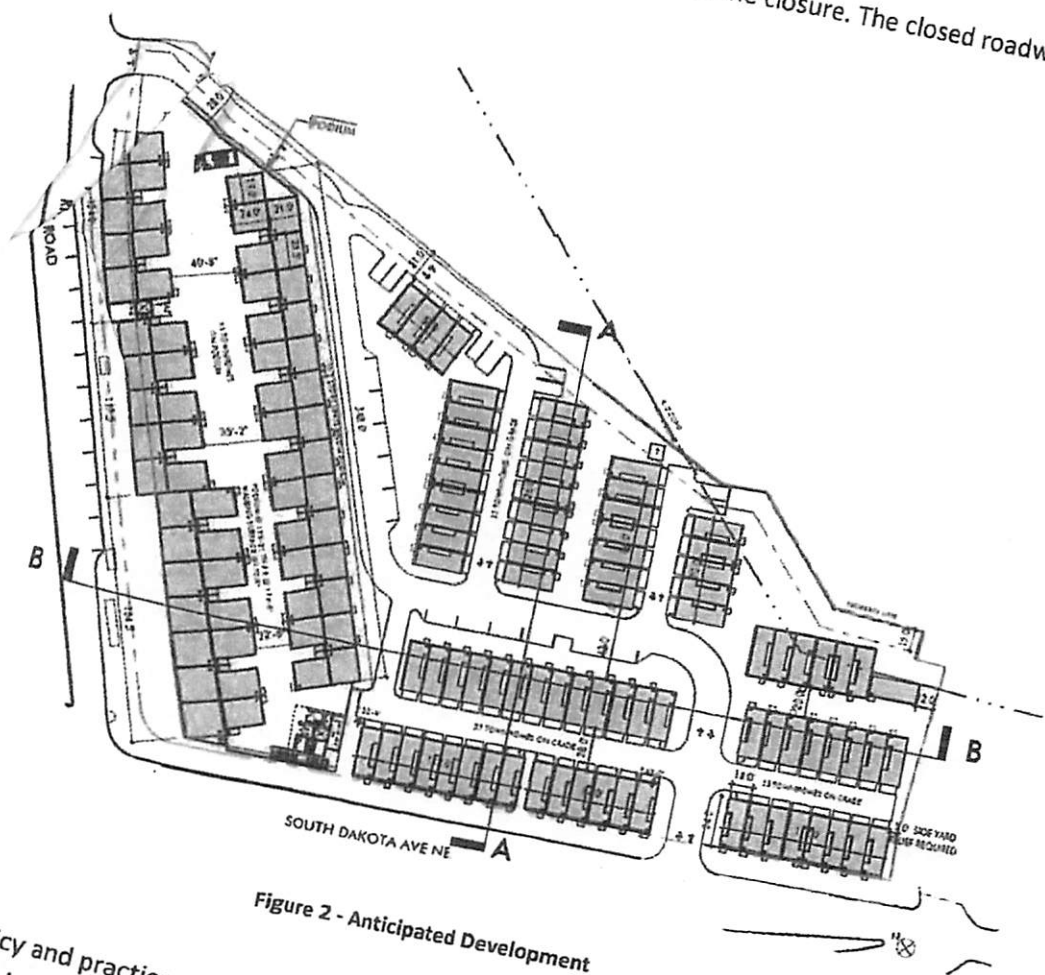


Figure 2 - Anticipated Development

Public Space

in line with District policy and practice, any substantial new building development or renovation is expected to rehabilitate streetscape infrastructure between the curb and the property lines. This includes curb and gutters, street trees and landscaping, street lights, sidewalks, and other appropriate features within the public rights of way bordering the site.

Applicant has not yet applied for public space permits from DDOT. The Applicant must work closely with DDOT and the Office of Planning (OP) to ensure that the design of the public realm meets the requirements of the City of Columbia.

will substantially upgrade the appearance and functionality of the streetscape for public users needing to access the property or circulate around it. In conjunction with the District of Columbia Municipal Regulations, DDOT's Design and Engineering Manual and Public Realm Design Manual will serve as the main public realm references for the Applicant. DDOT staff will be available to provide additional guidance during the public space permitting process.

The proposed curb cuts and all items in public space will require DDOT permit approval as part of the public space permit process.

On the north side of South Dakota Avenue NE, DDOT's Urban Forestry Division (UFD) shows approximately eight (8) street trees between the curb and sidewalk on Riggs Road NE and approximately 13 street trees between the curb and sidewalk on South Dakota Avenue NE. On the south side of South Dakota Avenue, UFD's inventory shows approximately eight (8) street trees on Riggs and 22 street trees and one (1) open planting space on South Dakota. Any removal of DDOT's existing street tree inventory will require public space permit approval.

DDOT Assets

There are large trees on eastern slope beyond the area proposed to be closed, but within the bounds of the anticipated development. UFD recommends hiring a certified arborist to confirm if the noted trees qualify as "Special" or "Heritage" trees. The critical root zones of these trees should be identified prior to construction so that the trees may be adequately protected, if necessary.

There are 12 existing Willow Oak trees within the area of the southern closure. Of the 12, five (5) are classified as special trees and six (6) are identified as heritage trees. There also appears to be a weather station on the south side of South Dakota Avenue NE which falls within the bounds of the closure. While this area is to be maintained as public space, if future development is contemplated, any disposition should account for the assessment and protection of these trees and the relocation of the weather station.

Recommendation

DDOT has no objection to the closure identified in Figure 1.

JS:pr



10.18-40261

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**



MEMORANDUM

**TO: Roland F. Dreist, Jr.
Surveyor of the District of Columbia**

**FROM: Paul Walker
Architect (Construction Inspector)**

DATE: August 9, 2018

**SUBJECT: Department of Housing and Community Development Review comments on
Closing of District Right of Way at the intersection of South Dakota Ave.**

I have reviewed the request of closure of the District Right of Way at the intersection of South Dakota Avenue NE and Riggs Road NE Washington DC. On behalf of The Department of Housing and Community Development I am providing this letter to express the Departments support for the proposed closure. It will no adverse effect on the business at the Department of Housing and Community Development.

If you have any further question please feel free to contact me at (202)442-7218.

Sincerely,


Paul Walker

Architect

DFD, Department of Housing and Community Development

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT
WASHINGTON, D. C. 20001



MEMORANDUM

TO: Roland F. Dreist Jr.
District of Columbia Surveyor

FROM: Louis H. Carter Jr. *LHC Jr.*
Battalion Fire Chief
FEMS Office of the Fire Marshal

DATE: August 3, 2018

SUBJECT: Surveyor's Office File No. SO 18-40261

This written correspondence is being forwarded to your office to address File No. SO 18-40261 that was submitted to the FEMS Office of the Fire Marshal for review. The request involves Closing of a portion on South Dakota Avenue, NE and adjacent Squares 3760 and 3766. As well as Lots: 804, 816.

Based on our review, the following findings are being brought forth. FEMS Office of the Fire Marshal has no objection to this request being approved if the following requirements are adhered to:

Fire Department access to the referenced Square, its adjacent properties and squares is not compromised and is maintained and/ or developed in accordance with the requirements set forth in Chapter 5 "Fire Service Features" in particular, Section 503 and Appendix D of the Fire Code (2012 ed. IFC).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
STATE HISTORIC PRESERVATION OFFICE



MEMORANDUM

TO: Roland Dreist, Office of the Surveyor

SUBJECT: Proposed Closure of a Portion of a Public Street (South Dakota Avenue, NE) adjacent to Squares 3760 and 3766; (S.O. 18-40261)

DATE: August 6, 2018

Thank you for contacting the DC Historic Preservation Office regarding the above-referenced street closure. We appreciate the opportunity to review this action. However, § 9-202.02(4) of the D.C. Code only requires the Mayor to refer applications "to close any street located on the L'Enfant Street Plan" to the Historic Preservation Review Board. We have no comment on this proposed action since the street that will be closed is not a L'Enfant Street.

BY:

C. Andrew Lewis
Senior Historic Preservation Specialist
DC State Historic Preservation Office

18-0649



IN REPLY REFER TO:
NCPC File No. 8005

August 27, 2018

Mr. Roland Dreist
Government of the District of Columbia
Department of Consumer and Regulatory Affairs
Office of the Surveyor
1100 4th Street, SW
Washington, DC 20024

Re: S.O. 18-40261 - Closing of a Portion of South Dakota Avenue, NE, Adjacent to Squares
3760 and 3766

Dear Mr. Dreist:

The purpose of this letter is to respond to your referral of a proposed street closing for National Capital Planning Commission (NCPC) review and comments to the Council of the District of Columbia pursuant to DC Code § 9-202.02.

Upon review of the case documents, NCPC staff has determined that the proposed project falls under an exception listed in Chapter 8 (Exceptions and Project Changes) of NCPC's submission guidelines. In particular, the project meets the requirements of Exception 8, as the street is not located adjacent to federal property and does not provide access to federal property or affect other federal interests. In addition, the proposed closing is located outside the boundary of the L'Enfant City. The project was also made available for public review on the NCPC website and no comments were received. Accordingly, staff has determined that this project is exempt from Commission review.

This determination applies only to the project listed above. Determinations as to whether a particular project falls within one of the Commission's exceptions are done on a case-by-case basis, either during early consultation or upon request for review. Please note that the applicant cannot make this determination independently, and must submit projects to NCPC to confirm that an exception is warranted.

If you have any questions or need additional information please contact Matthew Flis at (202) 482-7236 or matthew.flis@ncpc.gov.

Sincerely,

Diane Sullivan
Director, Urban Design and Plan Review

MEMORANDUM

TO: Roland F. Dreist, Jr., L.S., D.C. Surveyor
Office of the Surveyor

FROM: *JL for* Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

DATE: August 21, 2018

SUBJECT: S.O. 18-40261
Closing of Streets adjacent to Squares 3760 and 3766

I. RECOMMENDATION

The Office of Planning (OP) has completed its review of the application for the requested street closing and has **no objection** to this request.

II. SITE DESCRIPTION

Address	5500 block of South Dakota Avenue, N.E.
Applicant	District Department of Transportation
Legal Description	Part of Squares 3760 and 3766
Ward, ANC	Ward 4, ANC 4B; Ward 5, ANC 5A
Zone	MU-4: Moderate density mixed-use development
BZA Review and Approval	The proposal is consistent with BZA approval in Case No. 19745 (05-30-2018)
Generalized Comprehensive Policy Map and Future Land Use Plan and Designations	Land Use Map: Moderate Density Commercial Policy Map: Neighborhood Conservation Areas (Square 3760) and Land Use Change Areas (Square 3766) The proposal is not inconsistent with these designations.
Comprehensive Plan	The closures would particularly further objectives of the Land Use and Urban Design elements and the Upper Northeast Area Element of the Comprehensive Plan.

III PROPOSAL



Request	To close a portion of South Dakota adjacent to Square 3760 and Square 3766, as shown in the map above.
Description	The area of the street closing consists of former roadway ramps connecting eastbound Riggs Road, N.E. to southbound South Dakota Avenue, N.E. and northbound South Dakota Avenue, N.E. to eastbound Riggs Road, N.E.
Size	3.19 acres
Adjacent Ownership	Square 3760: JRC Limited LLC; Carlau, LLC; Fort Totten South LLC; Anacostia Realty LLC; and District of Columbia Square 3766: Food & Friends Inc.; and District of Columbia Parcel 125/30: District of Columbia

Proposed Development	
<u>Uses</u>	Mixed use retail and residential within Square 3760. No development proposed for Square 3766.
<u>Height and Density</u>	Facing Riggs Road, a four and five-story mixed use building with 20,000 to 30,000 square feet of ground floor commercial space above two levels of below-grade parking. On the southeast portion of the site three and four-story townhouse units, totaling 160 to 185 residential units on a 3.9-acre site. Proposed FAR of 1.68-1.97.
<u>Site Plan</u>	Mixed-use building with ground floor retail facing Riggs Road with two rows of "townhouse-style" units on a podium above below-grade parking. Remainder of the site would be townhouse units.
<u>Parking and Loading</u>	Vehicular ingress and egress will be from either Riggs Road or South Dakota Avenue
<u>Easements</u>	None

III. ANALYSIS

A. Planning and Urban Design

The Director of the Office of Planning is required to "determine whether the proposed closing is in compliance with the District's planning and urban design objectives", as per 24 DCMR 1401.2(c). These objectives, as contained within the Comprehensive Plan (10 DCMR, Chapter 9), include:

§ 300 Land Use Element

§ 306.11 Development Around Metrorail Stations

Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance.

The site to the east of the former ramps was adversely impacted by those ramps and their closure offers the opportunity for appropriate infill development on what is otherwise vacant and unusable land within half a mile of the Fort Totten Metrorail station.

§ 900 Urban Design Element

The critical urban design issues facing the District of Columbia...include:

- *Improving the public realm, particularly street and sidewalk space*
- *Addressing infrastructure and other barriers that affect aesthetic qualities*

~~The closure of the ramps at the intersection of Riggs Road and South Dakota Avenue would improve the public realm through the creation of a traditional pedestrian-friendly intersection with improved street and sidewalk spaces.~~

§ 906.6 Policy UD1.4.1: Avenues/Boulevards and Urban Form

Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character ...

§ 913.6 Policy UD-3.1.9: Street Closures

Strongly discourage the closure of streets for private ownership or use. Any request for street closure should be reviewed in terms of the resulting impacts on vehicular and pedestrian circulation, access to private property, emergency access and fire protection, view obstruction, loss of open space, building scale, and other factors.

The closures would eliminate the rights-of-way of former roadway ramps, improving vehicular and pedestrian circulation. Closure of the ramps would allow for construction of a new development in Square 3760 up to the property lines at the intersection of Riggs Road and South Dakota Avenue, allowing for the establishment a better streetscape, a more functional public way, and an improved aesthetic and visual character.

The major impact from a land use and physical character aspect would be that the closing of the ramps would permit the construction of one consolidated development with more efficient land use appropriate to the area, in place of devoting more than three acres of land to roadway access ramps.

§ 2400 Upper Northeast Area Element

Policy UNE-2.7.1: Fort Totten Metro Station

Encourage the reuse of WMATA-owned land and other underutilized property in the immediate vicinity of the Fort Totten Metrorail station, focusing on the area bounded by the Fort Circle Parks on the west and south, Riggs Road on the north, and South Dakota Avenue on the east. This area is envisioned as a "transit village" combining medium-density housing, ground floor retail, local-serving office space, new parkland and civic uses, and structured parking. Redevelopment should occur in a way that protects the lower density residences in the nearby Manor South, Michigan Park, and Queens Chapel neighborhoods, and addresses traffic congestion and other development impacts. 2417.4

Policy UNE-2.7.2: Traffic Patterns and Pedestrian Safety

Improve pedestrian access to the Fort Totten Metrorail Station, with a particular emphasis on pedestrian and vehicle safety improvements at the South Dakota/Riggs intersection. 2417.5

The closure of the former ramps connecting Riggs Road and South Dakota Avenue would complete the reconstruction of that intersection, improving vehicular and pedestrian safety and facilitating the development of the underutilized property to the east of that intersection with housing and ground-floor retail.

B. Housing Linkage

No linkage required as the road closure would result in new residential development, including both ~~market-rate and affordable units.~~

C. 24 DCMR Chapter 14 Requirements

The street and alley closing regulations require submission of a plan so that reviewing agencies can determine the potential impact of the requested closing. 24 DCMR §1400.8 requires the plan to cover items including the use mix, points of ingress and egress, location and design of parking and loading areas, and building design. In this case, the site and building design were publicly reviewed as part of BZA case 19745 for development on Square 3760, and there is no development proposed for Square 3766.

JS/sjm

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Public Works



Solid Waste Management Administration

MEMORANDUM

TO: Roland F. Dreist, Jr.
Surveyor, D.C.

FROM: Anthony Duckett *A.D.*
Chief Street & Alley Cleaning Division

SUBJECT: Proposed Road Closure for a former slip lane at South Dakota Ave and Riggs Rd. NE

Date: August 10th, 2018

The following Street closing was investigated for review:

The Department has reviewed the proposed closing, at this time we have no objection to the closing of the slip lane at South Dakota Ave and Riggs Rd. NE.

If you have any questions please call me at 202-727-2539.

Network Engineering
OPPE MD/DC



13101 Columbia Pike, FDC 1
Floor 1
Silver Spring, MD 20904

August 15th, 2018
Mr. Roland F. Dreist, Jr.
Office of the Surveyor
1100 4th Street SW.
Washington, D.C. 20024

RE: Proposed Closing of a Portion of South Dakota Avenue, N.E., adjacent to Squares 3760 and 3766-S.O.18-40261

Dear Mr. Dreist:

In reference to your letter dated August 2nd, 2018 which relates to S.O. File No. 18-40261

Location: Closing of a Public Street Adjacent to Squares 3760 and 3766

The telephone plant has been removed in this area..

Verizon Washington D.C. Inc. does not object to this Proposed Closing of a Public Street.

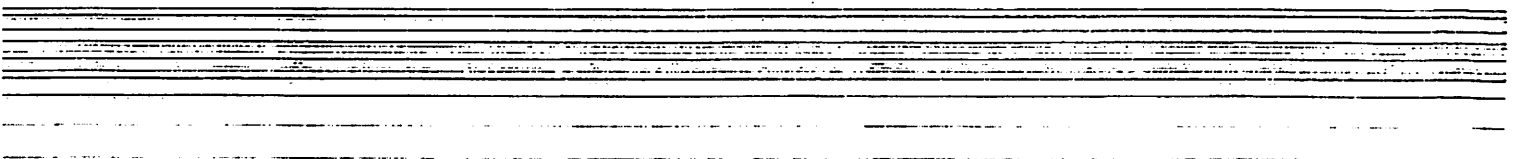
Very truly yours,

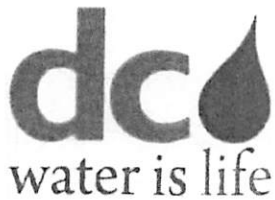
A handwritten signature in cursive script that reads "Kenny Young".

Kenneth Young
Engineer, Outside Plant Engineering, WSAM

GIV/Kdy

c.c. D.C.D.O.T. Underground Location Section
Area Engineer
File





September 13, 2018

Mr. Roland Dreist
D.C. Surveyor
Department of Consumer and Regulatory Affairs
Office of the Surveyor
1100 4th St, S.W., 3rd Floor
Washington, DC 20024

Reference: Street/Alley Closing Application **S.O. 18-40261** - Right-of-way closure of former slip lanes at South Dakota Avenue NE and Riggs Road NE Squares 3760 and 3766

Dear Mr. Dreist:

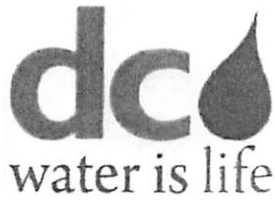
The District of Columbia Water and Sewer Authority (DC Water) is in receipt of the application and plat(s) you forwarded to us for comments on **August 2, 2018** regarding **S.O. 18-40261**.

For Square 3760, DC Water currently operates and maintains the following Facilities within portions of the slip lane to be closed:

1. Existing active 4'6"/5' storm sewer main east-west connecting to storm sewer main on South Dakota Ave NE
2. Existing active 3'9" storm sewer connecting north-south to the 4'6"/5' storm sewer main
3. Existing active 3' storm sewer pipe connecting east-west to 3'9" storm sewer main
4. Abandoned 2'4" storm sewer main connecting north-south to the 4'6"/5' storm sewer main
5. Abandoned 12" storm drain lines to the 4'6"/5' storm sewer main
6. Abandoned 12" water main east-west
7. Abandoned 16" sanitary sewer main

The attached letter from the District of Columbia Executive Office of the Mayor dated August 22, 2018 to DC Water, states,

With respect to [5540 South Dakota Ave NE, Square 3760, Washington DC BDC #DC152046], all Domestic Water Pipes, Sanitary Sewer Pipes, and Stormwater Pipes located on the parcel will be privately maintained and operated by the District while it is



under the District's ownership. Upon the transfer of the property to FT Associates L.L.C., the developer, the developer will maintain all Domestic Water Pipes, Sanitary Sewer Pipes, and Stormwater Pipes located on the parcel.

Based on the assurances from the District, DC Water has no objections regarding the disposition of the above list of Square 3760 Facilities on the parcel. Upon closure, DC Water shall not have responsibility for these Facilities.

For Square 3766, DC Water currently operates and maintains the following Square 3766 Facilities within portions of the slip lane to be closed:

1. Existing active 2'x3' storm sewer main west-east connecting to 5' storm sewer main South Dakota Ave NE
2. Abandoned 15" storm sewer main north-south connecting to the 2'x3' storm sewer main
3. Existing active 10" sanitary sewer main east-west
4. Abandoned 12" storm drain lines from catch basins to 2'x3' storm sewer main
5. Existing active 8" water main east-west

Based on the plans submitted to DC Water, the above existing active storm and sanitary sewers and water mains will remain within public space. Therefore, DC Water has no objections and will continue to operate and maintain the Square 3766 Facilities within this parcel.

If you have any questions, I can be reached at the contact information listed below.

Regards,

Kevin Harney
Easement and Covenant Coordinator
District of Columbia Water and Sewer Authority
1100 4th Street, SW Suite #310
Washington, DC 20024
202-646-8627 Office
202-646-8628 Fax
kevin.harney@dcwater.com
DC Water - Water is Life!

Attachment: District of Columbia Executive Office of the Mayor letter



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of the Mayor
Office of the Deputy Mayor for Planning and Economic Development



VIA ELECTRONIC MAIL

August 22, 2018

Mr. Kevin Harney
DC Water
1100 4th Street, SW, 3rd Floor
Washington, DC 20002
E: kevin.harney@dcwater.com

**Re: 5540 South Dakota Ave NE, Square 3760, Washington DC
BDC #DC152046**

Dear Kevin:

With respect to the above-referenced project, all Domestic Water Pipes, Sanitary Sewer Pipes, and Storm Water Pipes located on the parcel will be privately maintained and operated by the District while it is under the District's ownership. Upon the transfer of the property to FT Associates LLC, the developer, the developer will maintain all Domestic Water Pipes, Sanitary Sewer Pipes, and Storm Water Pipes located on the parcel.

Sincerely,

Brian T. Kenner
Deputy Mayor

Brian T. Kenner
Deputy Mayor



John A. Wilson Building 1350 Pennsylvania Ave, NW, Suite 317 | Washington, DC 20004



6801 Industrial Road
Springfield, Virginia 22151

8/13/2018

Mr. Roland Dreist
Office of the Surveyor
110 4th St SW
Washington, DC 20024

Re: Expediting Road Closure Application former slip lanes at South Dakota Ave NE and Riggs Rd NE

Dear Mr. Dreist,

Washington Gas has reviewed the right of way closure application filed by the Office of the Deputy Mayor for Planning and Economic Development for the former slip lanes at South Dakota Ave NE and Riggs Rd NE. After reviewing the area it has been determined that Washington Gas has active natural gas facilities within the limits of the proposed right of way closure. There is an active natural gas main and service line with-in the limits of the "Proposed Lot E" shown on page 10 of the application.

Due to the existence of active natural gas facilities owned by Washington Gas with-in the limits of the proposed right of way closure, Washington Gas objects to the application for right of way closure. Should you have any questions or concerns regarding these facilities or Washington Gas' objection, please do not hesitate to contact me via the methods listed herein.

Sincerely,

A handwritten signature in black ink that reads "Joseph Atmore".

Joseph Atmore
SP Engineer III, System Replacement
jatmore@washgas.com
Office: 703-750-4745



6801 Industrial Road
Springfield, Virginia 22151

9/21/2018

Mr. Roland Dreist
Office of the Surveyor
110 4th St SW
Washington, DC 20024

Re: Expediting Road Closure Application former slip lanes at South Dakota Ave NE and Riggs Rd NE

Dear Mr. Dreist,

Since originally filing an objection the Road Closure Application at South Dakota Ave NE and Riggs Rd NE, Washington Gas has coordinated with the Office of the Deputy Mayor for Planning and Economic Development to find a resolution. After discussing the natural gas facilities within the limits of the proposed right of way closure, Washington Gas has agreed to conditionally approve the road closure application. This approval is contingent on Washington Gas being provided an easement 5 feet in width for the entire length of the gas facilities within the limits of the road closure.

Please consider this letter a lifting of Washington Gas' objection to this road closure.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Atmore".

Joseph Atmore
SP Engineer III, System Replacement
Washington Gas Light Co.
jatmore@washgas.com
Office: 703-750-4745



GOVERNMENT OF THE DISTRICT OF COLUMBIA

Executive Office of the Mayor

Office of the Deputy Mayor for Planning and Economic Development



VIA ELECTRONIC MAIL

September 24, 2018

Mr. Roland Dreist
Office of the Surveyor
1100 4th Street, SW, 3rd Floor
Washington, DC 20002
E: roland.dreist@dc.gov

RE: 5540 South Dakota Ave NE, Square 3760, Washington DC BDC
#DC152046 – Pepco's Non-response to August 3, 2018 Road Closure Notice

Dear Mr. Dreist,

On August 3, 2018, we provided the application for the above referenced road closure to the applicable utilities and agencies as required by 24 DCMR 1401. To date, all agencies and utilities have either responded with no objection or have withdrawn their objection (Washington Gas), save Pepco.

As for Pepco, it never responded to the application despite our repeated attempts to contact it. Therefore, we would ask that you observe 24 DCMR 1401.4 as it relates to Pepco, which provides that a non-responding utility will be deemed to have no objection if it does not respond within 30 days.

On August 13th, Washington Gas made an objection on the basis that there was an active natural gas facility within the limits of the proposed road closure. By letter dated September 21st, Washington Gas subsequently withdrew this objection on the condition that an easement be provided for the length of the gas facilities located within the road closure. DMPED agrees to provide the easement to Washington Gas prior to the recording the street closure plat.

In summary, we have fulfilled our responsibilities under the 24 DCMR 1401 to provide the application for review by the utilities and agencies and have received either no objection or have resolved all comments. We ask that you now allow the application to move forward for Council approval.

Please let me know if you have any questions. Thank you.

Sincerely,

Esther Ezra

Associate Director for Real Estate
Office of Deputy Mayor for Planning & Economic Development