



2014 NOV 26 PM 12:45
OFFICE OF THE
SECRETARY

VINCENT C. GRAY
MAYOR

NOV 26 2014

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration by the Council is a resolution entitled the "125 O Street S.E. and 1402 1st Street S.E. Surplus Emergency Declaration Resolution of 2014".

This resolution will declare District owned real property located at 125 O Street, S.E. and 1402 1st Street, S.E. and known for tax and assessment purposes as a portion of Lot 805 in Square 744S and a portion of Lot 801 in Square 744SS and consisting of approximately 235,130 square feet of land, as no longer required for public purposes, pursuant to D.C. Official Code §10-801.

Although introduced as an emergency, the surplus declaration for this property followed the full process pursuant to D.C. Official Code §10-801, including a public hearing held on November 20, 2014 at The Yards Boilermaker Building at 300 Tingey Street, S.E.

Approval of this resolution will declare the Property surplus and allow for the disposition to a private developer to redevelop the space in a manner consistent with the Anacostia Waterfront Initiative Framework Plan, adopted by the Council in 2003.

As always, I am available to discuss any questions you may have regarding this resolution. I look forward to prompt and favorable consideration of this resolution.

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray".
Vincent C. Gray


Chairman Phil Mendelson
at the request of the Mayor

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7 A PROPOSED RESOLUTION
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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14 To declare the existence of an emergency with respect to the need to approve the surplus
15 declaration of District owned real property located at 125 O Street, S.E. and 1402 1st
16 Street, S.E., known for tax and assessment purposes as a portion of Lot 805 is Square
17 744S and a portion of Lot 801 is Square 744SS.
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19 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution
20 may be cited as the “125 O Street, S.E. and 1402 1st Street, S.E. Surplus Emergency Declaration
21 Resolution of 2014”.

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23 Sec. 2. Findings.

24 (a) The District owns real property located at 125 O Street, S.E. and 1402 1st Street, S.E.
25 (“Property”).

26 (b) The Property is utilized by DC Water for its fleet service and sewer service
27 operations. Currently this operation consists of various low-scale structures and surface parking.

28 (c) The Anacostia Waterfront Initiative (“AWI”) Framework Plan, adopted by former
29 Mayor Anthony Williams and the Council in 2003, is a framework plan to advance the Anacostia
30 River’s clean-up, identify opportunities to increase access to the river, target areas for new
31 development and pioneer innovative green practices in new development.

32 (d) The AWI Framework Plan determined that the Property would be best served as an
33 important development link for overall redevelopment of the Capitol Riverfront by providing

1 additional mixed-use commercial development that leverages the ongoing public and private
2 investments in the neighborhood as a mixed-use destination.

3 (e) The Property was under the purview of the Anacostia Waterfront Corporation
4 (“AWC”) during the existence of that entity, and has since become part of the Office of the
5 Deputy Mayor for Planning and Economic Development (“DMPED”) portfolio.

6 (f) In 2005, AWC selected Forest City (“Developer”) to redevelop the Property and
7 assist with locating suitable sites for the relocation of DC Water fleet service and sewer service
8 operations.

9 (g) Since 2007, the District has been negotiating with Forest City for the disposition and
10 development of the Property and evaluating potential sites for the relocation of DC Water.

11 (h) Significant community input has been received on the redevelopment of the Property
12 through outreach and input for the Planned Unit Development (“PUD”). On February 7, 2014,
13 the Zoning Commission approved the PUD for the Property.

14 (i) The District is working with DC Water to procure suitable relocation sites.
15 Specifically, a suitable site in Prince George’s County, Maryland has been identified and is under
16 contract to DC Water for relocation of fleet service operations.

17 (j) The relocation of DC Water is necessary to move forward with the redevelopment of
18 the Property. Site acquisition in Prince George’s County is imminent. Council approval of the
19 disposition ensures that the relocation of DC Water to Prince George’s County can occur.
20 Without approval of the surplus declaration, the District risks losing the only site currently
21 available for the relocation of DC Water fleet services.

22 (k) The Developer has been negotiating with a key anchor tenant to bring significant
23 amenities to the Capital Riverfront neighborhood through the redevelopment of the Property.

1 (l) The anchor tenant is necessary to bring amenities to the residents of the District,
2 generate tax revenues for the District, and create jobs for District residents.

3 (m) The anchor tenant will be financing significant tenant improvements on its own
4 behalf, such financing being necessary for the viability of the proposed redevelopment. Without
5 approval of the surplus disposition, the anchor tenant will not be able to commit the necessary
6 capital to make the project viable.

7 (n) Time is of the essence for the District to acquire a site for the relocation of DC Water
8 fleet services and to receive the necessary commitments of the key anchor tenant.

9 (o) The proposed resolution will approve the surplus declaration of the Property. The
10 approval of the resolution and the companion disposition will enable the District to acquire a
11 relocation site for DC Water fleet services and the Developer to pursue the necessary
12 commitments from the key anchor tenant.

13 Sec. 3. The Council of the District of Columbia determines that the circumstances
14 enumerated in section 2 constitute emergency circumstances making it necessary that the 125 O
15 Street, S.E. and 1402 1st Street, S.E. Emergency Surplus Declaration Approval Resolution of
16 2014 and be adopted on an emergency basis.

17 Sec. 4. This resolution shall take effect immediately.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL


Legal Counsel Division



MEMORANDUM



TO: Ayesha Abbasi
Legal Affairs & Policy Specialist
Deputy Mayor for Planning and Economic Development

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

DATE: November 25, 2014

SUBJECT: Legal Sufficiency Review of Draft Resolutions, the “125 O Street, S.E. and 1402 1st Street, S.E. Emergency Disposition Approval Resolution of 2014”, the “125 O Street, S.E. and 1402 1st Street, S.E. Emergency Surplus Declaration Resolution of 2014”, the “125 O Street, S.E. and 1402 1st Street, S.E. Property Disposition Extension Approval Resolution of 2014”, the “125 O Street, S.E. and 1402 1st Street, S.E. Surplus Emergency Declaration Resolution of 2014”, and the “125 O Street, S.E. and 1402 1st Street, S.E. Disposition Emergency Declaration Resolution of 2014”, and the “125 O Street, S.E. and 1402 1st Street, S.E. Disposition Extension Emergency Declaration Resolution of 2014”
(AE-14-743 B)

This responds to your request that this Office review the above-referenced draft resolutions (resolutions) for legal sufficiency.

The bill would, pursuant to An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes (Act), approved August 5, 1939, 53 Stat. 1211, D.C. Official Code § 10-801 *et seq.* (2012 Repl.), provide for the disposition of real property located at 125 O Street, S.E. and 1402 1st Street, S.E. consisting of approximately 235,130 square feet of land. The resolutions are consistent with the requirements of the Act for the disposition of District real property no longer needed for public purposes.

The resolutions are legally sufficient.

I have attached a certificate of legal sufficiency for your use. Please be reminded that you must secure a fiscal impact statement from the Office of the Chief Financial Officer at least before the Council takes final action on the bill.

Should you have questions regarding this memorandum, please contact either Pollie H. Goff, Senior Assistant Attorney General, Legal Counsel Division, at 724-5558, or me at 724-5524.

JMR/phg

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

Legal Counsel Division



MEMORANDUM



TO: Lolita S. Alston
Director
Office of Legislative Support

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

DATE: November 25, 2014

SUBJECT: Certification of Legal Sufficiency of Resolutions, the “125 O Street, S.E. and 1402 1st Street, S.E. Emergency Disposition Approval Resolution of 2014”, the “125 O Street, S.E. and 1402 1st Street, S.E. Emergency Surplus Declaration Resolution of 2014”, the “125 O Street, S.E. and 1402 1st Street, S.E. Property Disposition Extension Approval Resolution of 2014”, the “125 O Street, S.E. and 1402 1st Street, S.E. Surplus Emergency Declaration Resolution of 2014”, and the “125 O Street, S.E. and 1402 1st Street, S.E. Disposition Emergency Declaration Resolution of 2014”, and the “125 O Street, S.E. and 1402 1st Street, S.E. Disposition Extension Emergency Declaration Resolution of 2014”
(AE-14-744 B)

This is to Certify that this Office has reviewed the above-referenced legislation and has found it to be legally sufficient. If you have any questions regarding this certification, please do not hesitate to contact me at 624-5524.

Handwritten signature of Janet M. Robins in cursive.

Janet M. Robins