

AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To waive fees for certain assessments and improvements for the Gallery Place Project; to amend the District of Columbia Recordation Tax Act to exempt the Gallery Place Project from certain transfer and recordation taxes; and to amend Title 47 of the District of Columbia Code to exempt the Gallery Place Project from certain real property, sales, and other taxes during its construction.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Gallery Place Economic Development Amendment Act of 2000”.

Sec. 2. Tax and fee abatements.

(a) For the purposes of this section, the term:

(1) “Development Sponsor” means Gallery Place Holdings LLC, a Delaware limited liability company, and its successors and assigns.

(2) “Gallery Place Project” means the acquisition, construction, installing, and equipping of a mixed-use complex located on Square 454, Lots 41, 824, 838, 857, 877, 878; the portion of the public alley that reverted to former Lot 820 (which is currently known as Lot 866), and former Lot 821 (which is currently known as Lot 867) pursuant to the Plat of Alley Closing filed with the Surveyor of the District of Columbia in Liber 17 at folio 74; and the portions of the public alley that will revert to Lots 41, 824, 838, 857, 877 and 878, all in Square 454, pursuant to the alley closing approved by the Closing of Public Alleys in Square 454 and Square 455, S.O. 98-194, Act of 1999, effective October 22, 1999 (D.C. Law 13-48; 46 DCR 6768), and consisting of:

- (A) An approximately 60,000-square-foot multiplex cinema;
- (B) A mixed-use facility providing for retail stores, dining, entertainment, a health and fitness club, offices, and related facilities;
- (C) A market-rate housing complex consisting of approximately 170 residential units;
- (D) A parking garage containing approximately 850 parking spaces; and
- (E) Other ancillary improvements.

(b) All fees to be paid, and any deposits to be made, by or on behalf of the Development

Sponsor in connection with the Gallery Place Project under the eighth unnumbered paragraph of the General Expenses title of An Act Making Appropriations to provide for the expense of the Government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes are hereby waived.

(c) The amount of all taxes, fees, and deposits exempt, abated, or waived under subsection (b) of this section, section 302(24) of the District of Columbia Recordation Tax Act and D.C. Code §§ 47-902(17), 47-1002(26), and 47-2005(28), shall not exceed, in the aggregate, \$7 million.

(d) In accordance with section 5 of An Act providing a permanent form of government for the District of Columbia the Mayor shall expend up to \$2 million to improve and repair the streets, sewers, alleys, sidewalks, curbs, and gutters abutting the Gallery Place Project. All assessments upon abutting property for the cost of improvements to such streets, sewers, alleys, sidewalks, curbs, and gutters, including any expenses of assessment, shall be waived.

Sec. 3. Section 302 of the District of Columbia Recordation Tax Act is amended by adding a new paragraph (24) to read as follows:

“(24)(A) Deeds conveying, vesting, granting, or assigning title to, an interest in, a security interest in, or an economic interest in the real property (and any improvements thereon) described as Square 454, Lots 41, 824, 838, 857, 877, 878; the portion of the public alley that reverted to (i) former Lot 820, (which is currently known as Lot 866), and (ii) former Lot 821 (which is currently known as Lot 867) pursuant to the Plat of Alley Closing filed with the Surveyor of the District of Columbia in Liber 17 at folio 74; and the portions of the public alley that will revert to Lots 41, 824, 838, 857, 877 and 878, all in Square 454, pursuant to the alley closing approved by the Closing of Public Alleys in Square 454 and Square 455, S.O. 98-194 Act of 1999, effective October 22, 1999 (D.C. Law 13-48; 46 DCR 6768).

“(B) The amount of all taxes, fees, and deposits exempt, abated, or waived under this paragraph, section 2(b) of the Gallery Place Economic Development Amendment Act of 2000, and D.C. Code §§ 47-902(17), 47-1002(26), and 47-2005(28), shall not exceed, in the aggregate, \$7 million.”.

Sec. 4. Title 47 of the District of Columbia Code is amended as follows:

(a) Section 47-902 is amended as follows:

(1) Paragraph (15) is amended by striking the phrase “; and ” at the end of the paragraph and inserting a semi-colon in its place.

(2) Paragraph (16) is amended by striking the period at the end of the paragraph and inserting the phrase “; and” in its place.

(3) A new paragraph (17) is added to read as follows:

“(17)(A) Transfers with respect to the real property (and any improvements thereon) described as Square 454, Lots 41, 824, 838, 857, 877, 878; the portion of the public

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alley that reverted to (i) former Lot 820, (which is currently known as Lot 866), and (ii) former Lot 821 (which is currently known as Lot 867) pursuant to the Plat of Alley Closing filed with the Surveyor of the District of Columbia in Liber 17 at folio 74; and the portions of the public alley that will revert to Lots 41, 824, 838, 857, 877 and 878, all in Square 454, pursuant to the alley closing approved by the Closing of Public Alleys in Square 454 and Square 455, S.O. 98-194 Act of 1999, effective October 22, 1999 (D.C. Law 13-48; 46 DCR 6768).

"(B) The amount of all taxes, fees, and deposits exempt, abated, or waived under this paragraph, section 2(b) of the Gallery Place Economic Development Amendment Act of 2000, and §§ 45-922(24), 47-1002(26), and 47-2005(28), shall not exceed, in the aggregate, \$7 million."

(b) Section 47-1002 is amended by adding a new paragraph (26) to read as follows:

"(26)(A) The real property (and any improvements thereon) described as Square 454, Lots 41, 824, 838, 857, 877, 878; the portion of the public alley that reverted to (i) former Lot 820, (which is currently known as Lot 866), and (ii) former Lot 821 (which is currently known as Lot 867) pursuant to the Plat of Alley Closing filed with the Surveyor of the District of Columbia in Liber 17 at folio 74; and the portions of the public alley that will revert to Lots 41, 824, 838, 857, 877 and 878, all in Square 454, pursuant to the alley closing approved by the Closing of Public Alleys in Square 454 and Square 455, S.O. 98-194 Act of 1999, effective October 22, 1999 (D.C. Law 13-48; 46 DCR 6768), during the period commencing November 8, 2000 and terminating with respect to any portion of such real property on the date that a final certificate of occupancy shall have been issued with respect to improvements on such portion of such real property."

"(B) The amount of all taxes, fees, and deposits exempt, abated, or waived under this paragraph, section 2(b) of the Gallery Place Economic Development Amendment Act of 2000, and §§ 47-902(17), 45-922(24), and 47-2005(28), shall not exceed, in the aggregate, \$7 million."

(c) Section 47-2005 is amended as follows:

(1) Paragraph (27) is amended by striking the phrase "; and " at the end of the paragraph and inserting a semi-colon in its place.

(2) Paragraph (28) is amended by striking the period at the end of the paragraph and inserting the phrase "; and" in its place.

(3) A new paragraph (29) is added to read as follows:

"(29)(A) Gross receipts from sales of tangible personal property to be incorporated or consumed in the course of construction of the Gallery Place Project.

"(B) For the purposes of this paragraph, "Gallery Place Project" means the acquisition, construction, installing, and equipping of a mixed-use complex located on Square 454, Lots 41, 824, 838, 857, 877, 878, the portion of the public alley that reverted to former Lot 820, (which is currently known as Lot 866) and former Lot 821 (which is currently known as Lot 867) pursuant to the Plat of Alley Closing filed with the Surveyor of the District of

Columbia in Liber 17 at folio 74; and the portions of the public alley that will revert to Lots 41, 824, 838, 857, 877 and 878, all in Square 454, pursuant to the alley closing approved by the Closing of Public Alleys in Square 454 and Square 455, S.O. 98-194 Act of 1999, effective October 22, 1999 (D.C. Law 13-48; 46 DCR 6768), and consisting of:

- "(i) An approximately 60,000-square-foot multiplex cinema;
- "(ii) A mixed-use facility providing for retail stores, dining, entertainment, a health and fitness club, offices, and related facilities;
- "(iii) A market-rate housing complex consisting of approximately 170 residential units;
- "(iv) A parking garage containing approximately 850 parking spaces; and
- "(v) Other ancillary improvements.

"(C) The amount of all taxes, fees, and deposits exempt, abated, or waived under this paragraph, section 2(b) of the Gallery Place Economic Development Amendment Act of 2000, and §§ 47-902(17), 45-922(24), and 47-1002(26), shall not exceed, in the aggregate, \$7 million."

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. Code § 1-233(c)(3)).

Sec. 6. 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in

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section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia