

AN ACT

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Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008 to require the proceeds of the sale of certain District-owned real property to be deposited into the Economic Development Special Account and to authorize certain uses of the deposited proceeds; to amend the District of Columbia Public Space Rental Act to waive vault rental payments under certain circumstances; to authorize the Mayor to grant easements for a period of greater than 20 years under certain streets; to authorize the exchange of certain real property owned by the District; to authorize the Mayor to enter into a contract for the relocation of the Shared Computer Center; and to establish that certain entities shall be considered local, small, and disadvantaged business enterprises under section 2349a of the Small, Local, and Disadvantaged Business Enterprises Development and Assistance Act of 2005.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Center Leg Freeway (Interstate 395) Amendment Act of 2008”.

Sec. 2. Section 301 of the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 3, 2008 (D.C. Law 17-138; 55 DCR 1689), is amended as follows:

Amend
§ 2-1225.21

(a) Subsection (b)(1) is amended by adding a new subparagraph (C-i) to read as follows:

“(C-i) Proceeds of the disposition of District-owned real property disposed of pursuant to the Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007, approved July 10, 2007 (Res. 17-291; 54 DCR 7461)(“Disposition Approval Resolution”);”.

(b) Subsection (c) is amended by striking the period at the end and inserting the phrase “; except, the monies deposited into the Account pursuant to subsection (b)(1)(C-i) of this section shall be allocated as set forth in subsection (d-1) of this section.” in its place.

(c) A new subsection (d-1) is added to read as follows:

“(d-1) Notwithstanding subsections (c) and (d) of this section, monies deposited into the Account pursuant to subsection (b)(1)(C-i) of this section shall be allocated to the following

agencies, in the following order, to be used by the agencies for the purposes designated:

“(1) To the District Department of Transportation, for transportation purposes, in an amount equal to the share of federal highway funds associated with the acquisition of the Property, as the term “Property” is defined in the Disposition Approval Resolution, if required by the Federal Highway Administration, unless such amount has been allocated from another source;

“(2) To the Office of the Chief Technology Officer or the Office of Property Management in an amount sufficient to pay for the relocation of the District’s Shared Computer Center from the Property, but not to exceed \$30 million, until such time as the District’s Shared Computer Center is relocated from the Property or the costs of relocation have been allocated from another source;

“(3) To the Office of the Deputy Mayor for Planning and Economic Development to provide financial assistance for the construction and preservation of affordable housing on the Property; and

“(4) To the Office of the Deputy Mayor for Planning and Economic Development for other purposes for which Fund monies may be used pursuant to subsection (d) of this section.”.

Sec. 3. Section 305 of the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1159; D.C. Official Code § 10-1103.04), is amended as follows:

Amend
§ 10-1103.04

(a) Subsection (a) is amended by striking the phrase “The owner of property” and inserting the phrase “Except as provided in subsection (d) of this section, the owner of property” in its place.

(b) A new subsection (d) is added to read as follows:

“(d)(1) Notwithstanding subsection (a) of this section, an owner of property, including air rights, abutting public space occupied by a vault constructed under the portions of F Street, N.W., and G Street, N.W., between 2nd Street, N.W., and 3rd Street, N.W., and the portions of 2nd Street, N.W., and 3rd Street, N.W., between F Street, N.W., and G Street, N.W., shall not be required to pay the rent required by subsection (a) of this section during the period described in paragraph (2) of this subsection if:

“(A) The vault abuts and is constructed as part of the improvements constructed pursuant to the land disposition agreement to be entered into pursuant to the Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007, effective July 10, 2007 (Res. 17-291; 54 DCR 7461) (“Center Leg improvements”);

“(B) The owner (or a previous owner) has reconstructed F Street, N.W., and G Street, N.W., between 2nd Street, N.W., and 3rd Street, N.W. (“reconstructed streets”) in accordance with the standards and specifications of the District Department of Transportation and at no cost to the District; and

“(C) The owner agrees to maintain the reconstructed streets at no cost to the District.

“(2) A rent waiver granted under this subsection shall commence on the date that the Mayor accepts the reconstructed streets and shall terminate 14 calendar days after the date of a determination by that Mayor that:

“(A) The Center Leg improvements have been substantially rebuilt or demolished for reasons other than fire, collapse, explosion, or act of God;

“(B) The owner has failed to maintain the reconstructed streets in a safe condition and at no cost to the District, after such notice and opportunity to cure, if any, as may be provided in the permit; or

“(C) The owner has violated a condition under which its vault construction permit was issued, after such notice and opportunity to cure, if any, as may be provided in the permit.”.

Sec. 4. Certain permanent easements authorized.

Notwithstanding the procedures and requirements set forth in 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 *et seq.*), the Mayor may:

(1) Grant, for a period of greater than 20 years, subsurface easements under the portions of 2nd Street, N.W., and 3rd Street, N.W., between Massachusetts Avenue, N.W., and E Street, N.W., and the portion of Massachusetts Avenue, N.W., between 2nd Street, N.W., and 3rd Street, N.W., for the purposes of the construction and maintenance of a deck or other supporting structure beneath the streets and for the occupancy of the easement area by such deck and structures and for other purposes consistent with the land disposition agreement to be entered into pursuant to the Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007, effective July 10, 2007 (Res. 17-291; 54 DCR 7461) (“Disposition Approval Resolution”); and

(2) Convey to the Purchaser, as such term is defined in the Disposition Approval Resolution, the real property on which the current Interstate 395 approach and exit ramps (“highway ramps”) within the Property, as the term “Property” is defined in the Disposition Approval Resolution, are located, in accordance with the following conditions:

(A) If a current highway ramp is relocated within the Property, the Mayor may convey to the Purchaser fee title to the real property from which the former highway ramp was removed if the District receives from the Purchaser, at the same time that the real property from which the former highway ramp was removed is conveyed to the Purchaser, fee title from the Purchaser to the real property (which may exclude the air rights beginning at 14 feet 6 inches above the upper surface of the pavement of the ramp) upon which the new highway ramp and associated and supporting structures are constructed.

(B) If a current highway ramp is removed, the Mayor may convey to the Purchaser fee title to the real property from which the ramp was removed if the Purchaser pays to the District fair market value for the real property as such fair market value is calculated

pursuant to the Appraisal, as such term shall be defined in the land disposition agreement to be entered into pursuant the Disposition Approval Resolution.

Sec. 5. Authorization to enter into a contract for the relocation of the shared computer center.

Notwithstanding the procedures and requirements set forth in the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), the Mayor may enter into a contract or other agreement whereby the purchaser of the property authorized to be disposed of pursuant to the Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007, effective July 10, 2007 (Res. 17-291; 54 DCR 7461) (“Disposition Approval Resolution”), or a designee of the purchaser approved by the Mayor, shall relocate the Shared Computer Center from the Property, as the term “Property” is defined in the Disposition Approval Resolution, to a site designated by the District and shall be compensated for the costs associated with the relocation, including, if applicable, the costs of the design, improvement, and physical relocation of the equipment and other features of the Shared Computer Center and the leasing of a new location for the Shared Computer Center.

Sec. 6. Certified business enterprise participation.

The entities identified in section 2(b)(14)(A) of the Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007, approved July 10, 2007 (Res. 17-291; 54 DCR 7461) (“Disposition Approval Resolution”) shall be considered, with respect to the development project on the Property, as the term “Property” is defined in the Disposition Approval Resolution, fully qualified local, small, and disadvantaged business enterprises under section 2349a of the Small, Local, and Disadvantaged Business Enterprises Development and Assistance Act of 2005, effective March 2, 2007 (D.C. Law 16-33; D.C. Official Code § 2-218.49a).

Sec. 7. 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. 8. 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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia