

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve, on an emergency basis, the disposition of District-owned real property, located at 901 Fifth Street, N.W., and known for tax and assessment purposes as Parcel 0059 in Square 0516.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fifth Street, N.W., and I Street, N.W., Disposition Approval Emergency Act of 2014”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “CBE Agreement” means an agreement with the District governing certain obligations of the Purchaser or the Developer 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.

(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 Purchaser or the Developer 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, issued November 9, 1983, regarding job creation and employment generated as a result of the construction on the Property.

(4) “Property” means the real property located at 901 Fifth Street, N.W., known for tax and assessment purposes as Parcel 0059 in Square 0516.

(5) “Purchaser” means the Developer, its successor, or one of its affiliates or assignees approved by the Mayor.

Sec. 3. Findings.

(a) The Developer of the Property will be TPC 5<sup>th</sup> & I Partners, LLC, with a business address of 600 Madison Avenue, 24<sup>th</sup> Floor, New York, NY 10022 (the “Developer”).

(b) The Property is located at 901 Fifth Street, N.W., and consists of approximately 20,641 square feet of land.

(c) The intended use of the Property (the “Project”) is a hotel and mixed-use residential and retail development and any ancillary uses allowed under applicable law.

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(d) The Project will also contain affordable housing as described in the term sheet submitted with this act.

(e) The Purchaser shall enter into a CBE Agreement with the District. The CBE Agreement shall require the Purchaser to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises.

(f) The Purchaser shall enter into a First Source Agreement with the District.

(g) Pursuant to 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.*) (“Act”), the proposed method of disposition is a public or private sale to the bidder providing the most benefit to the District under section 1(b)(8)(F) of the Act.

(h) All documents that are submitted with this act pursuant to section 1(b-1) of the Act shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to section 1(b-1)(2) of the Act.

**Sec. 4. Approval of disposition.**

(a) Pursuant to section 1(b) and (b-1) of the Act the Mayor transmitted to the Council a request for approval of the disposition of the Property to the Purchaser.

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

**Sec. 5. Fiscal impact statement.**

The Council adopts the fiscal impact statement of the Chief Financial Officer 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 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia