



2018 NOV 16 AM 11:02

OFFICE OF THE  
SECRETARY

MURIEL BOWSER  
MAYOR

NOV 16 2018

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

Dear Chairman Mendelson:

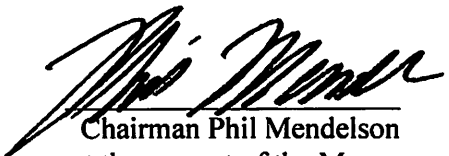
Enclosed for consideration by the Council are the "Warehousing and Storage Eminent Domain Authority Act of 2018," the "Warehousing and Storage Eminent Domain Authority Temporary Act of 2018," the "Warehousing and Storage Eminent Domain Authority Emergency Act of 2018," and the "Warehousing and Storage Eminent Domain Authority Emergency Declaration Resolution of 2018." The legislation would authorize the acquisition, through the exercise of eminent domain, of certain property located on W Street NE, for warehousing and storage purposes.

The District government has a significant need for warehousing and storage for equipment, records, property, and supplies, and the District's need nearly exceeds our current capacity at our owned facilities. The Administration has identified property located on W Street, N.E., east of Brentwood Road, N.E. as a strong site for warehousing and storage purposes. Acquisition of the property will allow the District to construct and operate a warehouse and storage facility before the District runs out of owned space for these purposes. I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,

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

Muriel Bowser

  
Chairman Phil Mendelson  
at the request of the Mayor

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A BILL

---

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

---

To authorize the Mayor to exercise eminent domain to acquire certain property located on or near W Street, N.E., for the purposes of warehousing and storage.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Warehousing and Storage Eminent Domain Authority Act of 2018”.

Sec. 2. Findings.

The Council finds that:

(1) The District government has a significant need for warehousing and storage for equipment, records, property and supplies maintained by District agencies.

(2) For example, the District government has a need to properly store and maintain government records; the equipment of agencies such as the Department of Parks and Recreation and the Department of Public Works; surplus property held by the Office of Contracting and Procurement; and emergency medical supplies for the Department of Health.

(3) The District’s need for warehousing and storage is near exceeding the District’s current capacity at its owned facilities, and there is a reduction in the supply of, and limited vacancy within, warehouse space available for lease in the District.

(4) The District has identified a site located on W Street, N.E., east of Brentwood Road, N.E. (the “W Street Site”) as a strong site for these purposes, because (a) the site allows

32 for by-right use as a warehouse and storage facility, and (b) the site is large enough to  
33 accommodate the warehouse and storage needs of numerous District agencies.

34 (5) The W Street Site is currently occupied by a private trash transfer station.

35 (6) Acquisition of the W Street Site will allow the District to construct and  
36 operate a facility or multiple facilities to warehouse and store the equipment, records, property  
37 and supplies of numerous District agencies in a District-owned facility.

38 Sec. 3. Exercise of eminent domain.

39 The Mayor may exercise eminent domain in accordance with the procedures set forth in  
40 subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code to acquire Lots  
41 36 and 41 in Square 3942 and Parcel 0143/107 for warehousing and storage purposes.

42 Sec. 4. Fiscal impact statement.

43 The Council adopts the fiscal impact statement in the committee report as the fiscal  
44 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
45 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

46 Sec. 5. Effective date.

47 This act shall take effect following approval by the Mayor (or in the event of veto by the  
48 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
49 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
50 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of  
51 Columbia Register.

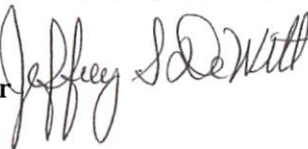
Government of the District of Columbia  
Office of the Chief Financial Officer



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:** November 15, 2018

**SUBJECT:** Fiscal Impact Statement – Warehousing and Storage Eminent Domain  
Authority Emergency Act of 2018

**REFERENCE:** Draft Bill as shared with the Office of Revenue Analysis on November 7,  
2018

---

**Conclusion**

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The bill authorizes the Mayor to exercise eminent domain authority, but does not require the Mayor to act upon the authorization. The Mayor must take additional steps to identify funding to acquire the properties if the Mayor chooses to act upon this authority.

**Background**

The bill authorizes the Mayor to use eminent domain to acquire three properties located in the District's Brentwood neighborhood to store the equipment, records, property, and supplies of multiple District agencies.<sup>1</sup> The properties are located along Brentwood Road, N.E. and W Street, N.E. where the two roads intersect and are privately owned.<sup>2</sup>

The Mayor was authorized to use eminent domain authority to acquire these properties in 2015<sup>3,4</sup> to facilitate development in the Capital Riverfront neighborhood by relocating DC Water operations

---

<sup>1</sup> Agencies in need of additional storage capacity include, but are not limited to, the Department of Parks and Recreation, the Department of Public Works, the Office of Contracting and Procurement and the Department of Health.

<sup>2</sup> The properties are known for tax assessment purposes as Square 3942, Lots 36 and 41 and Parcel 143/107.

<sup>3</sup> Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 Eminent Domain Authorization Emergency Act of 2014, effective January 13, 2015 (D.C. Act 20-584; 62 DCR 1285).

<sup>4</sup> Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 Eminent Domain Authorization Emergency Act of 2015, effective December 1, 2015 (D.C. Act 21-243; 61 DCR 17).

The Honorable Phil Mendelson

FIS: "Warehousing and Storage Eminent Domain Authority Emergency Act of 2018," Draft Bill as shared with the Office of Revenue Analysis on November 7, 2018

to the Brentwood site. The Mayor found an alternative site for DC Water and did not act upon this authorization.

### **Financial Plan Impact**

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. There are no costs associated with giving the Mayor the authority to use eminent domain to acquire these properties.

The tax year 2019 property assessments for the three properties total approximately \$4.5 million. The District will obtain private appraisals for the properties as part of the eminent domain process to determine the ultimate purchase prices, but those appraisals have not yet been completed. The Mayor has not identified funds for these purchases, but will need to do so prior to exercising the eminent domain authority.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General



ATTORNEY GENERAL  
KARL A. RACINE

Legal Counsel Division

**MEMORANDUM**

**TO:** Alana Intrieri  
Executive Director  
Office of Policy and Legislative Affairs

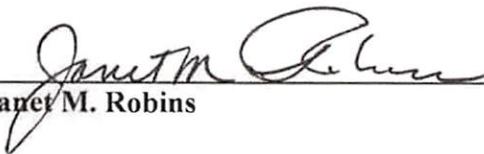
**FROM:** Janet M. Robins  
Deputy Attorney General  
Legal Counsel Division

**DATE:** November 5, 2018

**SUBJECT:** Legal Sufficiency Review of Draft Warehousing and Storage Eminent  
Domain Authority Emergency, Temporary, and Permanent Legislation  
(AE-18-572)

---

**This is to Certify that** this Office has reviewed the above-referenced draft legislation 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