

Chairman, Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To authorize, on an emergency basis, the Mayor to exercise eminent domain to acquire the real property known as East Capitol Gateway, known for tax and assessment purposes as Lot 0110 in Square 5246 and Lots 807, 808, 809, and 7000 – 7014 in Square 5273.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “East Capitol Gateway Eminent Domain Authority Emergency Act of 2022”.

Sec. 2. Findings

The Council finds that:

(1) The communities east of the Anacostia River, including the areas along the East Capitol Street corridor, are underserved for retail options, particularly regarding access to healthy food options.

(2) The collection of parcels known as East Capitol Gateway provide an ongoing opportunity to provide much needed commercial and retail activity to an underserved community.

(3) The parcels are controlled by CG Marketplace LLC (the “Joint Venture”), which is owned in equal shares by a subsidiary of the District of Columbia Housing Authority and A&R/THC Marketplace, LLC, a private developer. The Joint Venture has made no effort to continue to develop the parcels and has explicitly stated the parcels were being converted to “long-term inactivity”.

31 (4) Due to the length of the existing ground lease, these parcels could remain
32 undeveloped for a generation, exacerbating the inequitable lack of retail options for residents of
33 this part of the District of Columbia, specifically Ward 7.

34 (5) The parcels, once developed, will further many important public purposes
35 including the removal of unsafe and unsanitary conditions, reduction of the incidence of crime,
36 and the removal of garbage and other eyesores.

37 (6) The parcels, once developed, will expand economic opportunities for residents
38 of Ward 7 and their neighbors in Wards 5, 6, and 8, including much needed job opportunities.

39 (7) The development of the parcels will further aid in reducing food insecurity in
40 an underserved neighborhood and provide revitalization in an economically distressed
41 community.

42 (8) Given the lack of effort on the part of the Joint Venture, it is highly unlikely
43 that the parcels will be developed absent the involvement of the District government and without
44 the authority to exercise eminent domain by the Mayor.

45 Sec. 3. Exercise of eminent domain.

46 The Mayor is authorized to exercise eminent domain in accordance with the procedures
47 set forth in subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code to
48 acquire the real property known as East Capitol Gateway, known for tax and assessment
49 purposes as Lot 0110 in Square 5246 and Lots 807, 808, 809, and 7000 – 7014 in Square 5273
50 for the purpose of redeveloping the East Capitol Gateway site in order to achieve the public
51 purposes set forth in section 2 of this Act.

52 Sec. 4. Fiscal impact statement.

53 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
54 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
55 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

56 Sec. 5. Effective date.

57 This act shall take effect following the approval by the Mayor (or in the event of veto by
58 the Mayor, action by the Council to override the veto), and shall remain in effect for no longer
59 than 90 days, as provided for emergency acts of the Council of the District of Columbia in
60 section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
61 Stat. 788; D.C. Official Code § 1-204.12(a)).