

Moreland Street Closure Project
c/o John Hurvitz
5649 Moreland Street, NW
Washington, DC 20015

May 8, 2021

Joseph Snider, Surveyor of the District of Columbia
Office of the Surveyor,
Department of Consumer and Regulatory Affairs
1100 4th Street, NW
Washington, DC 20024

Dear Mr. Snider

We respectfully request that the District (1) close the unimproved portion of Moreland Street, NW (the "Paper Road") and return the underlying property to the adjacent owners in accordance with the attached plat prepared by the Surveyor of the District of Columbia in 1953, and (2) remove the Building Restriction Line (BRL) that encumbers Square 2307 Lot 31, as they no longer serve any purpose and, in the case of the BRL, no other lot along the Paper Road is subject to a Building Restriction Line.

While the Paper Road is listed as a street, it is more akin to an alley—it runs behind (and in one case, beside) the adjacent properties, all of which are served by other established existing streets. It dead ends at a private residence and does not connect any streets, schools, businesses or public properties. There is no lighting or other improvements along the Paper Road. Indeed, it is mostly fenced in by adjacent property owners or covered in impenetrable bamboo and in some areas used for waste disposal. Closing the Paper Road and returning it to the adjacent homeowners (as was approved, but never completed, in 1953), would improve the stewardship of the land and increase the tax base for the City.

Broad Support from the Neighbors

The closure has broad support from the neighbors and, indeed, only two of the property owners along the roadway have not signed the attached form. Each already has fenced in and privately uses the portion of the Paper Road that abuts their property (in one case significantly more than they would receive were the Paper Road to be closed) and each has indicated that they simply wish to maintain the status quo (and one has expressed a concern that they would have to pay property taxes on land that they already use and control). We have reached out to each of the neighbors along the Paper Road in a process that has lasted well over a year (we only have not been able to get a response from the Foundation for the Epstein Munch Collection, which owns the property at the Paper Road's end). No

one has expressed any interest in seeing the Paper Road surfaced or otherwise used for public purposes.

Closure of the Paper Road

In March 1953, the District, through the Commission (the predecessor to the Council), approved the closure of the Paper Road (Attachment A). The Surveyor noted that it was "not needed by the District for street purposes" (Attachment B) and the action was supported by the National Capital Planning Commission (Attachment C) as well as the various agencies of the District of Columbia, including the Director of Highways and the Director of Planning (Attachment D). It appears the road was never formally closed because one adjacent property owner (Parcel 61/50, now Square 2307, Lot 30) objected on the ground that his property would have been landlocked (Attachment E). That is no longer an issue because (1) Moreland Street, NW has since been extended to service the lot in question and (2) all of the other lots that abut the Paper Road are now serviced by other existing roadways (Attachment F).

Moreover, the arguments in favor of closing the Paper Road have only been strengthened since then:

First, Moreland Place, NW has since been created to provide additional access to Square 2307. The lots comprising the Squares that are adjacent to the Paper Road (2307, 2308 and 2314) are now serviced by 4 streets—McKinley Place, McKinley Street, Moreland Place and the existing extension of Moreland Street (the "Extension") (Attachment F). There is no need for the construction of a further street in this area, which would displace a green space with unneeded additional blacktop that would only serve to generate a heat sink and create additional run off, thereby further deteriorating the environment. A recent National Geographic article noted that the area surrounding Moreland Street was ten degrees cooler than downtown DC in large part because of the lack of roadways and other heat sinks in the area (see attached article).

Second, the Paper Road does not continue to Oregon Street. Extending Moreland Street would require the condemnation of private property. As such, the unimproved portion of Moreland Street does not go anywhere. If improved, it would simply run through the backyards of the adjacent homeowners and dead end. As noted above, each of the lots adjacent to the unimproved portion of Moreland Street is serviced by an existing road (Lots 11-13 of Square 2307 front Moreland Place, Lots 5 and 6 of Square 2308 front McKinley Street, Lots 1 and 18 of Square 2314 front McKinley Place, Lot 800 of Square 2308 fronts Oregon Avenue and Lot 31 of Square 2307 fronts the Extension), so the Paper Road serves no purpose.

Third, since 1953, the adjacent roadways have been significantly improved and expanded. Both Utah and Oregon connect Nebraska and Military, and Northampton connects Oregon and Utah. Moreover, Moreland could not reasonably serve as a connecting street because the Extension is only a single-lane street and Lot 32 of Square 2308 extends into and partly blocks the Extension so that it does not line up with Moreland Street. To access the Extension from Moreland Street you must make a quick right turn then a left turn. There is no need for Moreland Street to extend to Oregon and doing so would not only create a hardship for the residents but would create an unsafe roadway.

Fourth, as reflected in the attached map from the DC Atlas (Attachment G), the topography of the land on the Paper Road does not support a roadway. There are 20-foot contour lines crisscrossing the Paper Road and the breaklines both bisect and cross the Paper Road. We have consulted with the CAS Engineering and have been advised that the topography of the Paper Road does not support a roadway (Attachment H).

Fifth, even though many of the homeowners adjacent to the Paper Road have cared for the property as if it were their own for the last half century or longer, there are portions of the land that are not cared for and are overrun with invasive bamboo and that are being used for dumping (Attachment I). The trash creates the possibility of toxic run off and, despite many of our efforts to eradicate the bamboo in our own yards, the bamboo remaining on the Paper Road renders this effort futile. In addition, there are invasive vines growing unchecked along the Paper Road, which are choking and killing the mature trees (Attachment M). Indeed, a number of large trees have died along the Paper Road, which threaten surrounding homes. Ceding the property to the adjacent homeowners would encourage stewardship of the land and would reduce the burden on the District of having to maintain land that is presently of no use to the city.

Sixth, returning the property to the adjacent homeowners would generate additional taxable property, which would result in added tax revenue for the City.

Last, the run off from the Extension floods Lot 31 of Square 2307 (Lot 31) and Lot 1 of Square 2314 (Attachment J). Whenever it rains, Lot 31 floods from the water flowing from the Extension, resulting in a river running behind the home and inches of standing water in the yard, which remains for days. Even when the water abates, the yard remains filled with mud and algae, which forms a breeding ground for mosquitoes and other insects. As a result, the homeowners of Lot 31 are unable to use their yard. They have explored options to manage the water and would like to do so through an environmentally friendly containment and filtration system;

however, they cannot do so because the land where the run off enters their property (the end of the Extension) is controlled by the District and, as discussed below, because their land is encumbered by a Building Restriction Line that serves no purpose.

Removal of the Building Restriction Line on Lot 31, Square 2307 (Lot 31)

Regardless of whether the Paper Road is closed, we would ask that the District remove the Building Restriction Line that encumbers Lot 31 and return to the owners of Lot 31 the sliver of the lot that was dedicated to the District in 1961 for purposes of expanding the unimproved portion of Moreland Street (the "Sliver") (Attachment K). As noted above, the Paper Road no longer serves any purpose and the topography of the Paper Road does not support any further extension of Moreland Street. In addition, none of the other properties that abut the Paper Road have a building restriction line (Attachment F). As such, the BRL simply ends at the back of Lot 31 and, therefore would serve no purpose even if the Paper Road were paved.

The BRL was added to the lot in 1961 when the lot was subdivided. At the time the BRL made sense because it had not then been determined how the lot would be developed or how far Moreland Street would extend. The two other lots that were part of that dedication were developed so that the homes face Moreland Street. As such, the BRL runs in front of their houses and comprises the sidewalk and a small portion of their front yard, as is the case with most BRLs in the city.

However, the BRL creates a particular hardship for Lot 31 as it runs right against the side of the home and extends through the backyard (Attachment L). This is because Moreland Street was not extended beyond the front of Lot 31 and the house on the property was developed nearly perpendicular to the dead end of Moreland Street (not facing the Paper Road). As such, the BRL no longer serves any purpose and it significantly encumbers the homeowners of Lot 31's ability to use their property.

The homeowners of Lot 31 would also like to reclaim the Sliver even if the Paper Road is not closed in its entirety. This would provide the homeowners with much needed highland above the flood zone created by the runoff from the extension and would provide additional options to manage the runoff in an environmentally responsible manner. The increased lot size would also increase the property value and thereby the tax base for the city.

However, even if the District is not willing to close the Paper Road or return the Sliver, we would ask that the BRL be removed. No other lot on the unimproved

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portion of Moreland Street appears to be subject to a BRL on the Paper Road. And, as noted, the BRL creates a significant and unique encumbrance on Lot 31.

If you have any questions, please feel free to call me at 202-744-7160. My email is johnanderica@mac.com.

Sincerely,



John Hurvitz