

February 14, 2024

**Via E-mail**

Josh Kern  
[josh@thetensquaregroup.com](mailto:josh@thetensquaregroup.com)

Re: Alley Closing Process – 5931 Utah Avenue, NW

Dear Mr. Kern:

This letter outlines the process for the official closing of a section of the public alley in Square 2319. Attached to this letter is an approximate timeline of the stages in the process of an alley closing application.

A. The Application

In order to file an alley closing application with the District of Columbia Office of the Surveyor, we will need the following documents:

1. A completed Surveyor's Office Application Form;
2. Written statement by abutting property owners in support of the application when filing for a closing without a public hearing using Form SA-1;
3. Letter that describes in detail the purpose and nature of the street or alley closing;
4. Sketch of the proposed closing;
5. \$2,750.00 filing fee, made payable to the DC Treasurer, and a hearing fee of \$1,287.00 (must be paid before hearing);
6. Retail Tenant Displacement Form;
7. First Source Employment Agreement;
8. Six sets of the site development plan with a copy of the official street, grade, map or alley grade sheet for the particular street or alley to be closed, whenever the purpose is for the following:
  - a. Assembly of property for subsequent sale
  - b. Office building
  - c. Apartment house
  - d. Condominium
  - e. Multiple building site
  - f. Commercial utilization
  - g. Industrial utilization
  - h. Church affiliated use
  - i. Educational facility
  - j. Enhancement of parking

B. The Process

The first phase of the process takes approximately 12-18 months, and the second phase takes approximately six months.

1. **Phase 1**

- a) Application filed with the D.C. Surveyor's Office.
- b) S.O. number assigned and draft street/alley closing plat prepared.
- c) Application and plans sent to all reviewing agencies:
  - (1) Office of Planning
  - (2) Department of Housing and Community Development
  - (3) Fire Department
  - (4) Solid Waste Control Division
  - (5) Water and Sewer Authority
  - (6) Department of Public Works ("DPW")
    - i. Design, Engineering and Construction Administration ("DECA") incorporates the comments of the Office of Policy and Planning and the Bureau of Traffic Services
    - ii. Department of Public Space will make referrals to utilities:
      - 1. PEPCO
      - 2. Washington Gas
      - 3. Bell Atlantic
      - 4. Cable TV
  - (7) Department of Employment Services ("DOES") may require signed First Source Employment Agreement
  - (8) National Capital Planning Commission
  - (9) The affected ANC.
  - (10) The Department of Finance and Revenue (for ownership of abutting property owners and alley assessment information)

The above agencies and utilities are required by regulation to respond to the Surveyor within 30 days; however, untimely responses are likely to occur which could delay the process.

- d) Completion of agency review. The Surveyor reviews all the reports from the agencies and prepares a letter to the Applicant asking acceptance of the various conditions.
- e) The Surveyor receives the acceptance letter from the Applicant with the \$1,287.00 hearing fee and then proceeds with the drafting of the legislation and the preparation of the alley closing packet.
  - (1) The legislation and alley closing package is reviewed by DPW then Corporation Counsel and back to the Surveyor's Office if revisions are necessary.
  - (2) The draft legislation is then sent back to DPW for transmittal to the Director of DPW who transmits it to the Director of the Office of Intergovernmental Relations ("OIR").
  - (3) Once the legislation is received by OIR it is assigned to an analyst who reviews the packet and then transmits it to the Director for signature who then transmits it to the Mayor's office through the City Administrator then to the Chief of Staff
  - (4) The Mayor then signs the legislation and sends it back to OIR. OIR refers the legislation to the City Council - Chairperson's Office, and the Chairperson of the City Council introduces the legislation for consideration by the Committee of the Whole.
- f) City Council Process.
  - (1) The Committee of the Whole schedules either a roundtable or public hearing on the application. A public hearing requires 15 days' notice. Applicant must send notice of the hearing to the abutting property owners and post the property 15 days prior to the hearing. Affidavits of posting and notice are filed with the alley closing booklets with the Committee of the Whole several days before the hearing or roundtable (copy given to the Surveyor).
  - (2) Once the roundtable/hearing process is completed, there is a vote followed by the first and second readings. The readings will occur one month apart.
  - (3) After the first reading of the proposed legislation, a draft of the covenant incorporating any conditions is sent to any agencies which require conditions to the closing and to the Office of the Corporation for review as to legal sufficiency. Covenants are not required for all alley closings.
  - (4) The legislation is sent to the Mayor for signature. Mayor has ten working days to sign the Bill or reject. Once signed the Bill becomes Act.
  - (5) The Act is sent to the City Council and then referred to the Control Board. If the Control Board does not reject the Act within seven days (or 14 days with an extension), the Council will refer the Act to Congress for legislative layover.
- g) Congressional Review.
  - (1) The Act is sent to Congress for 30-day legislative layover period.
  - (2) Legislative Services informs the Surveyor that the Bill has become an Act and the Surveyor sends notices to property owners abutting the alley to be closed giving them 30 days to object.
  - (3) Once both 30-day periods have expired, the Act becomes law.

**2. Phase 2**

a) Review and Processing of the Alley Closing Covenant.

- (1) The final executed copy of the covenant is substituted for the draft presently being reviewed by the several agencies.
- (2) Once all agencies have reviewed and approved the language in the covenant, it is reviewed by Corporation Counsel.
- (3) The covenant is then sent to the Mayor's office for review by the City Administrator and execution by the Secretary of the District of Columbia.
- (4) The executed covenant is returned to the Department of Public Works to be picked up by the applicant and recorded.
- (5) After the covenant is recorded, a Certificate of Title must be obtained and submitted to Corporation Counsel with a certified copy of the recorded covenant for final review and sign-off.

b) Surveyor's Office.

- (1) Once the covenant has been recorded and the Certificate of Title has been approved by Corporation Counsel, the alley closing plat can be recorded provided that all required deposits have been posted and other conditions enumerated in the alley closing legislation have been satisfied.
- (2) Once the plat is recorded, the alley/street is deemed closed. The applicant can then record any subdivision plat for building construction.

We do not believe that the closing of this stub alley will raise any substantive concerns and, in fact, should be fairly "easy." However, the process, as you can readily see, is extremely time consuming and costly. Clearly, these issues need to be evaluated in light of the amount of property that you will gain in the closing.

Respectfully,

*Martin P Sullivan*

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Martin P. Sullivan, Esq.