

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve, on an emergency basis, the disposition of District-owned real property, located at the northeast corner of 19th Street, S.E. and Massachusetts Avenue, S.E., and known for tax and assessment purposes as Parcels F-1 and G-1 in Square E-1112.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Hill East Redevelopment – Phase 1: Parcels F-1 and G-1 Disposition Emergency Approval Resolution of 2014”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “CBE Agreement” means an agreement 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 (D.C. Official Code § 2-218.49a).

(2) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to 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.*).

1 (3) “First Source Agreement” means an agreement with the District governing
2 certain obligations of the Purchaser or the Developer pursuant to section 4 of the First
3 Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93;
4 D.C. Official Code § 2-219.03), and Mayor’s Order 83-265 (November 9, 1983)
5 regarding job creation and employment generated as a result of the construction on the
6 Property.

7 (4) “Property” means the real property located at the northeast corner of 19th
8 Street, S.E. and Massachusetts Avenue, S.E., and known for tax and assessment purposes
9 as Parcels F-1 and G-1 in Square E-1112.

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

12 Sec. 3. Findings.

13 (a) The Developer of the Property will be Donatelli Development, with a
14 business address of 4416 East West Highway, Suite 410 Bethesda, MD 20814 and Blue
15 Skye Development, with a business address of 5101 MacArthur Boulevard, N.W.
16 Washington, DC 20016 (the “Developer”).

17 (b) The Property is located at the northeast corner of 19th Street, S.E. and
18 Massachusetts Avenue, S.E., and consists of approximately 114,042 square feet of land.

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

21 (d) The Project will contain affordable housing as described in the term sheet
22 submitted with this resolution.

1 (e) The Transferee will enter into an agreement that shall require the
2 Transferee to, at a minimum, contract with Certified Business Enterprises for at least
3 35% of the contract dollar volume of the Project, and shall require at least 20% equity
4 and 20% development participation of Certified Business Enterprises.

5 (f) The Transferee will enter into a First Source Agreement with the District
6 that shall govern certain obligations of the Transferee pursuant to D.C. Official Code § 2-
7 219.03 and Mayor’s Order 83-265 (November 9, 1983) regarding job creation and
8 employment as a result of the construction on the Property.

9 (g) Pursuant to An Act Authorizing the sale of certain real estate in the
10 District of Columbia no longer required for public purposes (“Act”), approved August 5,
11 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), the proposed method of
12 disposition is a public or private sale to the bidder providing the most benefit to the
13 District under D.C. Code § 10-801(b)(8)(F).

14 (h) All documents that are submitted with this resolution pursuant to D.C.
15 Official Code § 10-801(b-1) shall be consistent with the executed Memorandum of
16 Understanding or term sheet transmitted to the Council pursuant to D.C. Official Code §
17 10-801(b-1)(2).

18 Sec. 4. Approval of disposition.

19 (a) Pursuant to the Act the Mayor transmitted to the Council a request for
20 approval of the disposition of the Property to the Transferee.

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

22 Sec. 5. Fiscal impact statement.

1 The Council adopts the fiscal impact statement in the committee report as the
2 fiscal impact statement required by section 602 (c)(3) of the District of Columbia Home
3 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02
4 (c)(3)).

5 Sec. 6. Transmittal of resolution.

6 The Secretary to the Council shall transmit a copy of this resolution, upon its
7 adoption, to the Mayor.

8 Sec. 7. Effective date.

9 This act shall take effect following approval by the Mayor (or in the event of veto
10 by the Mayor, action by the Council to override the veto), and shall remain in effect for
11 no longer than 90 days, as provided for emergency acts of the Council of the District of
12 Columbia in section 412(a) of the District of Columbia Home Rule Act, approved
13 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).