

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to approve an amendment to the term sheet for the disposition of District-owned real property known as MLK Gateway, located at 1201-1215 Good Hope Road, S.E., known for tax and assessment purposes as Lots 1017, 847, 867, 866 and 864 in Square 5769, and at 1909, 1911, and 1913 Martin Luther King, Jr. Avenue, S.E. known for tax and assessment purposes as Lot 829 in Square 5770.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “MLK Gateway Term Sheet Amendment Emergency Declaration Resolution of 2019”.

Sec. 2. (a) The Council approved the MLK Gateway Disposition Approval Resolution of 2017, effective December 5, 2017 (D.C. Resolution 22-0310; 65 DCR 33), which was accompanied by a term sheet, dated August 31, 2017, that was executed by the Deputy Mayor for Planning and Economic Development and the proposed developer. The term sheet outlined certain terms and conditions of the disposition of real property located in Ward 8 and defined in section 2 (3) of the Resolution as the “Property.”

(b) To date, the selected development team of MLK Gateway Partner, LLC, comprised of the Menkiti Group and Enlightened, Inc. (the “Developer”), has worked

34 diligently to meet the deadlines set forth in the schedule of performance of the Land  
35 Disposition Agreement with the District.

36 (c) The Developer has pursued parallel approvals for both the historic retail  
37 storefronts with the new office addition at 1201-12-15 Good Hope Road, S.E. (the “GHR  
38 Property”) and a new office building with street-level retail at 1909 MLK Jr. Avenue,  
39 S.E. (the “MLK Property”)(collectively the “Project”).

40 (d) The Developer has recently purchased property adjacent to the proposed MLK  
41 Property which will allow for a larger and more desirable project. Because the MLK  
42 Property will now be part of a larger land assemblage, the developer has requested that  
43 the MLK Property be conveyed by a fee simple deed.

44 (e) The Developer has completed the building plans for the GHR Property and has  
45 submitted for building permits. Building plans for the MLK Property are in the process of  
46 re-design based upon the larger proposed project.

47 (f) Pursuant to section 1 of An Act Authorizing the sale of certain real estate in  
48 the District of Columbia no longer required for public purposes, approved August 5, 1939  
49 (53 Stat. 1211; D.C. Official Code § 10-801(b-4)(1)), the Mayor has submitted an  
50 amended term sheet, in redline form, that reflects certain changes related to the business  
51 terms of the transaction of the Property.

52 (g) The Developer is seeking New Market Tax Credits to support the development  
53 of the project which must be used prior to the end of Summer 2019.

54 (g) Closing of for the Property cannot occur with out Council approval of the  
55 amendments to the term sheet.

56 (h) Without immediate approval of the amendment to the term sheet by the  
57 Council, the development project will be unable to access critical financing and will be  
58 unable to move forward.

59 Sec. 3. The Council of the District of Columbia determines that the  
60 circumstances enumerated in section 2 constitute emergency circumstances making it  
61 necessary that the MLK Gateway Term Sheet Amendment Emergency Approval  
62 Resolution of 2019 be adopted on an emergency basis.

63 Sec. 4. This resolution shall take effect immediately.