

District would be warranted in constructing a sewer through the same.” In fact, there is a 15 inch sewer line that D.C. Water records show was constructed around 1937.

Research in the archived Land Records of the Recorder of Deeds, housed in the District Archives, by the DCRA General Counsel’s Office located several documents that referred to an alley on the site of these lots in Square 1230. These documents include an 1840 deed for the current lot 813 that included “also a free & general way & right of passage over the aforesaid alley in common with all others having or to have a front on the said alley ...”.

In addition, there are email records that DDOT repaved the alley in the summer of 2003 at the request of neighbors and the Office of Councilmember Evans. At this time DDOT’s alley records were not electronic and staff did not have electronic access to the surveyor’s records to determine that this was a private alley. A paper search of records in the Surveyors Office would have been the primary way for DDOT to determine this was in fact not a public alley.

To further complicate this ownership issue is a document from the Surveyors Office indicating that in 1985 there was an alley dedication to transfer ownership of this alley from private owners to the District. Apparently this alley dedication process was never completed or officially recorded. But, if DDOT had reviewed the paper files in 2003, this might have been a document they would have reviewed.

DDOT has no subsequent record of performing any maintenance in this alley and current electronic alley records indicate that this is a private alley. There is a street light in the alley but a review of DDOT’s current street light records do not show any DDOT maintained street lights in this alley. Staff have visited the alley recently and indicated that the street light pole does not appear to be a standard DDOT pole.

