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Admitted in the District of Columbia; Not Admitted in Virginia

February 4, 2010

Anthony J. Hood
Chairman
D.C. Zoning Commission
441 4th St., N.W.
Suite 200S
Washington, D.C. 20001

Re: Skyland Holdings, LLC, PUD Application, No. 09-03

Dear Mr. Hood:

I represent several property owners and tenants at the Skyland Shopping Center in Southeast Washington, D.C. This is a follow-up to my letter dated March 16, 2009.

There is a substantial question whether the District of Columbia has title to all the parcels included in this PUD application. Based on my research, I believe there is a serious shortcoming in the procedures for processing PUD applications. When an application is submitted, there is a signature line for the owner. However, there apparently is no requirement that the person submitting the application include any documentation to show ownership.

It is my understanding that other jurisdictions require proof of ownership when an application is submitted. If the application is incomplete or does not include proof of ownership, the application is not accepted for filing.

I believe that the D.C. Zoning Commission should include a requirement of proof of ownership before an application is accepted for filing. Without such proof, there is the risk of serious confusion. If the PUD application is granted based on an application by a person who does not have ownership, it is unclear what could be done to remedy that problem. Accordingly, it is imperative that ownership be supported by documentation before the application is accepted for filing.

In this case, it appears that the District has not provided documentation as to proof of ownership. A review of the Recorder of Deeds records does not show that the District

ZONING COMMISSION
District of Columbia

CASE NO. 09-03
EXHIBIT NO. 83

has ownership to all the parcels included in this application. Attached are Recorder of Deeds records for two parcels. These records do not show that the District of Columbia owns these parcels.

This uncertainty about the titles presents a risk of serious repercussions. If a title search is performed for financing or other purposes, it appears that the Recorder of Deeds records would not show that the District has title. I can only speculate as to what would happen if the District or the developers cannot get financing because of confusion about the title and the Recorder of Deeds records. As should be apparent, I believe that this is an extremely serious matter which should be addressed before the PUD application is considered on the merits.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elaine Mittleman".

Elaine Mittleman

Enclosures

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Washington DC Recorder of Deeds - Search Records

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			5632	0005	NATIONAL CAPITAL REVITALIZATION CORPORATION	NATIONAL CAPITAL BANK OF WASHINGTON	2007033567	3/9/2007	GENERAL	JUDGMENT	
			5632	0005	DISTRICT TLC TRUST 1996	DISTRICT OF COLUMBIA	2002107095	9/16/2002	LAND	RELEASE OF LIEN	

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			P0214	0189	NATIONAL CAPITAL REVITALIZATION CORPORATION	OH KI SO	2007033556	3/9/2007	LAND	ORDER	
			P0214	0189	OH KI SO	COMMUNITY BANK OF NORTHERN VIRGINIA	2004062194	5/5/2004	LAND	FIN STMT TERMINATION	
			P0214	0189	COMMUNITY BANK OF NORTHERN VIRGINIA	OH KI SO	2004054404	4/20/2004	LAND	DEED RELEASE	
			P0214	0189	OH DUK HEA	COMMUNITY BANK OF NORTHERN VIRGINIA	2004017865	2/9/2004	GENERAL	FINANCING STATEMENT	
			P0214	0189	OH DUK HEA	RAGLAND GEORGE H JR	9800058530	7/27/1998	LAND	TRUST	1172 705
			P0214	0189	OH DUK HEA	COMMUNITY BANK NORTHERN	9800058539	7/27/1998	LAND	FINANCING STATEMENT	1172 715
			P0214	0189	SEO TILE MARBLE	OH DOK KEA	9800012989	7/24/1998	GENERAL	DEED RELEASE	423 513
			P0214	0189	SEO TITLE MARBLE	OH DOK KEA	9700015460	9/22/1997	GENERAL	NOTICE OF MECH LIEN	422 1240
			P0214	0189	CHASEN RONALD L	OH DUK HEA	9000025692	5/2/1990	LAND	REL	433 749
			P0214	0189	CURTIS JOSEPH L	DIXON COLEASE P	9000008150	2/8/1990	LAND	REL	410 600
			P0214	0189	HUGHES LOTTIE W	COBB JAMES W	9000008151	2/8/1990	LAND	APPT SUBSTITUTE TRST	412 601
			P0214	0189	COBB JAMES W	HUGHES LOTTIE W	9000008152	2/8/1990	LAND	REL	412 602
			P0214	0189	C P D ENTERPRISES INC	OH DUK HEA	9000006975	2/2/1990	LAND	DEED	411 367
			P0214	0189	OH DUK HEA	CHASEN RONALD L	9000006976	2/2/1990	LAND	TRUST	411 368
			P0214	0189	JOSUE CORPORATION	MACQUEEN JAMES F	9000001610	1/9/1990	LAND	APPT SUBSTITUTE TRST	434 700
			P0214	0189	MACQUEEN JAMES F	JOSUE CORPORATION	9000001611	1/9/1990	LAND	REL	434 701
			P0214	0189	RUPPERT JOHN M	C P D ENTERPRISES INC	8900067112	12/1/1989	LAND	TRUSTEES DEED	435 412
			P0214	0189	C P D ENTERPRISES INC	CURTIS JOSEPH L	8900067113	12/1/1989	LAND	TRUST	435 413
			P0214	0189	CURTIS JOSEPH	MACQUEEN JAMES F	8900067118	12/1/1989	LAND	APPT SUBSTITUTE TRST	435 416
			P0214	0189	MACQUEEN JAMES F	JOSUE CORPORATION	8900067117	12/1/1989	LAND	REL	435 417
			P0214	0189	CAPITAL CITY MORTGAGE CO	JOSUE CORPORATION	8900050591	9/1/1989	LAND	NOTICE FORECLO SALE	434 775

	☐	P0214	0189	JOSUE CORPORATION	DIXON DANNY	8900043353	7/26/1989	LAND	TRUST	 278
	☐	P0214	0189	CAPITAL CITY CORPORATION	JOSUE CORPORATION	8900029320	5/25/1989	LAND	NOTICE FORECLO SALE	 850
	☐	P0214	0189	CAPITAL CITY CORP	JOSUE CORP	8900016848	3/27/1989	LAND	NOTICE FORECLO SALE	 450
	☐	P0214	0189	CAPITAL CITY CORPORATION	JOSUE CORPORATION	8800071276	12/19/1988	LAND	NOTICE FORECLO SALE	 452

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