COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 10-186

Rec'd.
FEB 23 2000

"Roadway, Alley and Sidewalk Improvement Act of 1994".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 10-295 on first and second readings, June 21, 1994 and July 5, 1994, respectively. Following the signature of the Mayor on July 26, 1994, this legislation was assigned Act No. 10-312, and published in the August 5, 1994, edition of the D.C. Register (Vol.41 page 5225) and transmitted to Congress on August 1, 1994 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-186 effective September 24, 1994.

DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

August 1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22,23,24,25,26

September 12,13,14,15,16,19,20,21,22,23

BZA
CASE No. 16531
EXHIBIT No. 40

Board of Zoning Adjustment
District of Columbia
CASE NO.16531
EXHIBIT NO.40

Enrolled Original

Codification
District of Columbia Code
1995 Supplement

AN ACT

D.C. ACT 10-312

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 26, 1994

To exempt low assessment home owners, entities exempt from the real property tax, and all real property owners (when the Mayor determines that the health and safety of the public is at risk) from the requirement of depositing funds, or paying any of the cost for the improvement of streets, avenues, roads, or alleys abutting their property or the construction of curbs, gutters, sewers, and sidewalks on the streets, avenues, roads, or alleys, and to require the Mayor to submit to the Council a 5-year plan for the improvement of all unimproved streets, avenues, roads, and alleys and the construction of curbs, gutters, sewers, and sidewalks thereon in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Roadway, Alley and Sidewalk Improvement Act of 1994".

New Section 7-640, Note Section 47-1002

Sec. 2. (a) Notwithstanding any other provision of law, owners of property abutting streets, avenues, roads, or alleys to be improved, or to have curbs, gutters, sewers, or sidewalks constructed thereon, shall not be required to make any deposit, nor shall the abutting property be assessed any part of the cost, for the improvement of the streets, avenues, roads, or alleys, or the construction of curbs, gutters, sewers, or sidewalks if the following conditions exist:

(1) The abutting property is Class 1 Property; and

(2) The abutting Class 1 Property, as evidenced by the most current certificates of tax assessment, is less than 80% of the median assessed value of all Class 1 real property in the District as reported by the Mayor; or

(3) The real property is exempt from the real property tax in the District pursuant to section 1 of An Act To define real property exempt from taxation in the District of Columbia, approved December 24, 1942 (56 Stat. 1089; D.C. Code § 47-1002); or

(4) The Mayor determines that circumstances exist that threaten the health and safety of the public and that improvement of the streets, avenues, roads, and alleys, or the construction of curbs, gutters, sewers, or sidewalks thereon, is necessary to protect the health and safety of the public.

(b) The Mayor has sole discretion in the determination of which streets, avenues, roads, and alleys are to be improved, or which streets, avenues, roads, and alleys are to have curbs, gutters, sewers, or

sidewalks constructed thereon where the exemption in subsection (a) of this section would be granted to owners of abutting property.

Sec. 3. Within 6 months of the effective date of this act, the Mayor shall submit to the Council a 5-year plan for the improvement of all unimproved streets, avenues, roads, and alleys and the construction of curbs, gutters, sewers, and sidewalks thereon in the District.

Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED: July 26, 1994

COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 10-295

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted First Reading, 6-21-94

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: Barry, Lightfoot and Smith

☐ ROLL CALL VOTE — RESULT: _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council — July 12, 1994 Date

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted Final Reading, 7-5-94

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: Brazil and Thomas

☐ ROLL CALL VOTE — RESULT: _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council — July 12, 1994 Date

☐ Item on Consent Calendar

☐ ACTION & DATE: _____

☐ VOICE VOTE: _____

Recorded vote on request

Absent: _____

☐ ROLL CALL VOTE — RESULT: _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council — Date