T. RODNEY OPPMANN
ATTORNEY AT LAW

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1701 PRESTON ROAD
ALEXANDRIA, VIRGINIA 22302

RECEIVED
D.C. OFFICE OF ZONING
03 MAR 20 PM 5:00

March 20, 2003

F A X C O V E R S H E E T

TO: DISTRICT OF COLUMBIA ZONING OFFICE FAX (202) 727-6072 VOICE 202-727-6311

ATTN: Mr. Alberto Bastida

RE: Case No. 02-42 --- The Municipal Fish Wharf EXHIBIT NO. 27

FAXED: This Cover Sheet + 4 pages = 5 pages, total.

MESSAGE:

Dear Mr. Bastida:

Per our telephone conversation of today, faxed herewith is a revised page -2- to the written Testimony which I submitted as part of my appearance before the Zoning Commission at last Thursday's hearing on Case No. 02-42.

Please review it and contact me if you or the Office of Corporation Counsel have any questions.

Again, thank you for your assistance in discussing this matter today, so that I would make this resubmission.

T. Rodney Oppmann

ZONING COMMISSION
District of Columbia
Case 02-4
Exhibit 46

ZONING COMMISSION
District of Columbia
CASE NO.02-42
EXHIBIT NO.46

II. REQUEST FOR WRITTEN CONFIRMATION FROM EITHER THE ZONING COMMISSION OR THE DISTRICT OF COLUMBIA'S OFFICE OF CORPORATION COUNSEL THAT EVEN IF THE W-O OPEN SPACE ZONE TEXT CHANGE WHICH THE DISTRICT'S OFFICE OF PLANNING SEEKS IN ITS PETITION IN CASE NO. 02-42 WERE APPROVED BY THE ZONING COMMISSION, SUCH A TEXT CHANGE COULD NOT BE APPLIED TO OR OTHERWISE ENFORCED WITH RESPECT TO THE REAL PROPERTY KNOWN AS THE MUNICIPAL FISH WHARF, WHICH REAL PROPERTY IS ALSO DESCRIBED IN THE LAND RECORDS OF THE DISTRICT OF COLUMBIA AS LOTS 846 AND 847 IN SQUARE 473, BECAUSE OF THE FACT THAT TITLE TO THIS REAL PROPERTY VESTS IN THE UNITED STATES OF AMERICA.

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1. Faxed herewith is a copy of the Act of the 62nd Congress by which, on March 4, 1913, the Municipal Fish Wharf was established.

2. Also faxed herewith is a copy of two (2) pages of U. S. House of Representatives Report 102-899, in which Congress reiterates its strong interest in preserving the Municipal Fish Wharf.

3. Because of the fact that the Municipal Fish Wharf is a public, municipal wharf and is not being used for private purposes, which public use is consistent with the intent of Congress in designating this real property as a fish wharf, therefore, on behalf of the current fishmongers who conduct their businesses under leases with the United States of America at this site, it is respectfully requested that the Zoning Commission or the Office of Corporation Counsel write a very brief letter confirming that even if the W-O Open Space Zoning text change is approved, nonetheless, it can not be utilized to affect or otherwise change the zoning status of the real property at the Municipal Fish Wharf, because of the fact that this is federal property. Please send such written confirmation to these fishmonger lessees as follows: Municipal Fish Wharf Lessees, c/o T. Rodney Oppmann, Attorney at Law, 1701 Preston Road, Alexandria, VA 22302-2126.

4. Thank you.

Respectfully submitted,

T. Rodney Oppmann
D. C. Bar No. 148338
(703) 998-1717

Attachments: as cited..

TRO/am

NOTE

are authorized to charge hereafter not to exceed 20 cents per day for each space in accordance with the provisions of the aforesaid Act.

Eastern market.

EASTERN MARKET: Laborer for cleaning sidewalk and street where used for market purposes (farmers' market), $300.

Western market.

WESTERN MARKET: Laborer for cleaning sidewalk and street where used for market purposes (farmers' market), $300.

Fish wharf and market.

FISH WHARF AND MARKET: Market master and wharfinger, who shall have charge of the landing of vessels, the collection of wharfage and dockage rentals, and the collection of rents for fish houses at the municipal fish wharf and market hereinafter established, for not exceeding sixteen months at the rate of $75 per month, beginning March first, nineteen hundred and thirteen, $1,200; assistant market master, who shall also act as laborer, for the same period, at the rate of $50 per month, not exceeding $800; in all, $2,000, to be immediately available; and the Commissioners of the District of Columbia are authorized and directed in the name of the District of Columbia to take over, exclusively control, regulate, and operate as a municipal fish wharf and market, the water frontage on the Potomac River lying south of Water Street, between Eleventh and Twelfth Streets, including the buildings and wharves thereon, and said wharf shall constitute the sole wharf for the landing of fish and oysters for sale in the District of Columbia; and said commissioners shall have power to make leases, fix and determine rentals, wharfage and dockage fees, and to collect and pay the same into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia, and to make and amend, from time to time, all such regulations as they may deem proper for the control, regulation, and operation of said municipal fish wharf and market; and all leases, subleases, and other private rights of occupancy in and to any or all of said property are terminated on, from, and after March fifteenth, nineteen hundred and thirteen; and all laws and parts of laws requiring the advertisement and sale of rights and privileges for a fish wharf or dock, and all laws or parts of laws inconsistent with the provisions hereof are repealed.

Operation, etc., by Commissioners.

Leases, fees, etc.

Deposit of moneys.

Terminations of present leases, etc.

Repeal of inconsistent laws. Vol. 31, p. 53.

OFFICE OF SUPERINTENDENT OF WEIGHTS, MEASURES, AND MARKETS: Superintendent, $2,500; two assistants, at $1,200 each; clerk, $1,200; laborer, $480; in all, $5,580.

Superintendent of weights, measures, and markets.

For the purchase of small quantities of groceries, meats, and provisions, and so forth, in connection with the investigation and detection of sales of short weight and measure, $50.

Purchase for investigations.

ENGINEER COMMISSIONER'S OFFICE: Engineer of highways, $3,000; engineer of bridges, $2,250; superintendent of streets, $2,000; superintendent of suburban roads, $2,000; superintendent of sewers, $3,300; inspector of asphalts and cements, $2,400 (*Provided*, That the inspector of asphalts and cements shall not receive or accept compensation of any kind from, or perform any work or render any services of a character required of him officially by the District of Columbia to, any person, firm, corporation, or municipality other than the District of Columbia); assistant inspector of asphalts and cements, $1,500; superintendent of trees and parkings, $2,000; assistant superintendent of trees and parkings, $1,200; assistant engineers—one $2,200, one $2,100, four at $1,800 each, two at $1,600 each, four at $1,500 each, one $1,350, one $1,200; transitmen—two at $1,200 each, one $1,050; rodmen—four at $900 each, eight at $780 each; twelve chainmen, at $650 each; draftsmen—one $1,500, one $1,350, two at $1,200 each, one $1,050; general inspector of sewers, $1,300; inspector of sewers, $1,200; bridge inspector, $1,200; inspectors—two at $1,500 each, six, including three inspectors of streets, at $1,200 each, one $1,000, one $900; foremen—twelve at $1,200 each, one $1,050, ten at $900 each; foreman, Rock Creek

Engineer Commissioner's office.

Engineers, superintendents, etc.

Inspector asphalts, restrictions.

Assistant engineers, etc.

Inspectors, etc.

102D CONGRESS 2d Session | HOUSE OF REPRESENTATIVES | REPORT 102-899

MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART AGAINST THE REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1993, AND FOR OTHER PURPOSES

SEPTEMBER 23, 1992.—Ordered to be printed

Mr. DIXON, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 5517]

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5517) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 6, 8, 9, 12, and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 20, 21, 22, and 25, and agree to the same.

The committee of conference report in disagreement amendments numbered 4, 5, 7, 10, 14, 15, 16, 17, 18, 19, 23, 24, 26, 27, and 28.

JULIAN C. DIXON,
WILLIAM H. NATCHER,
LOUIS STOKES,
MARTIN OLAV SABO,
LES AUCOIN,
BERNARD J. DWYER,
JAMIE L. WHITTEN,
DEAN A. GALLO,
RALPH REGULA,
TOM DELAY,
JOSEPH M. MCDADE,
Managers on the Part of the House.

BROCK ADAMS,
WYCHE FOWLER, JR.,
J. ROBERT KERREY,

priations of the House of Representatives and the Senate for an extension of the date set forth in the statute.

MUNICIPAL FISH WHARF

The conferees reiterate their strong interest in preserving the Municipal Fish Wharf as the oldest open-air fresh seafood retail market on the East Coast of the United States. The conferees have received testimony concerning a study undertaken to examine a redevelopment plan for the Wharf. The conferees request a report by January 1, 1993, with respect to any redevelopment plan proposed by the District government. The report should outline the physical features and cost of the proposed development plan, the metes and bounds of the Wharf real property along the Potomac River between 11th and 12th Streets, S.W., as established by the 62nd Congress in 1913, and should also outline the plans and time lines for (1) meeting environmental impact statement requirements, (2) seeking financing of the project, and (3) obtaining waivers necessitated by the involvement of the Army Corps of Engineers, the Coast Guard or other District of Columbia or Federal entities. This report should outline a realistic time line for concluding the project, including any Federal, District of Columbia, Redevelopment Land Agency, or other requirements for public comments or hearings.

TITLE I

FISCAL YEAR 1993 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

Amendment No. 1: Deletes language proposed by the Senate that would have delayed until October 1, 1993, the availability of $26,035,000 together with interest of $1,992,000 for the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds. By deleting the proposed language, the full appropriation of $52,070,000 requested in the President's budget will become available in fiscal year 1993 as proposed by the House.

FEDERAL CONTRIBUTION FOR CRIME AND YOUTH INITIATIVES

Amendment No. 2: Restores language proposed by the House and stricken by the Senate that requires the District to submit a detailed plan for approval by the House and Senate Committees on Appropriations prior to the obligation of funds appropriated under this heading and deletes language proposed by the Senate which would have required the Mayor to submit a detailed plan concurrently with making the funds appropriated under this heading available for obligation. The amendment also deletes language proposed by the Senate that would have prohibited the use of funds in this Act to implement or enforce D.C. Act 9-188, the District's Health Care Benefits Expansion Act of 1992, or any system of registration of unmarried cohabiting couples whether they are homosexual, lesbian, or heterosexual.