

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To require the Mayor to make repairs to the O Street Wall using funds which have been allocated for these repairs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "O Street Wall Restoration Temporary Act of 1999".

Sec. 2. (a) The Mayor shall use the funds previously budgeted for FY 1999 to design and reconstruct or otherwise repair portions of the retaining wall commonly known as the O Street Wall ("Wall"), located in Square S-5542, S.E., and to take remedial actions and make other improvements to address the threat of soil erosion and sedimentation in Square S-5542, S.E.

(b) The remedial action and improvements which the Mayor shall undertake include the following:

- (1) Replacing the tie backs;
- (2) Designing and installing a drainage system;
- (3) Repairing the retaining structures on or adjacent to private properties ;
- (4) Repairing water drainage and diversion systems;
- (5) Shoring up portions of the Wall or otherwise enhancing lateral support; and
- (6) Slope terracing, slope benching, landfill treatments, and landscaping

treatments.

(c) The Mayor shall take reasonably necessary protective measures to preserve public health and safety, including the temporary relocation of any persons legally occupying property affected by the repair work, if temporary relocation is necessary for the Mayor to proceed with the design and reconstruction of the Wall.

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Sec. 3. The Mayor is authorized to prohibit activities in Square S-5542, S.E., which may contribute to the soil erosion and sedimentation problems in Square S-5542, S.E., including: landfill treatments; water diversions; and construction.

Sec. 4. The Mayor is authorized to enter onto private property for purposes of carrying out the provisions of this act. The entry, pursuant to this act, shall be reasonable in time and manner, and shall be permitted only after the provision of 2 weeks written notice to affected property owners, unless the property owners give prior written consent.

Sec. 5. The Mayor is authorized to inspect the Wall repaired pursuant to this act, perform routine and non-routine maintenance, and make necessary future repairs.

Sec. 6. No claim or right of relief for any repair, reconstruction, or other remedial action undertaken by the Mayor pursuant to this act is created by this act. Nor does this act establish any obligation on the part of the District of Columbia to take any further action, temporary or permanent, to address the issue of soil erosion and sedimentation in Square S-5542, S.E.

Sec. 7. Fiscal impact statement.

The Chief Financial Officer of the District of Columbia has identified \$3,576,000, which is currently available to be used for the purposes described in section 2, without impairment of any other functions of the District government. These funds were originally included in the fiscal year 1999 budget. Accordingly, the fiscal impact of this bill is expected to be de minimis.

Sec. 8. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule

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Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia