

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 10.
PARKS, PUBLIC BUILDINGS, GROUNDS,
AND SPACE.

CHAPTER 18.
WATERFRONT PARK AT THE YARDS.

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CHAPTER 18. WATERFRONT PARK AT THE YARDS.

§ 10-1801. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Chief Financial Officer" means the Chief Financial Officer established pursuant to § 1-204.24a.
- (2) "Contribution period" means the period of time beginning on July 1, 2012, and ending on June 30, 2017.
- (3) "CPI" means the "Consumer Price Index-all items CPIU (1996=100) Washington-Baltimore, DC-MD-VA-WV," or any successor index, as published by the United States Department of Labor, Bureau of Labor Statistics, or any successor agency.
- (4) "Maintenance Agreement" means a Waterfront Park Maintenance and Programming Agreement by and among the District of Columbia, Forest City SEFC, LLC, and the Capitol Riverfront Business Improvement District.
- (5) "Project Developer" means Forest city SEFC, LLC, a District of Columbia limited liability company, its successors, or assigns.
- (6) "Sales tax revenue" means the revenue resulting from the imposition of the tax under Chapters 20 and 22 of Title 47, including penalty and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Fund established pursuant to § 10-1202.08.
- (7) "Waterfront Park" means the approximately 5 acres located south of Water Street, S.E., between 2nd Street, S.E., and 4th Street, S.E., that are to be constructed for use as a public park.
- (8) "Waterfront Park Benefit District" means the special assessment district established by § 47-895.22.
- (9) "Waterfront Park Retail Area" means the real property known for tax and assessment purposes as Lots 803, 804, 805, and 806, Square 771.
- (10) "Waterfront Park Special Assessment" means the special assessment imposed by § 47-895.23.

(Mar. 3, 2010, D.C. Law 18-105, § 2, 57 DCR 11.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 18-105, the "Waterfront Park at the Yards Act of 2009", was introduced in Council and assigned Bill No. 18-299, which was referred to the Committee on Finance and Revenue. The bill was adopted on first and second readings on November 3, 2009, and December 1, 2009, respectively. Signed by the Mayor on December 18, 2009, it was assigned Act No. 18-243 and transmitted to both Houses of Congress for its review. D.C. Law 18-105 became effective on March 3, 2010.

§ 10-1802. AUTHORIZATION OF MAINTENANCE AGREEMENT.

(a) Notwithstanding any other provision of law, the Mayor may enter into the Maintenance Agreement, and any amendments or supplements to the Maintenance Agreement, if the Maintenance Agreement provides that the Project Developer shall:

- (1) Pay and file its monthly District of Columbia sales and use tax returns for taxes attributable to the Waterfront Park Retail Area by electronic means, separate from any parent, subsidiary, affiliate, umbrella business organization, or other taxable entity or space of the Project Developer, and in a manner consistent with the instructions of the Office of Tax and Revenue;
- (2) Through lease arrangements or other means, obtain the written agreement of all tenants and vendors within the Waterfront Park Retail Area to pay and file their monthly District of Columbia sales

and use taxes attributable to the Waterfront Park Retail Area by electronic means, separate and apart from any parent, subsidiary, affiliate, umbrella business organization, or other taxable entity or space of the tenant or vendor; and

(3) File with the Recorder of Deeds a consent to the levy of the special assessment imposed by subchapter VII of Chapter 8 of Title 47.

(b) Chapter 3A of Title 2 shall not apply to the Maintenance Agreement.

(Mar. 3, 2010, D.C. Law 18-105, § 3, 57 DCR 11; Sept. 26, 2012, D.C. Law 19-171, § 225, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171, in subsec. (b), substituted "Chapter 3A of Title 2" for "Unit A of Chapter 3 of this title".

Legislative History of Laws

For Law 18-105, see notes following § 10-1801.

For history of Law 19-171, see notes under § 10-551.02.

§ 10-1803. CREATION OF THE WATERFRONT PARK MAINTENANCE FUND.

(a) There is established as a nonlapsing fund the Waterfront Park Maintenance Fund ("Fund"), which shall be used solely to pay the expenses of maintaining, operating, and improving the Waterfront Park and the expenses of events held in the Waterfront Park. The Chief Financial Officer shall deposit into the Waterfront Park Maintenance Fund the sales tax revenues attributable to the Waterfront Park Retail Area, revenue from the Waterfront Park Special Assessment, proceeds from the sale of the Anacostia Waterfront Corporation PILOT Revenue Bonds (Anacostia DOT Waterfront Projects) Series 2007 ("PILOT Bond Proceeds") that are designated by the Mayor from the portion of the PILOT Bond Proceeds set aside for the Waterfront Park, and any income generated by the naming rights to the Waterfront Park into the Waterfront Park Maintenance Fund.

(b) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(Mar. 3, 2010, D.C. Law 18-105, § 4, 57 DCR 11.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 18-105, see notes following § 10-1801.

§ 10-1804. ALLOCATION OF SALES TAX REVENUE ATTRIBUTABLE TO THE WATERFRONT PARK RETAIL AREA.

During the contribution period, the sales and use tax revenue attributable to the Waterfront Park Retail Area shall be allocated and deposited into the Waterfront Park Maintenance Fund in the following amounts:

(1) In the 12-month period beginning July 1, 2012, \$380,000;

(2) In each 12-month period beginning on each July 1 thereafter that is within the contribution period, an amount equal to \$380,000, increased by the increase in the CPI during the period from July 1, 2012, to the beginning of that 12-month period.

(Mar. 3, 2010, D.C. Law 18-105, § 5, 57 DCR 11; Sept. 26, 2012, D.C. Law 19-171, § 74, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171 validated a previously made technical correction.

Legislative History of Laws

For Law 18-105, see notes following § 10-1801.

For history of Law 19-171, see notes under § 10-551.02.

§ 10-1805. NAMING RIGHTS FOR THE WATERFRONT PARK.

(a) The provisions of subchapter IV of Unit A of Chapter 2 of Title 9 shall not apply to the Waterfront Park.

(b) The authority to sell the naming rights for the Waterfront Park, including the right to sell the naming rights for portions of the Waterfront Park, is assigned to Forest City SEFC, LLC; provided, that:

(1) The name of the park shall be subject to the approval of the Mayor;

(2) Forest City SEFC, LLC, shall transfer all income generated from the naming of the Waterfront Park to the District; and

(3) All income transferred to the District pursuant to paragraph (2) of this subsection shall be deposited into the Waterfront Park Maintenance Fund.

(Mar. 3, 2010, D.C. Law 18-105, § 6, 57 DCR 11.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) additions, see §§ 2 to 6 of the Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Emergency Approval Act of 2012 (D.C. Act 19-393, July 18, 2012, 59 DCR 8690).

For temporary (90 day) additions, see §§ 2 to 6 of the Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Congressional Review Emergency Approval Act of 2012 (D.C. Act 19-528, November 2, 2012, 59 DCR 13325).

Legislative History of Laws

For Law 18-105, see notes following § 10-1801.