

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 16.**  
**PARTICULAR ACTIONS, PROCEEDINGS**  
**AND MATTERS.**

**CHAPTER 13.**  
**EMINENT DOMAIN.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 13. EMINENT DOMAIN.

---

### TABLE OF CONTENTS

---

#### **Subchapter I. General Provisions.**

---

- § 16-1301. Jurisdiction of District Court.
- § 16-1302. Assignment of judge for condemnation cases.
- § 16-1303. Jurisdiction of Superior Court.

#### **Subchapter II. Real Property for District of Columbia.**

---

- § 16-1311. Condemnation proceedings by District of Columbia.
- § 16-1312. Juries for condemnation proceedings.
- § 16-1313. Selection of jury; oath of jurors.
- § 16-1314. Declaration of taking; contents; deposit; transfer of title; determination; interest.
- § 16-1315. Distribution of money deposited on declaration of taking; judgment for deficiency or overpayment; execution.
- § 16-1316. Time for surrender of possession under declaration of taking; adjustment of charges.
- § 16-1317. Objections to jurors; appraisalment.
- § 16-1318. Objections or exceptions to appraisalment; new jury.
- § 16-1319. Payment of award; transfer of title.
- § 16-1320. Fixing time for return of verdict.
- § 16-1321. Abandonment of proceedings; liability.

#### **Subchapter III. Excess Property for Development of Seat of Government.**

---

- § 16-1331. Acquisition of property in excess of needs.
- § 16-1332. Sale of excess property; restrictions on use; fair market value; disposition of moneys.
- § 16-1333. Notice of sale of excess property.
- § 16-1334. Retention, for public use, of excess property.
- § 16-1335. Availability of appropriations for purchase of excess property.
- § 16-1336. Condemnation of excess real property by Mayor; payment of awards, damages, and costs; no assessments for benefits.
- § 16-1337. Construction of subchapter.

#### **Subchapter IV. Real Property for United States.**

---

- § 16-1351. Definition.
- § 16-1352. Condemnation proceedings by Attorney General.
- § 16-1353. Declaration of taking; contents; deposit; transfer of title; determination; interest.
- § 16-1354. Distribution of money deposited on declaration of taking; judgment for deficiency.
- § 16-1355. Time for surrender of possession under declaration of taking; adjustment of charges.
- § 16-1356. Setting date for trial.
- § 16-1357. Drawing of jurors, and selection of jury; qualifications.
- § 16-1358. Oath of jurors.
- § 16-1359. Inspection of property by jury; presence of parties.
- § 16-1360. Trial; evidence; measure of compensation.
- § 16-1361. Verdict.

- § 16-1362. Fixing date for new trial; new jurors.
- § 16-1363. Judgment.
- § 16-1364. Force and effect of judgment; payment.
- § 16-1365. Appeal; deficiency judgment.
- § 16-1366. Payment of compensation into court; vesting of title.
- § 16-1367. Delivery of possession.
- § 16-1368. Additional powers of court.

#### **Subchapter V. Excess Property for the United States.**

---

- § 16-1381. Acquisition of property in excess of needs.
- § 16-1382. Retention, for public use, of excess property.
- § 16-1383. Availability of appropriations for purchases of excess property.
- § 16-1384. Condemnation of excess real property by United States agencies; payment of awards, damages and costs.
- § 16-1385. Construction of subchapter.

# **CHAPTER 13. EMINENT DOMAIN.**

## **SUBCHAPTER I. GENERAL PROVISIONS.**

### **§ 16-1301. JURISDICTION OF DISTRICT COURT.**

The United States District Court for the District of Columbia has exclusive jurisdiction of all proceedings for the condemnation of real property authorized by subchapters IV and V of this chapter, with full power to hear and determine all issues of law and fact that may arise in the proceedings.

(Dec. 23, 1963, 77 Stat. 572, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 557, Pub. L. 91-358, title I, § 145(f)(1).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1301.

1973 Ed., § 16-1301.

### **§ 16-1302. ASSIGNMENT OF JUDGE FOR CONDEMNATION CASES.**

The chief judge of the United States District Court for the District of Columbia shall assign from time to time, and for such periods as he determines, one of the judges of the court to hear cases involving the condemnation of real property in the District of Columbia. In case of the disability of the judge so assigned, or for any other reason, the chief judge may assign any judge of the Court for service in condemnation cases.

(Dec. 23, 1963, 77 Stat. 572, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1302.

1973 Ed., § 16-1302.

### **§ 16-1303. JURISDICTION OF SUPERIOR COURT.**

The Superior Court of the District of Columbia has jurisdiction of all proceedings for the condemnation of real property authorized by subchapters II and III of this chapter with full power to hear and determine all issues of law and fact that may arise in the proceedings.

(July 29, 1970, 84 Stat. 558, Pub. L. 91-358, title I, § 145(f)(2).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1303.

1973 Ed., § 16-1303.

## **SUBCHAPTER II. REAL PROPERTY FOR DISTRICT OF COLUMBIA.**

### **§ 16-1311. CONDEMNATION PROCEEDINGS BY DISTRICT OF COLUMBIA.**

When real property in the District of Columbia is needed by the Mayor of the District of Columbia for sites of schoolhouses, fire or police stations, rights-of-way for roads, highways, streets and alleys or parts thereof, rights-of-way for water mains or sewers, or any other authorized municipal use, and that property cannot be acquired by purchase from the owners thereof at a price satisfactory to the officers of the District authorized to negotiate for the property, a complaint may be filed in the Superior Court of the District of Columbia in the name of the District of Columbia for the condemnation of the property or rights-of-way and the ascertainment of its value.

(Dec. 23, 1963, 77 Stat. 572, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 558, Pub. L. 91-358, title I, § 145(f)(3); Mar. 10, 1983, D.C. Law 4-201, § 501, 30 DCR 148; Apr. 30, 1988, D.C. Law 7-104, § 4(g), 35 DCR 147.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1311.

1973 Ed., § 16-1311.

##### *Legislative History of Laws*

Law 4-201, the "Street and Alley Closing and Acquisition Procedures Act of 1982," was introduced in Council and assigned Bill No. 4-341, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on November 16, 1982, and December 14, 1982, respectively. Signed by the Mayor on December 28, 1982, it was assigned Act No. 4-285 and transmitted to both Houses of Congress for its review.

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987, and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

##### *Editor's Notes*

Section 4(g) of D.C. Law 7-104 purported to substitute "Mayor" for "Commissioner" apparently without regard to the amendment to this section by D.C. Law 4-201.

##### *Delegation of Authority*

Delegation of Authority for Acquisition of Real Property for Baseball Stadium, see Mayor's Order 2005-130, September 20, 2005 (53 DCR 144).

Delegation of Authority to Chief Property Management Officer Pursuant to D.C. Official Code §§ 16-1311 through 16-1321, see Mayor's Order 2006-124, September 28, 2006 (53 DCR 9316).

##### *Miscellaneous Notes*

Condemnation of Real Property for the New Convention Center, see Mayor's Order 99-114, July 19, 1999 (46 DCR 6693).

Condemnation of an Interest in Real Property, see Mayor's Order 2000-196, December 15, 2000 (47 DCR 10234).

Realignment within the Department of Housing and Community Development; Establishment of the Land Disposition and Asset Management Division, see Mayor's Order 2000-202, December 26, 2000 (48 DCR 930).

## **§ 16-1312. JURIES FOR CONDEMNATION PROCEEDINGS.**

For purposes of this subchapter, a special jury list shall be prepared of not less than one hundred persons who are qualified jurors in the District of Columbia. When a jury is required for a condemnation proceeding under this subchapter, the names of such number of persons as may be necessary shall be selected from this list by lot and furnished to the Superior Court.

(Dec. 23, 1963, 77 Stat. 572, Pub. L. 88-241, § 1; Mar. 27, 1968, 82 Stat. 63, Pub. L. 90-274, § 103(d); July 29, 1970, 84 Stat. 558, Pub. L. 91-358, title I, § 145(f)(4).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1312.

1973 Ed., § 16-1312.

## **§ 16-1313. SELECTION OF JURY; OATH OF JURORS.**

In each action brought pursuant to this subchapter, the court shall appoint, from among the persons whose names are drawn pursuant to section 16-1312, a jury of five capable and disinterested persons, and shall administer to the persons so drawn an oath or affirmation that they:

- (1) are not interested in any manner in the real property to be condemned;
- (2) are not related to the parties interested in the property; and
- (3) without favor or partiality, and to the best of their judgment, will appraise the value of the respective interests of all persons concerned in the property.

(Dec. 23, 1963, 77 Stat. 573, Pub. L. 88-241, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-1313.

1973 Ed., § 16-1313.

## **§ 16-1314. DECLARATION OF TAKING; CONTENTS; DEPOSIT; TRANSFER OF TITLE; DETERMINATION; INTEREST.**

(a) In an action pursuant to this subchapter, the plaintiffs may file in a cause, with the complaint or at any time before judgment, a declaration of taking, signed by the Mayor, declaring that the property is thereby taken for use of the District of Columbia. The declaration of taking shall contain or have annexed thereto a

--

- (1) statement of the authority under which and the public use for which the property is taken;
- (2) description of the property taken sufficient for the identification thereof;
- (3) statement of the estate or interest in the property taken for public use;
- (4) plan showing the property taken; and
- (5) statement of the sum of money estimated by the Mayor to be just compensation for the property taken.

(b) Notwithstanding section 16-1319, upon the filing of the declaration of taking and the deposit in the registry of the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in the declaration, title to the property in fee simple absolute, or such less estate or interest therein as is specified in the declaration, shall vest in the District of Columbia, and the property shall be deemed to be condemned and taken for the use of the District, and the right to just compensation therefor shall vest in the persons entitled thereto. The compensation shall be ascertained and awarded in the proceedings and established by judgment therein, and the judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per centum per annum on the amount finally awarded as the value of the property as of the date of taking, from that date to the date of payment. Interest may not be allowed on as much thereof as has been paid into the registry. A sum so paid into the registry may not be charged with commissions or poundage.

(Dec. 23, 1963, 77 Stat. 573, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 558, Pub. L. 91-358, title I, § 145(f)(5); Apr. 30, 1988, D.C. Law 7-104, § 4(h), 35 DCR 147.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-1314.

1973 Ed., § 16-1314.

#### *Legislative History of Laws*

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 16-1311.

#### *Miscellaneous Notes*

Condemnation of Real Property for the New Convention Center, see Mayor's Order 99-114, July 19, 1999 (46 DCR 6693).

Designation of the Department of Health, Environmental Health Administration, as the Lead State Agency for Asbestos Management Plan Approval in D.C. pursuant to the Asbestos Hazard Emergency Response Act, 15 U.S.C.A. 2645(b)(2), see Mayor's Order 99-115, July 20, 1999 (46 DCR 6694).

## **§ 16-1315. DISTRIBUTION OF MONEY DEPOSITED ON DECLARATION OF TAKING; JUDGMENT FOR DEFICIENCY OR OVERPAYMENT; EXECUTION.**

After the filing of the declaration of taking, and the deposit of the money in the registry of the court, as provided for by section 16-1314, the court, upon the application of the parties in interest, may order that the money so deposited, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in the proceeding. Upon the final award of compensation, the court shall enter judgment for the amount of any deficiency or overpayment in the manner provided by subdivision (j) of rule 71A of the Federal Rules of Civil Procedure. A writ of execution may be issued on the judgment within the same time, and it shall have the same effect as a lien, and shall be executed and returned in the same manner, as if issued on any other judgment.

(Dec. 23, 1963, 77 Stat. 573, Pub. L. 88-241, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-1315.

1973 Ed., § 16-1315.

## **§ 16-1316. TIME FOR SURRENDER OF POSSESSION UNDER DECLARATION OF TAKING; ADJUSTMENT OF CHARGES.**

Upon the filing of the declaration of taking provided for by section 16- 1314, the court may fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the plaintiffs. The court may make such orders in respect of incumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as it deems just and equitable.

(Dec. 23, 1963, 77 Stat. 574, Pub. L. 88-241, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-1316.

1973 Ed., § 16-1316.

## **§ 16-1317. OBJECTIONS TO JURORS; APPRAISEMENT.**

The court, before accepting the jury in a condemnation proceeding pursuant to this subchapter, shall hear any objections that may be made to any member thereof, and may pass upon any objection, and may excuse any juror or cause any vacancy in the jury, when empaneled, to be filled. After the jury is organized and have viewed and examined the land and premises affected by the condemnation proceeding, they shall proceed, in the presence of the court, to hear and receive any evidence offered or submitted on behalf of the District of Columbia and by any person having an interest in the proceeding. When the hearing is concluded, the jury, or a majority of them, shall return to the court, in writing, their appraisal of the value of the interests of all persons, respectively, in the real property, where the appraisal shall be recorded. In making their decision, the jury shall take into consideration, when a part only is taken, the benefit to the remainder of the tract, and shall give their appraisal accordingly.

(Dec. 23, 1963, 77 Stat. 574, Pub. L. 88-241, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-1317.

1973 Ed., § 16-1317.

## **§ 16-1318. OBJECTIONS OR EXCEPTIONS TO APPRAISEMENT; NEW JURY.**

(a) Objections or exceptions to an appraisal of the jury pursuant to section 16-1317 may be filed within twenty days after the return of the appraisal to the court. The court shall hear and determine any objections or exceptions so filed, and may vacate and set aside the appraisal, in whole or in part, when satisfied that it is unjust or unreasonable. If the appraisal is vacated and set aside, the court shall order the necessary number of new persons selected from the special jury list and, from among the persons so selected, shall appoint a new jury of five capable and disinterested persons who shall proceed

as in the case of the first jury. The appraisalment of the new jury shall be final when confirmed by the court.

(b) When an appraisalment is vacated in part, the residue thereof as to the property condemned is not affected thereby.

(Dec. 23, 1963, 77 Stat. 574, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 558, Pub. L. 91-358, title I, § 145(f)(6).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1318.

1973 Ed., § 16-1318.

### **§ 16-1319. PAYMENT OF AWARD; TRANSFER OF TITLE.**

If the appraisalment of the jury pursuant to section 16-1317 is not objected to by the parties interested, it shall be confirmed by the court, or, if the appraisalment of the new jury is confirmed by the court, the Mayor shall pay the amount awarded by the jury out of the appropriation made therefor or deposit it in the manner as directed by section 9-1217.24, and thereupon the title to the property condemned shall vest in the District of Columbia.

(Dec. 23, 1963, 77 Stat. 574, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 558, Pub. L. 91-358, title I, § 145(f)(7); Apr. 30, 1988, D.C. Law 7-104, § 4(i), 35 DCR 147.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1319.

1973 Ed., § 16-1319.

##### *Legislative History of Laws*

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 16-1311.

##### *References in Text*

Section 9-1217.24, referred to in this section, was repealed by D.C. Law 4-201, § 19, effective March 10, 1983.

### **§ 16-1320. FIXING TIME FOR RETURN OF VERDICT.**

In every case involving the condemnation of real property under this subchapter, at the close of the hearing thereof, the court shall fix a time in which the jury shall return its verdict or the report to the court the reasons why the verdict or appraisalment can not be returned by the time fixed. The court has discretion to extend the time for the return of the verdict or appraisalment.

(Dec. 23, 1963, 77 Stat. 575, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1320.

1973 Ed., § 16-1320.

### **§ 16-1321. ABANDONMENT OF PROCEEDINGS; LIABILITY.**

In a condemnation proceeding pursuant to this subchapter, it is optional with the Mayor to abide by the verdict of the jury and occupy the property appraised by them, or, within a reasonable time to be fixed by the court in its order confirming the verdict, to abandon the proceeding. If the proceeding is abandoned, the court shall award to the owner or owners of the property involved therein such sum or sums as will in the opinion of the court reimburse the owner or owners for all reasonable costs and expenses, including reasonable counsel fees, incurred by him or them in the proceeding. The sum or sums so awarded constitute a judgment or judgments against the District of Columbia. An owner is not entitled to the reimbursement in any case where the proceeding is abandoned at the request, or with the consent, of the owner of the property.

(Dec. 23, 1963, 77 Stat. 575, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 558, Pub. L. 91-358, title I, § 145(f)(7); Mar. 24, 1998, D.C. Law 12-81, § 10(p), 45 DCR 745.)



*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1321.

1973 Ed., § 16-1321.

*Legislative History of Laws*

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

## **SUBCHAPTER III. EXCESS PROPERTY FOR DEVELOPMENT OF SEAT OF GOVERNMENT.**

### **§ 16-1331. ACQUISITION OF PROPERTY IN EXCESS OF NEEDS.**

In order to promote the orderly and proper development of the seat of government of the United States, the Mayor of the District of Columbia may acquire, in the public interest, by gift, dedication, exchange, purchase, or condemnation, fee simple title to land or rights in, or on land, or easements or restrictions therein, within the District, for public uses, works, and improvements authorized by Congress, in excess of that actually needed for and essential to their usefulness, in order to preserve the view, appearance, light, and air and to enhance their usefulness to prevent the use of private property adjacent to them in such a manner as to impair the public benefit derived from the construction thereof, or to prevent inequities or hardship to the owners of adjacent private property by depriving them of the beneficial use of their property.

(Dec. 23, 1963, 77 Stat. 575, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 558, Pub. L. 91-358, title I, § 145(f)(8); Apr. 30, 1988, D.C. Law 7-104, § 4(j), 35 DCR 147.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1331.

1973 Ed., § 16-1331.

*Legislative History of Laws*

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 16-1311.

### **§ 16-1332. SALE OF EXCESS PROPERTY; RESTRICTIONS ON USE; FAIR MARKET VALUE; DISPOSITION OF MONEYS.**

(a) The Mayor of the District of Columbia may, with the consent of the Council in accordance with section 10-801, upon completion of public improvements:

(1) subdivide, and sell, at public or private sale, or exchange, any excess real property acquired pursuant to this subchapter; and

(2) to carry out such purposes, convey any property acquired in excess of that actually needed and which is not essential to the usefulness of the public works --

with such reservations concerning the future use and occupation of the property as, in the Mayor's discretion, may be necessary to protect the public improvements.

(b) Property sold under this section shall be sold at not less than the fair market value at the time sold, as determined by appraisal of the assessor of the District of Columbia.

(c) Moneys received from sales or transfers of properties pursuant to this subchapter shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia.

(Dec. 23, 1963, 77 Stat. 575, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 558, Pub. L. 91-358, title I, § 145(f)(9); Apr. 30, 1988, D.C. Law 7-104, § 4(k), 35 DCR 147; Mar. 15, 1990, D.C. Law 8-96, § 6, 37 DCR 795; Mar. 24, 1998, D.C. Law 12-81, § 10(q), 45 DCR 745.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1332.

1973 Ed., § 16-1332.

*Legislative History of Laws*

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 16-1311.

Law 8-96, the "Disposal of District Owned Surplus Real Property Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-302, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on November 21, 1989, and December 19, 1989, respectively. Approved without the signature of the Mayor on January 18, 1990, it was assigned Act No. 8-148 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 16-1321.

*Miscellaneous Notes*

Disposal of surplus real property: Section 2 of D.C. Law 8-96 provided that for the purposes of this act, the term "real property" means land titled in the name of the District of Columbia ("District") or in which the District has a controlling interest and includes all structures of a permanent character erected thereon or affixed thereto, any natural resources located thereon or thereunder, all riparian rights attached thereto, or any air space located above or below the property or any street or alley under the jurisdiction of the Mayor.

### **§ 16-1333. NOTICE OF SALE OF EXCESS PROPERTY.**

When excess real property is to be sold pursuant to section 16-1332, notice of not less than twenty days before the sale shall be published in a daily newspaper published in the District of Columbia, and notice shall be sent before the sale, by registered mail or by certified mail, to the last-known address of the persons listed on the records of the assessor of the District as the owners of the property abutting on the property to be sold.

(Dec. 23, 1963, 77 Stat. 576, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1333.

1973 Ed., § 16-1333.

### **§ 16-1334. RETENTION, FOR PUBLIC USE, OF EXCESS PROPERTY.**

When the authorities of the District of Columbia having jurisdiction of real property, rights, or easements acquired pursuant to this subchapter, elect to retain any of them for the use of the District, they may use the property, rights or easements for park, playground, highway, or alley purposes, or for any other lawful purpose that they deem advantageous or in the public interest.

(Dec. 23, 1963, 77 Stat. 576, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 558, Pub. L. 91-358, title I, § 145(f)(10).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1334.

1973 Ed., § 16-1334.

### **§ 16-1335. AVAILABILITY OF APPROPRIATIONS FOR PURCHASE OF EXCESS PROPERTY.**

When real property is purchased pursuant to this subchapter in excess of that needed for a particular project or improvement, appropriations available for the payment of the purchase price, costs, and expenses incident to the project or improvement may be used in the payment of the purchase price, costs, and expenses of excess real property purchased in connection with the project or improvement, as provided by this subchapter.

(Dec. 23, 1963, 77 Stat. 576, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

1981 Ed., § 16-1335.

1973 Ed., § 16-1335.

### **§ 16-1336. CONDEMNATION OF EXCESS REAL PROPERTY BY MAYOR; PAYMENT OF AWARDS, DAMAGES, AND COSTS; NO ASSESSMENTS FOR BENEFITS.**

(a) When, pursuant to this subchapter, excess real property is condemned by the Mayor, the condemnation proceedings for the acquisition of the property shall be in accordance with subchapter II of this chapter.

(b) Appropriations available for the payment of awards, damages, and condemnation proceedings pursuant to subchapter II of this chapter may be used in the payment of awards, damages, and costs in condemnation proceedings for the acquisition of excess real property, as provided by this subchapter.

(c) Appropriations available for the payment of awards, damages, and costs in condemnation proceedings pursuant to subchapter II of this chapter may be used in the payment of awards, damages, and costs in condemnation proceedings thereunder for the acquisition of excess real property as provided by this subchapter.

(d) In all cases where excess real property is condemned, assessments for benefits may not be levied by the jury in respect to the acquisition of the property.

(Dec. 23, 1963, 77 Stat. 576, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 558, Pub. L. 91-358, title I, § 145(f)(7); Mar. 10, 1983, D.C. Law 4-201, § 502, 30 DCR 148; Apr. 30, 1988, D.C. Law 7-104, § 4(l), 35 DCR 147; Feb. 5, 1994, D.C. Law 10-68, § 20(a), 40 DCR 6311.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1336.

1973 Ed., § 16-1336.

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-201, see Historical and Statutory Notes following § 16-1311.

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 16-1311.

D.C. Law 10-68, the "Technical Amendments Act of 1993," was introduced in Council and assigned Bill No. 10-166, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on August 23, 1993, it was assigned Act No. 10-107 and transmitted to both Houses of Congress for its review. D.C. Law 10-68 became effective on February 5, 1994.

##### *Editor's Notes*

Section 4(l)(3)-(6) of D.C. Law 7-104 purported to substitute "7-213" for "7-214" [1981 Ed.], and "7-214" for "7-215" [1981 Ed.] in subsection (a), "7-322" for "7-323" [1981 Ed.] in subsections (a) and (c), and "7-301" for "7301" [1981 Ed.] in subsection (c), apparently without regard to the amendment to this section by D.C. Law 4-201.

The reference in subsection (b) to "sections referred to by subsection (a)" has been rendered obsolete by amendments made in D.C. Law 4-201.

### **§ 16-1337. CONSTRUCTION OF SUBCHAPTER.**

This subchapter does not repeal any provisions of existing law pertaining to the condemnation or acquisition of streets, alleys, or land, or the law or laws relating to the subdividing of lands in the District of Columbia.

(Dec. 23, 1963, 77 Stat. 577, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 558, Pub. L. 91-358, title I, § 145(f)(11).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1337.

1973 Ed., § 16-1337.

## **SUBCHAPTER IV. REAL PROPERTY FOR UNITED STATES.**

### **§ 16-1351. DEFINITION.**

As used in this subchapter, "acquiring authority" means the head of an executive department or agency of the United States, or other officer of the United States, or board or commission of the United States, authorized by law to acquire real property in the District of Columbia for the construction of public buildings or works, or for parks, parkways, public playgrounds, or other public purpose.

(Dec. 23, 1963, 77 Stat. 577, Pub. L. 88-241, § 1; Apr. 30, 1988, D.C. Law 7-104, § 4(m), 35 DCR 147.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1351.

1973 Ed., § 16-1351.

##### *Legislative History of Laws*

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 16-1311.

### **§ 16-1352. CONDEMNATION PROCEEDINGS BY ATTORNEY GENERAL.**

When, for the purposes specified by section 16-1351, it is deemed necessary or advantageous to do so, the acquiring authority may acquire real property in the District of Columbia in the name of the United States by condemnation under judicial process. The Attorney General of the United States, upon the request of the acquiring authority, shall institute a proceeding for the condemnation of the property in the United States District Court for the District of Columbia.

(Dec. 23, 1963, 77 Stat. 577, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1352.

1973 Ed., § 16-1352.

### **§ 16-1353. DECLARATION OF TAKING; CONTENTS; DEPOSIT; TRANSFER OF TITLE; DETERMINATION; INTEREST.**

(a) In an action pursuant to this subchapter, the plaintiff may file in the cause, with the complaint or at any time before judgment, a declaration of taking signed by the acquiring authority empowered by law to acquire the property described in the complaint, declaring that the property is thereby taken for the use of the United States. The declaration of taking shall contain or have annexed thereto a --

- (1) statement of the authority under which and the public use for which the lands are taken;
- (2) description of the lands taken sufficient for the identification thereof;
- (3) statement of the estate or interest in the lands taken for public use;
- (4) plan showing the lands taken; and
- (5) statement of the sum of money estimated by the acquiring authority to be just compensation for the property taken.

(b) Upon the filing of the declaration of taking and of the deposit in the registry of the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in the declaration, title to the property in fee simple absolute, or such less estate or interest therein as is specified in the declaration, vests in the United States of America, and the property shall be deemed to be condemned and taken for the use of the United States, and the right to just compensation therefor vests in the persons entitled thereto. The compensation shall be ascertained and awarded in the proceedings and established by judgment therein, and the judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per centum per annum on the amount finally awarded as the value of the property as of the date of taking, from that date to the date of payment. Interest may not be allowed on as much thereof as has been paid into the registry. A sum so paid into the registry may not be charged with commissions or poundage.

(Dec. 23, 1963, 77 Stat. 577, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1353.

1973 Ed., § 16-1353.

**§ 16-1354. DISTRIBUTION OF MONEY DEPOSITED ON DECLARATION OF TAKING; JUDGMENT FOR DEFICIENCY.**

After the filing of the declaration of taking, and the deposit of the money in the registry of the court, as provided for by section 16-1353, the court, upon the application of the parties in interest, may order that the money so deposited, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in the proceeding. Upon the final award of compensation, the court shall enter judgment for the amount of any deficiency in the manner provided by rule 71A (j) of the Federal Rules of Civil Procedure.

(Dec. 23, 1963, 77 Stat. 578, Pub. L. 88-241, § 1; Mar. 24, 1998, D.C. Law 12-81, § 10(r), 45 DCR 745.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1354.

1973 Ed., § 16-1354.

*Legislative History of Laws*

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 16-1321.

**§ 16-1355. TIME FOR SURRENDER OF POSSESSION UNDER DECLARATION OF TAKING; ADJUSTMENT OF CHARGES.**

Upon the filing of a declaration of taking provided for by section 16-1353, the court may fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the plaintiff. The court may make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as it deems just and equitable.

(Dec. 23, 1963, 77 Stat. 578, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1355.

1973 Ed., § 16-1355.

**§ 16-1356. SETTING DATE FOR TRIAL.**

In a proceeding pursuant to this subchapter, after all defendants have been served with notice, and there has been return of service, as provided by rule 71A(d) of the Federal Rules of Civil Procedure, and after defendants have appeared or answered in the manner provided by rule 71A(e) thereof, either personally or by their guardians ad litem or other legal representatives, or are in default, the case shall be regarded as ready for trial, and, upon the application of any party to the proceeding, the court shall forthwith set an early date to be fixed by it, not less than ten nor more than twenty days from the date of the application, for the trial of the issues of law and fact raised in the case, and the ascertainment of the compensation or damages to be awarded for the taking of the property to be condemned.

(Dec. 23, 1963, 77 Stat. 578, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1356.

1973 Ed., § 16-1356.

**§ 16-1357. DRAWING OF JURORS, AND SELECTION OF JURY;**

## QUALIFICATIONS.

When the date for trial has been set, as provided by section 16-1356, the court shall order the names of a number of persons, not less than twenty, selected from the special jury list provided by section 16-1312, and the names of the persons selected shall be certified to the clerk of the United States District Court for the District of Columbia as a panel of prospective jurors. The persons so certified shall be thereupon summoned by the United States marshal for the District of Columbia to appear in the court on the day specially fixed for the trial of the cause. Before selecting or impaneling the jury, the court may cause a second, third, or other further list of prospective jurors to be drawn, certified and summoned in like manner. From the persons so certified and summoned, the court, after examination on oath and in open court as to their qualifications, shall select and impanel a jury of five capable and disinterested persons who have the qualifications of jurors as prescribed by law for the courts of the District of Columbia, and in addition thereto are not in the service or employment of the United States or of the District of Columbia.

(Dec. 23, 1963, 77 Stat. 578, Pub. L. 88-241, § 1; Mar. 27, 1968, 82 Stat. 63, Pub. L. 90-274, § 103(e); July 29, 1970, 84 Stat. 558, Pub. L. 91-358, title I, § 145(f)(12).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-1357.

1973 Ed., § 16-1357.

## **§ 16-1358. OATH OF JURORS.**

The jurors selected and impaneled, as provided by section 16-1357, shall take an oath or affirmation, administered by the court, that they:

- (1) are not interested in any manner in the property to be condemned;
- (2) are not, to their knowledge, related to any person interested in the property; and
- (3) will, impartially and to the best of their judgment, ascertain, appraise, and award just compensation for the property to be condemned and taken in the proceeding.

(Dec. 23, 1963, 77 Stat. 579, Pub. L. 88-241, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-1358.

1973 Ed., § 16-1358.

## **§ 16-1359. INSPECTION OF PROPERTY BY JURY; PRESENCE OF PARTIES.**

After being selected, impaneled, and sworn, as provided by sections 16-1357 and 16-1358, and before hearing the evidence, the jury, in order to inspect the property to be acquired, shall be taken upon the property by the United States marshal at a time fixed by the court. All parties in interest, their attorneys, and representatives have the right to be present at the inspection.

(Dec. 23, 1963, 77 Stat. 579, Pub. L. 88-241, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-1359.

1973 Ed., § 16-1359.

## **§ 16-1360. TRIAL; EVIDENCE; MEASURE OF COMPENSATION.**

After the inspection provided for by section 16-1359, and the jury has returned to the court, the trial of the cause shall be proceeded with before the court and jury. Any person who has appeared in the cause claiming any right, title, interest, or estate in the land to be taken, or compensation on account of its taking, has the right to submit evidence concerning the value of the property, parcel by parcel, the nature and extent of his right, interest, or estate therein, and the compensation justly due for the taking of the property. A new structure or substantial alteration of a permanent nature, the purpose or natural effect of which is to enhance the value of the property to be taken, erected, or made thereon after the institution of the

condemnation proceedings may not be taken into consideration in assessing and awarding compensation for the property. When the property to be valued has been taken by virtue of a declaration of taking, as provided by section 16-1353, it shall be valued for the purposes of compensation as of the date of the taking. When, by act of the owner or other party claiming to be entitled to compensation, the value of the property for the use for which it is to be taken has been diminished, as by cutting trees, excavating, grading, or otherwise altering its physical condition, allowance, if the plaintiff so elects, shall be made in assessing compensation for the diminution in value.

(Dec. 23, 1963, 77 Stat. 579, Pub. L. 88-241, § 1; Mar. 24, 1998, D.C. Law 12-81, § 10(s), 45 DCR 745.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1360.

1973 Ed., § 16-1360.

##### *Legislative History of Laws*

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 16-1321.

### **§ 16-1361. VERDICT.**

At the close of the evidence in a proceeding pursuant to this subchapter, the court shall charge the jury and furnish them with a written form to be used in returning their verdict. The members of the jury may separate when not engaged in the consideration of their verdict. When the jury, or a majority thereof, have agreed upon their verdict they shall, through their foreman, so notify the court, which shall thereupon pass an order setting a day for the return of the verdict in open court. The verdict shall be in writing subscribed by the jurors concurring therein, and shall set forth, parcel by parcel, the compensation to be paid for the taking of the lands to be condemned.

(Dec. 23, 1963, 77 Stat. 579, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1361.

1973 Ed., § 16-1361.

### **§ 16-1362. FIXING DATE FOR NEW TRIAL; NEW JURORS.**

If a verdict rendered pursuant to section 16-1361, or any award contained therein, is set aside or vacated, the court shall --

- (1) grant a new trial with respect to the property as to which the verdict or award is set aside or vacated;
- (2) fix a date for the new trial; and
- (3) order a new panel of prospective jurors to be drawn, certified, or summoned as provided by section 16-1357.

The court shall then proceed with the cause as if a verdict or award had not been rendered.

(Dec. 23, 1963, 77 Stat. 580, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-1362.

1973 Ed., § 16-1362.

### **§ 16-1363. JUDGMENT.**

Judgment upon a verdict returned pursuant to section 16-1361 or any award contained therein shall be entered against the United States in favor of the parties entitled for the sums awarded as just compensation, respectively, for the property condemned for the use of the United States.

(Dec. 23, 1963, 77 Stat. 580, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1363.

1973 Ed., § 16-1363.

**§ 16-1364. FORCE AND EFFECT OF JUDGMENT; PAYMENT.**

A final judgment rendered against the United States pursuant to this subchapter has like force and effect as a money judgment rendered against the United States by the Court of Claims in a suit in respect of which the United States has expressly consented to be sued. The amount of the final judgment shall be paid out of any specific appropriation applicable to the case. If a specific appropriation does not exist, the judgment shall be paid in the same manner (except with respect to interest) as judgments rendered by the Court of Claims in cases under its general jurisdiction.

(Dec. 23, 1963, 77 Stat. 580, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1364.

1973 Ed., § 16-1364.

**§ 16-1365. APPEAL; DEFICIENCY JUDGMENT.**

A party aggrieved by a final judgment in a proceeding pursuant to this subchapter may appeal therefrom to the United States Court of Appeals for the District of Columbia Circuit. The appeal, or any bond or undertaking given therein, does not operate to prevent or delay the vesting of title to the property in the United States, but upon the filing of a declaration of taking, or, if a declaration of taking is not filed, upon payment to the party entitled, or deposit in the registry of the court, of the amount awarded by the judgment, title vests in the United States, saving to all parties their right to just compensation. If the compensation finally awarded and adjudged for the property exceeds the amount awarded and adjudged by the judgment appealed from, the court shall enter judgment for the deficiency with interest as provided by this subchapter.

(Dec. 23, 1963, 77 Stat. 580, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1365.

1973 Ed., § 16-1365.

**§ 16-1366. PAYMENT OF COMPENSATION INTO COURT; VESTING OF TITLE.**

Payment into the registry of the court for the use of the parties entitled of the sum adjudged to be just compensation for the property to be condemned and taken, or for any parcel thereof, or any interest therein, pursuant to this subchapter, constitutes payment of the compensation. Upon the payment, the plaintiff is entitled to an order declaring that the title to the property in respect of which the compensation is so paid is vested in the United States of America. The money so paid into the registry of the court shall be deemed to be vested in the persons owning or interested in the property, according to their respective estates and interest, and the money shall take the place and stand in lieu of the property condemned. The court, upon the application of the plaintiff or of any party in interest, may determine and direct who is entitled to receive payment of the money so paid into the registry, and, in its discretion, order a reference to the auditor of the court or a special master to ascertain the facts on which the determination and direction are to be made.

(Dec. 23, 1963, 77 Stat. 580, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1366.

1973 Ed., § 16-1366.



## **§ 16-1367. DELIVERY OF POSSESSION.**

Where possession has not been awarded pursuant to a declaration of taking, and the adjudged compensation has been paid into the registry as directed by the judgment of the court and a certified copy of the judgment, with a certificate of the clerk of the court showing the payment, has been served upon the person in possession of the property, he shall, upon demand, deliver possession thereof to the plaintiff. If possession is not delivered when so demanded, the plaintiff may apply to the court without notice, unless the court requires notice to be given, for a writ of assistance, and the court, upon proof of the service of the copy of the final order or judgment and certificate of the clerk showing payment as referred to in this section, shall thereupon cause the writ to be issued, which shall be executed in the same manner as when issued in other cases for the delivery of possession of real property.

(Dec. 23, 1963, 77 Stat. 581, Pub. L. 88-241, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-1367.

1973 Ed., § 16-1367.

## **§ 16-1368. ADDITIONAL POWERS OF COURT.**

Where the mode or manner of conducting a proceeding pursuant to this subchapter is not expressly provided for by law or rules of court in force under authority of law, the court may make all necessary orders and give all necessary directions to carry into effect the object and intent of this subchapter or any other laws conferring authority to acquire real property for the use of the United States.

(Dec. 23, 1963, 77 Stat. 581, Pub. L. 88-241, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-1368.

1973 Ed., § 16-1368.

## **SUBCHAPTER V. EXCESS PROPERTY FOR THE UNITED STATES.**

## **§ 16-1381. ACQUISITION OF PROPERTY IN EXCESS OF NEEDS.**

In order to promote the orderly and proper development of the seat of government of the United States, agencies of the United States authorized by law to acquire real property, may acquire, in the public interest, by gift, dedication, exchange, purchase, or condemnation fee simple title to land (or rights in or on land or easements or restrictions therein) within the District of Columbia for public uses, works, and improvements authorized by Congress, in excess of that actually needed for and essential to their usefulness, in order to preserve the view, appearance, light, and air and to enhance their usefulness, to prevent the use of private property adjacent to them in such a manner as to impair the public benefit derived from the construction thereof, or to prevent inequities or hardships to the owners of adjacent private property by depriving them of the beneficial use of their property.

(July 29, 1970, 84 Stat. 559, Pub. L. 91-358, title I, § 145(f)(13).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-1381.

1973 Ed., § 16-1381.

## **§ 16-1382. RETENTION, FOR PUBLIC USE, OF EXCESS PROPERTY.**

When the authorities of the United States having jurisdiction of real property (or rights or easements) acquired pursuant to this subchapter, elect to retain any of them for the use of the United States, they may use the property (or rights or easements) for park, playground, highway, or alley purposes, or for any other

lawful purposes that they deem advantageous or in the public interest.

(July 29, 1970, 84 Stat. 559, Pub. L. 91-358, title I, § 145(f)(13).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1382.

1973 Ed., § 16-1382.

**§ 16-1383. AVAILABILITY OF APPROPRIATIONS FOR PURCHASES OF EXCESS PROPERTY.**

When real property is purchased pursuant to this subchapter in excess of that needed for a particular project or improvement, appropriations available for the payment of the purchase price, costs, and expenses incident to the project or improvement may be used in the payment of the purchase price, costs, and expenses of excess real property purchased in connection with the project or improvement, as provided by this subchapter.

(July 29, 1970, 84 Stat. 559, Pub. L. 91-358, title I, § 145(f)(13).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1383.

1973 Ed., § 16-1383.

**§ 16-1384. CONDEMNATION OF EXCESS REAL PROPERTY BY UNITED STATES AGENCIES; PAYMENT OF AWARDS, DAMAGES AND COSTS.**

(a) When excess real property is condemned by agencies of the United States as provided by this subchapter, the condemnation proceedings for the acquisition of the property shall be in accordance with subchapter IV of this chapter, or any laws in effect at the time of the commencement of condemnation proceedings for the acquisition of real property in the District of Columbia for the use of the United States.

(b) Appropriations available for the condemnation of property pursuant to subchapter IV of this chapter may be used in the payment of awards, damages, and costs in condemnation proceedings pursuant to that subchapter for the acquisition of excess real property as provided in this subchapter.

(July 29, 1970, 84 Stat. 559, Pub. L. 91-358, title I, § 145(f)(13).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1384.

1973 Ed., § 16-1384.

**§ 16-1385. CONSTRUCTION OF SUBCHAPTER.**

This subchapter does not repeal any provisions of existing law pertaining to the condemnation or acquisition of streets, alleys, or land, or the laws relating to the subdividing of lands in the District of Columbia.

(July 29, 1970, 84 Stat. 559, Pub. L. 91-358, title I, § 145(f)(13).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-1385.

1973 Ed., § 16-1385.