Filed D.C. Superior Court 09/30/2015 16:48PM Clerk of the Court

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION

| DISTRICT OF COLUMBIA, 1250 Demonstration America N.W. |) | |
|--|-------------------------|--------|
| 1350 Pennsylvania Avenue, N.W. |) | |
| Washington, D.C. 20004, |) | |
| a municipal corporation, |) | |
| Plaintiff, |) | |
| v. |) Civil Action No | E (RP) |
| ALL OF THE PARCEL OF LAND |) | |
| IDENTIFIED IN THE DISTRICT |) ACTION INVOLVING REAL | |
| OF COLUMBIA AS 1900 1 st STREET, |) PROPERTY | |
| S.W., WASHINGTON, D.C., |) | |
| SQUARE 0607, LOT 0013, |) | |
| |) | |
| AND |) | |
| |) | |
| SW LAND HOLDER, LLC, |) | |
| SERVE: |) | |
| CT CORPORATION SYSTEM, |) | |
| 1015 15th St NW, Suite 1000, |) | |
| Washington D.C. 20005, |) | |
| |) | |
| AND |) | |
| |) | |
| UNKNOWN OWNERS, |) | |
| |) | |
| Defendants. |) | |

COMPLAINT IN CONDEMNATION PURSUANT TO DECLARATION OF TAKING (Action Involving Real Property)

(Action involving Real Property)

The District of Columbia (the "District"), by and through undersigned counsel, brings this civil action, in connection with the taking of certain real property in the District of Columbia under the power of eminent domain pursuant to a Declaration of Taking, and for the ascertainment and award of just compensation to the owners and parties who have an interest in the property taken. In support thereof, the District states as follows: 1. The jurisdiction of this Court is predicated on *D.C. Official Code* §§ 11-921(a)(3) and 16-1303 (2001).

2. The real property taken is the land and improvements located at 1900 1st Street, S.W., in the District of Columbia, designated in the land records of the District of Columbia as Lot 0013 in Square 0607, consisting of approximately 89,251 square feet of land, and more specifically described on **Exhibit A** for the legally sufficient identification thereof (hereinafter, the "Property"). The estate hereby taken in the Property for the above-stated purposes is an estate in fee simple absolute, including, without limitation, any and all rights, claims, or interests in, to, or under the Property.

3. The Property is hereby taken for the use of, and in the name of, the District of Columbia. The authority for the taking is contained in *D.C. Official Code* § 16-1311 (2001), the Soccer Stadium Development Act of 2014, D.C. Law 20-233, the Soccer Stadium Development Technical Clarification Temporary Amendment Act of 2015, D.C. Law 21-17, and the Fiscal Year 2016 Budget Support Emergency Act of 2015, D.C. Act 21-127, and as set forth in the Declaration of Taking filed simultaneously herewith.

4. The public purpose for which District of Columbia hereby takes the Property is for the construction and operation of a soccer stadium complex, including a stadium and facilities functionally related and subordinate thereto, and the accompanying infrastructure including parking, office, and transportation facilities, in order to promote the recreation, entertainment and enjoyment of the public.

5. The agents of the District who are authorized to negotiate for the voluntary purchase of the Property have been unable to acquire the Property at a price satisfactory to the District.

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6. The names and addresses of persons or entities known to the District to have or claim a property interest in Property are set forth on **Exhibit B**. All persons or entities set forth on **Exhibit B** are hereby joined as Defendants to this action generally so that all right, title, interest, and estate in and to the Property shall be divested from all said Defendants and vested in the District. In addition, any "**Unknown Owners**" who may assert or have a potential interest in the just compensation proceeds in this case by virtue of any cognizable claim to such proceeds, under any legal or contractual right, are added as Defendants and identified on **Exhibit B** as such person(s) who may have an interest in the taken property.

7. In addition to the Defendants listed in **Exhibit B** who may have a claim for just compensation, the District claims an offset to just compensation for Defendants' use and occupancy of the Property after the taking and any further amounts owed insofar as any real property taxes, special assessments, and clean city charges that remain unpaid as of the date of the filing of this Complaint and have been assessed against such Property.

8. Simultaneously with the filing of this Complaint, the District has filed a Declaration of Taking executed by the Mayor's duly authorized designee, and tendered to the Registry of the Court an amount equal to the estimated just compensation for the Property, which amount is set forth in said Declaration of Taking.

WHEREFORE, the District respectfully requests that this Court decree:

- (1) That the Property has been condemned to the extent of the interest described herein and as set forth in the Declaration of Taking in accordance with *D.C. Official Code* § 16-1314 (2001);
- (2) That all right, title, and interest in and to the Property has vested in the District of Columbia;

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- (3) That trial by jury on the issue of just compensation be conducted as is required pursuant to *D.C. Official Code* § 16-1313 (2001) and just compensation for the taking be ascertained and awarded to the parties entitled thereto;
- (4) That an amount equal to any compensation for Defendants' use and occupancy of the Property after the taking, as well as an amount for any unpaid real property taxes, special assessments and clean city charges assessed against such property through the date of this filing be awarded to Plaintiff; and
- (5) That the District be granted such other relief as may be lawful and proper.

Dated: September 30, 2015

Respectfully submitted,

KARL A. RACINE Attorney General for the District of Columbia

DAVID FISHER Deputy Attorney General, Commercial Division

/s/

WILLIAM D. BURK, D.C. Bar # 464349 Chief, Land Acquisition and Bankruptcy Section

/s/

EDWARD P. HENNEBERRY, D.C. Bar # 456202 Assistant Attorney General 441 4th Street, N.W., Suite 1010 South Washington, D.C. 20001 (202) 442-9773 (202) 727-6014 (fax) Email: Edward.Henneberry@dc.gov *Counsel for the District of Columbia*

EXHIBIT A

(Legal Description of Property)

All that certain lot or parcel of land situated, lying and being in the District of Columbia, and being described as follows:

Lot Thirteen (13) in Square numbered Six Hundred Seven (607), per plat recorded in Book 152 at page 52, in the Office of the Surveyor of the District of Columbia, and being more particularly described as follows:

Beginning at a point, said point being the northeast corner to Square 607 and being the intersection of the west line of 1st Street, S.W. (proposed to be closed) and the south line of S Street, S.W. (proposed to be closed); thence South, a distance of 266.42 feet with the west line of 1st Street, S.W. to a point, said point being the intersection of the north line of T Street, S.W. and the west line of 1st Street, S.W.; thence West, a distance of 335.0 feet with the north line of T Street, S.W. and the north line of T Street, S.W.; thence North, a distance of 266.42 feet with the east line of 2nd Street, S.W. and the north line of T Street, S.W.; thence North, a distance of 266.42 feet with the east line of 2nd Street, S.W. and the north line of T Street, S.W.; thence North, a distance of 266.42 feet with the east line of 2nd Street, S.W. and the north line of T Street, S.W.; thence North, a distance of 266.42 feet with the east line of 2nd Street, S.W. and the east line of 2nd Street, S.W.; thence East, a distance of 335.0 feet with the south line of S Street, S.W. and the east line of 2nd Street, S.W.; thence East, a distance of 335.0 feet with the south line of S Street, S.W. and the east line of 2nd Street, S.W.; thence East, a distance of 335.0 feet with the south line of S Street, S.W. to the Point of Beginning and containing 89,251 square feet.

Note: The subject property is known for assessment and taxation purposes as Lot 0013 in Square 0607.

EXHIBIT B

(List of Interested Parties)

- 1. SW LAND HOLDER, LLC <u>Serve</u>: CT CORPORATION SYSTEM 1015 15TH Street, N.W. Suite 1000 Washington, D.C. 20005
- 2. UNKNOWN OWNERS

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION

| DISTRICT OF COLUMBIA,) | | |
|---|------------------------------|------------------------|
| 1350 Pennsylvania Avenue, N.W.) | | |
| Washington, D.C. 20004,) | | |
| a municipal corporation, | | |
|) Plaintiff,) | | |
| v.) | Civil Action No | E (RP) |
| ALL OF THE PARCEL OF LAND | | |
| IDENTIFIED IN THE DISTRICT) | ACTION INVOLVING REAL | |
| OF COLUMBIA AS 1900 1 st STREET,) | PROPERTY | |
| S.W., WASHINGTON, D.C., | | |
| SQUARE 0607, LOT 0013, | | |
| AND) | | |
|) | | |
| SW LAND HOLDER, LLC, et al., | | |
|) Defendants.) | | |

DECLARATION OF TAKING

The District of Columbia, pursuant to *D.C. Official Code* § 16-1314 (2001), hereby declares that:

1. The land and improvements located at 1900 1st Street, S.W., in the District of Columbia, designated in the land records of the District of Columbia as Lot 0013 in Square 0607 and more specifically described on **Exhibit A** for the legally sufficient identification thereof (hereinafter, the "Property"), is hereby taken for the use of, and in the name of, the District of Columbia.

2. The public purpose for which District of Columbia hereby takes the Property is for the construction and operation of a soccer stadium complex, including a stadium and facilities functionally related and subordinate thereto, and the accompanying infrastructure including parking, office, and transportation facilities, in order to promote the recreation, entertainment and enjoyment of the public.

2. A plat showing the Property and its location in the District of Columbia, sufficient for the identification thereof, is attached hereto as **Exhibit B**.

3. The District of Columbia is taking this Property pursuant to its authority under *D.C. Official Code* § 16-1311 (2001), the Soccer Stadium Development Act of 2014, D.C. Law 20-233, the Soccer Stadium Development Technical Clarification Temporary Amendment Act of 2015, D.C. Law 21-17, and the Fiscal Year 2016 Budget Support Emergency Act of 2015, D.C. Act 21-127.

4. The estate hereby taken in the Property for the above-stated purposes is an estate in fee simple absolute, including without limitation any and all rights, claims or interests in, to or under the Property.

5. The sum of money estimated to be just compensation for the Property, including all the interests therein, is **TWENTY ONE MILLION, ONE HUNDRED THOUSAND DOLLARS (\$21,100,000)**; said sum is deposited herewith into the Registry of this Court for the use and benefit of the persons entitled thereto.

[signature on following page]

IN WITNESS WHEREOF, the District of Columbia has caused this Declaration of Taking to be signed in its name this 30 day of September, 2015, in the City of Washington, District of Columbia.

CHRISTOPHER WEAVER Director, Department of General Services (pursuant to delegation of authority by Mayor's Order No. 2015-209 (September 9, 2015))

EXHIBIT A

(Legal Description of Property)

All that certain lot or parcel of land situated, lying and being in the District of Columbia, and being described as follows:

Lot Thirteen (13) in Square numbered Six Hundred Seven (607), per plat recorded in Book 152 at page 52, in the Office of the Surveyor of the District of Columbia, and being more particularly described as follows:

Beginning at a point, said point being the northeast corner to Square 607 and being the intersection of the west line of 1st Street, S.W. (proposed to be closed) and the south line of S Street, S.W. (proposed to be closed); thence South, a distance of 266.42 feet with the west line of 1st Street, S.W. to a point, said point being the intersection of the north line of T Street, S.W. and the west line of 1st Street, S.W.; thence West, a distance of 335.0 feet with the north line of T Street, S.W. and the north line of T Street, S.W.; thence North, a distance of 266.42 feet with the east line of 2nd Street, S.W. and the north line of T Street, S.W.; thence North, a distance of 266.42 feet with the east line of 2nd Street, S.W. and the north line of T Street, S.W.; thence North, a distance of 266.42 feet with the east line of 2nd Street, S.W. and the north line of T Street, S.W.; thence North, a distance of 266.42 feet with the east line of 2nd Street, S.W. and the east line of 2nd Street, S.W.; thence East, a distance of 335.0 feet with the south line of S Street, S.W. and the east line of 2nd Street, S.W.; thence East, a distance of 335.0 feet with the south line of S Street, S.W. and the east line of 2nd Street, S.W.; thence East, a distance of 335.0 feet with the south line of S Street, S.W. to the Point of Beginning and containing 89,251 square feet.

Note: The subject property is known for assessment and taxation purposes as Lot 0013 in Square 0607.

EXHIBIT B

(Plat of Property)

[see attached plat]





SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION

| DISTRICT OF COLUMBIA,) | |
|--|-----------------------------------|
| 1350 Pennsylvania Avenue, N.W. | |
| Washington, D.C. 20004,) | |
| a municipal corporation,) | |
|) Plaintiff,) | |
| v.) | Civil Action No E (RP) |
| ALL OF THE PARCEL OF LAND)IDENTIFIED IN THE DISTRICT)OF COLUMBIA AS 1900 1st STREET,)S.W., WASHINGTON, D.C.,)SQUARE 0607, LOT 0013,) | ACTION INVOLVING REAL PROPERTY |
| AND) | |
| SW LAND HOLDER, LLC, | |
| AND) | |
| UNKNOWN OWNERS, | |
|) Defendants. | |

NOTICE OF CONDEMNATION

TO:

1. SW LAND HOLDER, LLC <u>Serve</u>: CT CORPORATION SYSTEM 1015 15TH Street, N.W. Suite 1000 Washington, D.C. 20005

2. UNKNOWN OWNERS

You are hereby notified that a Complaint in Condemnation Pursuant to Declaration of Taking (the "Complaint") and a Declaration of Taking have been filed in the above-captioned proceeding, and funds estimated to be just compensation for such taking have been deposited in the Registry of the Court. This condemnation action was filed in the Civil Division of the Superior Court of the District of Columbia, 500 Indiana Avenue, N.W., Washington, D.C. 20001, on **September 30, 2015**, to condemn the interest, in real property described below.

The District of Columbia (hereinafter, the "District"). is taking the real property (including any improvements thereon) located at 1900 1st Street, S.W., in the District of Columbia, designated in the land records of the District of Columbia as Lot 0013 in Square 0607, consisting of approximately 89,251 square feet of land, and more specifically described on **Exhibit A** for the legally sufficient identification thereof (hereinafter, the "Property"). The Property is hereby taken for the use of, and in the name of, the District

The jurisdiction of the Superior Court is predicated on D.C. Official Code Sections 11-921(a)(3) and 16-1303 (2001). The authority for the taking is predicated on *D.C. Official Code* § 16-1311 (2001), the Soccer Stadium Development Act of 2014, D.C. Law 20-233, the Soccer Stadium Development Technical Clarification Temporary Amendment Act of 2015, D.C. Law 21-17, and the Fiscal Year 2016 Budget Support Emergency Act of 2015, D.C. Act 21-127, and as set forth in the Declaration of Taking filed simultaneously herewith. The public purpose for which District of Columbia hereby takes the Property is for the construction and operation of a soccer stadium complex, including a stadium and facilities functionally related and subordinate thereto, and the accompanying infrastructure including parking, office, and transportation facilities, in order to promote the recreation, entertainment and enjoyment of the public. The estate taken in the Property for the above-stated purposes is an estate in fee simple absolute, including, without limitation, any and all rights, claims, or interests in, to, or under the Property.

You are further notified that if you have any objection or defense to the taking of the property interest described herein, provided that you may have or claim some interest in said property, you are required to serve an Answer on the undersigned attorney at the Office of the Attorney General, 441 4th Street, N.W., Suite 1010 South, Washington, D.C. 20001, within twenty (20) days after the date you are served with this notice, exclusive of the date of service, or the last date of publication. Your Answer must (i) identify the property in which you claim an interest, (ii) state the nature and extent of such interest claimed, and (iii) state all your objections and defenses to the taking of the property. Failure to properly serve an Answer within the time limit shall constitute your consent to the taking and to the authority of the Superior Court to proceed and hear the action and to fix the amount of just compensation and shall constitute a waiver of all defenses and objections not so presented.

If you have no objection or defense to the taking, you may serve on the undersigned a Notice of Appearance designating the property and your interest therein. Thereafter, you shall receive notice of all proceedings affecting the property.

If all parties to this action do not come to agreement beforehand, there will be a trial by jury to ascertain just compensation and the parties entitled thereto. Whether or not you have filed an Answer or served a Notice of Appearance, if you have a claim or interest to or in the property, you may present evidence at said trial as to (i) the amount of compensation to be paid for the property, and (ii) your share in the distribution of the award of compensation.

All persons and entities named as defendants in the Complaint are joined as defendants to the end that any and all rights to the property held by said defendants shall be divested out of them and vested in Plaintiff. Pursuant to *D.C. Official Code* § 16-1314 (2001), now that a Declaration of Taking has been filed with the Superior Court and funds estimated to be just compensation have been deposited into the Registry of the Court, title to the fee simple estate in the property is vested in the District of Columbia, and the funds deposited into the Registry of the Court are being held for the use of the persons entitled thereto.

Dated: September 30, 2015

Respectfully submitted,

KARL A. RACINE Attorney General for the District of Columbia

DAVID FISHER Deputy Attorney General, Commercial Division

/s/ WILLIAM D. BURK, D.C. Bar # 464349 Chief, Land Acquisition and Bankruptcy Section

/s/

EDWARD P. HENNEBERRY, D.C. Bar # 456202 Assistant Attorney General 441 4th Street, N.W., Suite 1010 South Washington, D.C. 20001 (202) 442-9773 (202) 727-6014 (fax) Email: Edward.Henneberry@dc.gov *Counsel for the District of Columbia*

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Note: The subject property is known for assessment and taxation purposes as Lot 0013 in Square 0607.

EXHIBIT B

(Plat Showing Property Location)





Superior Court of the District of Columbia

| CIVIL DIVISION- CIVIL ACTIONS BRANCH | | | |
|---|--|---|--|
| | NFORMATION SHEET | | |
| District of Columbia | Case Number: | | |
| Square 0607, Lot 0013 and SW Land Holder, LLC | Date:9-30 One of the def in their officia | endants is being sued | |
| Name: (Please Print) W://igm Bur for Firm Name: 6ff:(e of the Attenne) Telephone No.: Six digit Unifie 202-741-5225 Six digit Unifie TYPE OF CASE: Non-Jury Demand: \$ | 6 cnr/a for D. (d Bar No.: 464349 Z 6 Person Jury Other: CTION BEING FILED lge: | ationship to Lawsuit Attorney for Plaintiff Self (Pro Se) Other: 12 Person Jury Calendar #: | |
| Case No 540 | | | |
| NATURE OF SUIT: (Check One Box C | Only) | | |
| A. CONTRACTS COLLECTION CASES 01 Breach of Contract 14 Under \$25,000 Pltf. Grants Consent 16 Under \$25,000 Consent Denied 02 Breach of Warranty 17 OVER \$25,000 Pltf. Grants Consent 18 OVER \$25,000 Consent Denied 06 Negotiable Instrument 27 Insurance/Subrogation 26 Insurance/Subrogation 07 Personal Property 07 Insurance/Subrogation 0ver \$25,000 Consent Denied 13 Employment Discrimination 07 Insurance/Subrogation 0ver \$25,000 Consent Denied 15 Special Education Fees 28 Motion to Confirm Arbitration Under \$25,000 Consent Denied | | | |
| B. PROPERTY TORTS 01 Automobile 03 Destruction of Private Property 05 Trespass 02 Conversion 04 Property Damage 07 Shoplifting, D.C. Code § 27-102 (a) | | | |
| C. PERSONAL TORTS | | | |
| 02 Alienation of Affection 11 II 03 Assault and Battery 12 II 04 Automobile- Personal Injury 13 II 05 Deceit (Misrepresentation) 14 II 06 False Accusation 15 M 07 False Arrest 16 II | Invasion of Privacy Libel and Slander Malicious Interference Malicious Prosecution Malpractice Legal falpractice Medical (Including Wrongful Death) Vegligence- (Not Automobile, Not Malpractice) | 17 Personal Injury- (Not Automobile, Not Malpractice) 18 Wrongful Death (Not Malpractice) 19 Wrongful Eviction 20 Friendly Suit 21 Asbestos 22 Toxic/Mass Torts 23 Tobacco 24 Lead Paint | |

SEE REVERSE SIDE AND CHECK HERE X IF USED

CV-496/June 2015

Information Sheet, Continued

| C. OTHERS 01 Accounting 02 Att. Before Judgment 05 Ejectment 09 Special Writ/Warrants (DC Code § 11-941) 10 Traffic Adjudication 11 Writ of Replevin 12 Enforce Mechanics Lien 16 Declaratory Judgment | 17 Merit Personnel Act (OEA) (D.C. Code Title 1, Chapter 6) 18 Product Liability 24 Application to Confirm, Modify, Vacate Arbitration Award (DC Code 29 Merit Personnel Act (OHR) 31 Housing Code Regulations 32 Qui Tam 33 Whistleblower | e § 16-4401) | |
|---|--|---|--|
| II. 03 Change of Name 06 Foreign Judgment/Domestic 08 Foreign Judgment/Internation 13 Correction of Birth Certificat 14 Correction of Marriage Certificate 26 Petition for Civil Asset Forf 27 Petition for Civil Asset Forf 28 Petition for Civil Asset Forf | nal Judgment [D.C. Code § te 2-1802.03 (h) or 32-151 9 (a)] 20 Master Meter (D.C. Code § 42-3301, et seq.) eiture (Vehicle) eiture (Currency) | 21 Petition for Subpoena [Rule 28-I (b)] 22 Release Mechanics Lien 23 Rule 27(a)(1) (Perpetuate Testimony) 24 Petition for Structured Settlement 25 Petition for Liquidation | |
| D. REAL PROPERTY 09 Real Property-Real Estate 08 Quiet Title 12 Specific Performance 25 Liens: Tax / Water Consent Granted 04 Condemnation (Eminent Domain) 30 Liens: Tax / Water Consent Denied 10 Mortgage Foreclosure/Judicial Sale 31 Tax Lien Bid Off Certificate Consent Granted 11 Petition for Civil Asset Forfeiture (RP) | | | |

-D.B

Attorney's Signature

9-30-2015

Date