

**Washington Metropolitan Area Transportation Authority
Board Action/Information Summary**

Action
 Information

MEAD Number:
99897

Resolution:
 Yes No

PURPOSE

To obtain Board approval of a settlement in condemnation for property required for construction of the Branch Avenue Metrorail station and Service and Inspection Yard.

DESCRIPTION

To facilitate the construction of the Branch Avenue Metrorail station and Service and Inspection Yard, the Authority initiated negotiations to acquire approximately 111 acres of property owned by Capital Gateway Associates Limited Partnership. Negotiations reached an impasse and it was necessary for the Authority to initiate condemnation proceedings. With the filing of the Declaration of Taking, the amount of \$7,746,075, representing the Authority's estimate of the fair market value of the required property interests, was deposited into the Registry of the Court.

After extensive negotiations over several years, the parties have reached agreement on a proposed settlement in the amount of \$12,000,000, inclusive of interest, for the property. The settlement total includes the original deposit of \$7,746,075 and an additional \$4,253,925 in cash to the owner ($\$12,000,000 - \$7,746,075 = \$4,253,925$) that must now be deposited with the Court to settle this case (see attached Confidential Memorandum for further information). The U.S. Department of Justice concurs in the proposed settlement as it achieves a result that is in the best interest of WMATA, the property owner and the taxpayers.

FUNDING IMPACT

Program:	Rail Construction
Project:	Green Line Extension to Branch Avenue
Fiscal Year	FY08
Budget:	\$12,000,000
This Action:	4,253,925
Prior Approval:	<u>7,746,075</u>
Remaining Budget:	\$ 0

At the request of the Office of Property Development and Management, this money was set aside by the Office of Management and Budget Services in anticipation of the settlement of this long-standing condemnation litigation. This action does not require the reprogramming of any other existing funds.

RECOMMENDATION

That the Board approves the deposit of an additional \$4,253,925 into the Registry of the Court in settlement of the condemnation proceedings for the subject property.