

PRESENTED & ADOPTED:

SUBJECT: WAIVER OF SOVEREIGN IMMUNITY IN CONNECTION WITH EXERCISE OF EMINENT DOMAIN POWERS BY THE DISTRICT OF COLUMBIA

**PROPOSED
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**

WHEREAS, The Washington Metropolitan Area Transit Authority (WMATA) wishes to facilitate the swift acquisition by the District of the land necessary for development of a site adjacent to the Navy Yard Metrorail Station for construction of a new baseball stadium to serve as the home of the Washington Nationals; and

WHEREAS, WMATA looks forward to conveying hundreds of thousands of Nationals fans to and from home games; and

WHEREAS, In connection with the construction of the proposed baseball stadium, the District has filed suit to condemn a piece of property owned by Southeast Land Associates, Lot 53, Square 703, and WMATA's leasehold interest therein, which is used to park buses garaged at the Southeast Bus Garage; and

WHEREAS, The District acknowledges that it does not have the legal ability to condemn WMATA's property interests without WMATA's consent and that it also recognizes that WMATA's compensation for its leasehold interest and for its relocation and attendant operating expenses are not governed by District of Columbia statutes; and

WHEREAS, WMATA has identified two (2) alternative sites in the vicinity of the Southeast Bus Garage which would be suitable for use as a parking lot and the District has agreed to reimburse WMATA for the capital and operating costs associated with relocating the parking lot to a new site; and

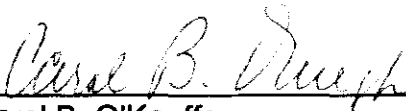
WHEREAS, It is in the best legal and business interests of WMATA to relocate the bus parking lot from the present site; now, therefore be it

***RESOLVED*, That the Board of Directors approves the relocation of the bus parking facility from the current location near the Southeast Bus Garage, and be it further**

RESOLVED, That the Board of Directors hereby authorizes Staff to waive WMATA's immunity from condemnation of its leasehold interest by the District of Columbia in District of Columbia v. 521,025 Square Feet of Land, C.A. No. 05-8505 (Superior Ct., D.C.), subject to the District's agreement to pay the reasonable and necessary operating and capital costs of relocating the bus parking lot for the Southeast Bus Garage, and be it finally

RESOLVED, That this Resolution shall be effective immediately

Reviewed as to form and legal sufficiency:



Carol B. O'Keeffe
General Counsel