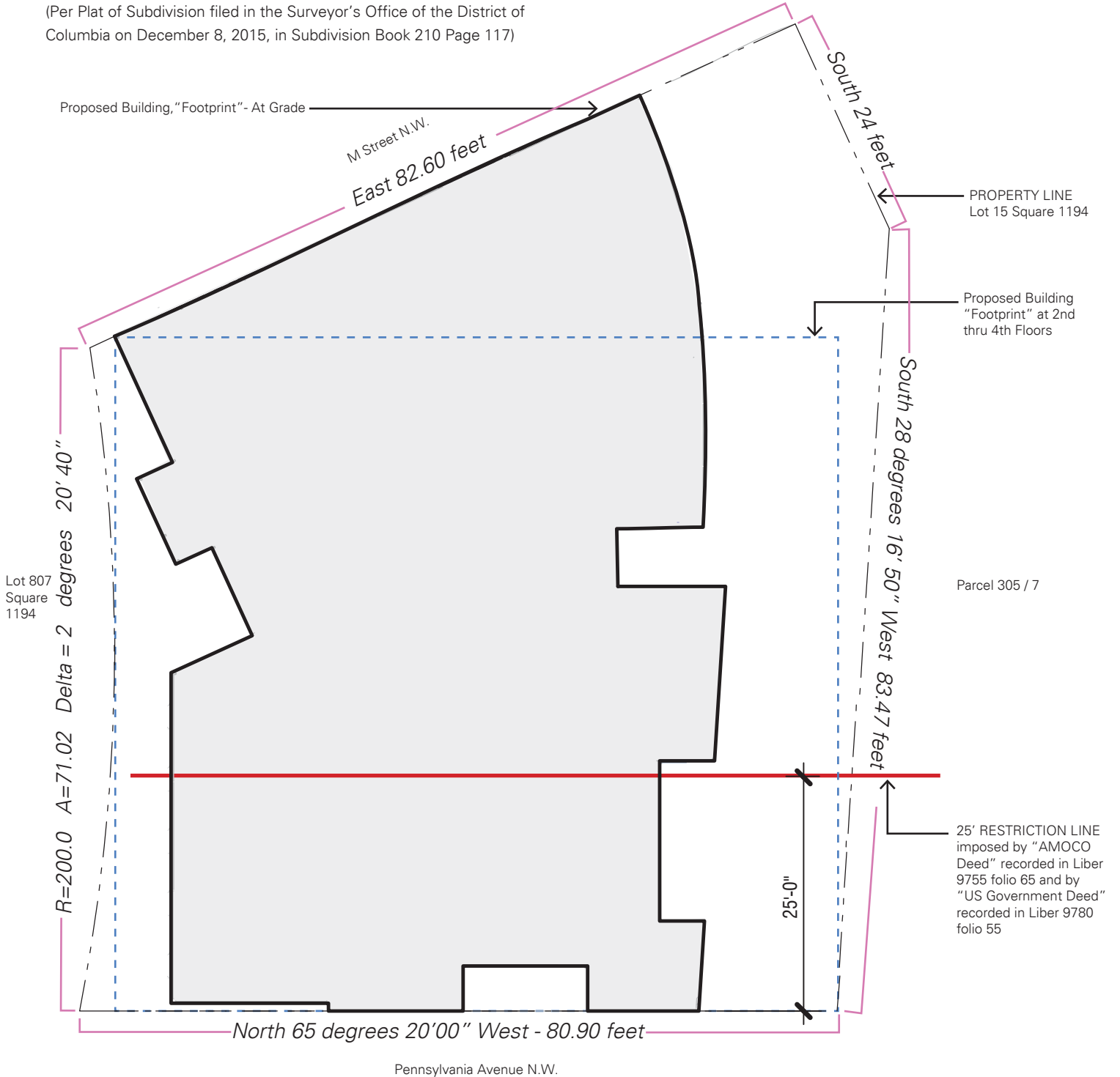


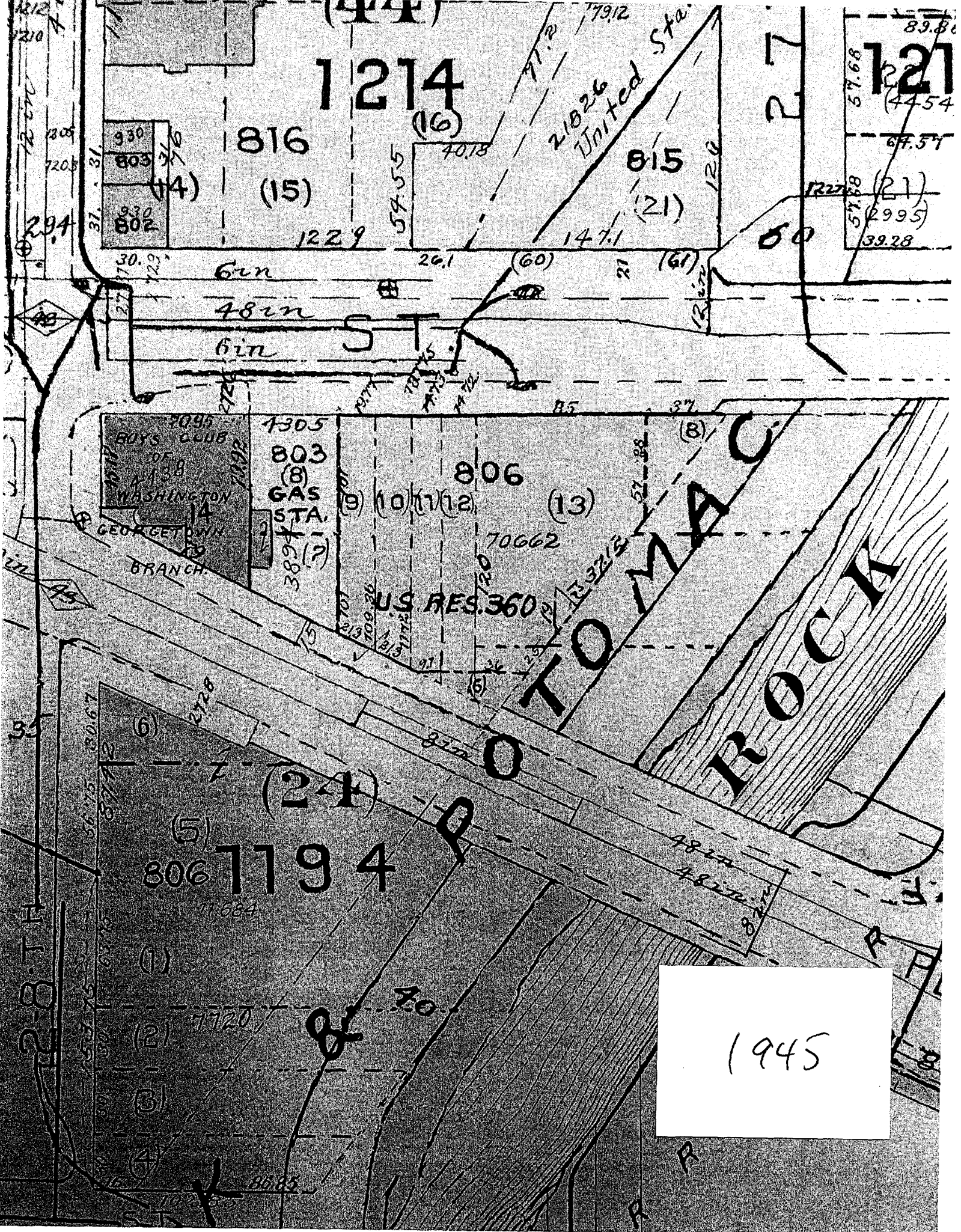
Proposed Building "Footprint" - At Grade Level and Above

PUD Approved by DC Zoning Commission in Z.C. Case No.15-18
 (Initio L.P. - Consolidated PUD & Related map Amendment at Square 1194)

Lot 15
 SQUARE 1194
 2715 Pennsylvania Ave. NW
 Washington, D.C.

7,211 SF Lot Area
 (Per Plat of Subdivision filed in the Surveyor's Office of the District of
 Columbia on December 8, 2015, in Subdivision Book 210 Page 117)





1214

816

(15)

815

(21)

121

(4454)

803

(4)

802

(14)

6in

48in

6in

ST

BOYS CLUB
OF
WASHINGTON
GEORGETOWN
BRANCH

1305

803

(8)

GAS STA

(2)

806

(13)

US RES 360

OTOMAC
ROCK

806 1194

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US RES. 360

TO
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(24)

1954

63 Stat. 4.

(b) **EXPENSE ALLOWANCE OF THE VICE PRESIDENT.**—Section 111 of title 3 of the United States Code is amended by striking out “for which no tax liability shall occur or accounting be made by him” and inserting in lieu thereof “for which no accounting, other than for income tax purposes, shall be made by him”.

63 Stat. 4.
2 U. S. C. § 31b.

(c) **EXPENSE ALLOWANCE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.**—Subsection (e) of the first section of the Act entitled “An Act to increase rates of compensation of the President, Vice President, and the Speaker of the House of Representatives”, approved January 19, 1949 (Public Law 2, 81st Congress), is amended by striking out “for which no tax liability shall occur or accounting be made by him” and inserting in lieu thereof “for which no accounting, other than for income tax purposes, shall be made by him”.

60 Stat. 850.
2 U. S. C. § 31a.

(d) **EXPENSE ALLOWANCES OF MEMBERS OF CONGRESS.**—Section 601 (b) of the Legislative Reorganization Act of 1946 is amended by striking out “for which no tax liability shall incur, or accounting be made” and inserting in lieu thereof “for which no accounting, other than for income tax purposes, shall be made”.

(e) **EFFECTIVE DATES.**—The amendments made by subsections (a) and (b) of this section shall become effective at noon on January 20, 1953, and the amendments made by subsections (c) and (d) shall become effective at noon on January 3, 1953.

Approved October 20, 1951, 2:07 p. m., E.S.T.

Public Law 184

CHAPTER 522

AN ACT

October 20, 1951
[S. 1450]

To provide for the exchange of certain lands owned by the United States of America for certain privately owned lands.

Department of the
Interior.
Exchange of certain
lands in D. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to adjust the boundary of the Rock Creek and Potomac Parkway in connection with plans for providing a park-like treatment at the entrance to Georgetown, and in connection with the future widening of Pennsylvania Avenue, the Secretary of the Interior is authorized to accept on behalf of and without cost to the United States of America, from the owner thereof, unencumbered fee-simple title to the following-described parcel of land situated in the District of Columbia and more particularly described as follows:

Part of lot 14, square 1194, as per plat recorded in the Office of the Surveyor of the District of Columbia in book 29, page 72, described as follows:

Beginning for the same at the intersection of the easterly line of Twenty-eighth Street and the south line of M Street, said point of beginning being also the northwest corner of said lot 14; thence along the south line of M Street east seventy and ninety-five one-hundredths feet to the northeast corner of said lot 14; thence in a southwesterly direction along the arc of the circle, the radius of which is two hundred and no tenths feet, deflecting to the right an arc distance of seventy-one and two one-hundredths feet to the northerly line of Pennsylvania Avenue; thence along said northerly line of Pennsylvania Avenue north sixty-five degrees twenty minutes west forty-four and fifty one-hundredths feet to the easterly line of Twenty-eighth Street and the southwest corner of said lot 14; thence along said easterly line of Twenty-eighth Street north no degrees three minutes west forty-five and seventeen one-hundredths feet to the point of beginning, contain-

ing three thousand three hundred twenty-two and forty-three one-hundredths square feet.

And upon acceptance of such title to such parcel of land, the Secretary of the Interior, acting for and on behalf of the United States of America, is authorized and directed to convey, without cost to the United States of America, to the grantor of the above-described tract of land, all right, title, and interest of the United States of America in and to the following-described tract of land owned by the United States of America and located in the District of Columbia, more particularly described as follows:

Parts of lots 9 and 10, square 1194, as per plat recorded in the Office of the Surveyor of the District of Columbia in Book G. T. 2, at page 23, described as follows:

Beginning for the same at a point on the south line of M Street, said point of beginning being the northwest corner of lot 9 and running thence along the south line of M Street east thirty-nine and fifty-five one-hundredths feet to the northeast corner of lot 10; thence along the east line of said lot 10 south twenty-four feet; thence south twenty-eight degrees sixteen minutes fifty seconds west eighty-three and forty-seven one-hundredths feet to a point in the northerly line of Pennsylvania Avenue, said point being the southwest corner of said lot 9; thence along the west line of said lot 9 north ninety-seven and fifty-one one-hundredths feet to the point of beginning, containing two thousand four hundred two and eighty-six one-hundredths square feet.

The deeds of conveyance from the United States of America shall contain such conditions, covenants, or restrictions as the Secretary of the Interior, after consultation with the National Capital Park and Planning Commission, shall see fit to impose in connection with the future widening of Pennsylvania Avenue.

All land descriptions set forth in this Act are in accordance with a plat of computation recorded in the Office of the Surveyor of the District of Columbia in survey book 161, page 309.

Approved October 20, 1951.

Deeds of conveyance.

Public Law 185

CHAPTER 523

AN ACT

To provide for the sale, transfer, or quitclaim of title to certain lands in Florida.

October 20, 1951
(H. R. 2684)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall, as soon as reasonably possible, make an investigation to determine whether or not certain lands between the shore line of the Gulf of Mexico and township 6 south, range 12 west, Tallahassee meridian, Florida, as represented on the official plat approved in April 1834 are unsurveyed public lands. The Secretary shall promptly notify all interested persons of his determination in such manner as he may find appropriate.

Florida.
Sale, etc., of certain lands.

SEC. 2. If the Secretary finds any such unsurveyed public lands, he shall cause them to be surveyed. If such lands have not been appropriated under the public-land laws, the Secretary shall appraise such lands and offer them for sale for a period of thirty days at their appraised price to the owners of the adjoining uplands in such township.

SEC. 3. If the Secretary determines that the areas investigated under this Act are not unsurveyed public lands, he shall, upon request of

983 - 3

EXCHANGE OF CERTAIN LANDS IN GEORGETOWN, D. C.

HEARING
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON PUBLIC WORKS
UNITED STATES SENATE
EIGHTY-SECOND CONGRESS
FIRST SESSION
ON
S. 1450
A BILL TO PROVIDE FOR THE EXCHANGE OF
CERTAIN LANDS OWNED BY THE UNITED
STATES OF AMERICA FOR CERTAIN
PRIVATELY OWNED LANDS

AUGUST 8, 1951

Printed for the use of the Committee on Public Works



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1951

88246

8-889

U. S. GOVERNMENT PRINTING OFFICE: 1954

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SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

ROBERT S. KERR, Chairman

- | | |
|----------------------------|----------------------|
| SPESSARD L. HOLLAND | EDWARD MARTIN |
| EARLE C. CLEMENTS | FRANCIS CASE |

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EXCHANGE OF CERTAIN LANDS IN GEORGETOWN, D. C.

WEDNESDAY, AUGUST 8, 1951

UNITED STATES SENATE,
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS
OF THE COMMITTEE ON PUBLIC WORKS,
Washington, D. C.

The subcommittee met, pursuant to call, at 10:10 a. m., in room 412, Senate Office Building, Senator Robert S. Kerr presiding.

Present: Senators Kerr (presiding), Martin, and Case.

Also present: Ellsworth W. Bassett, staff engineer.

Senator KERR. The hearing will come to order.

Mr. Bassett, will you sit down there and tell us briefly what is involved in S. 1450, which bill will be inserted in the record at this point. (S. 1450 is as follows:)

[S. 1450, 82d Cong., 1st sess.]

A BILL To provide for the exchange of certain lands owned by the United States of America for certain privately owned lands

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to adjust the boundary of the Rock Creek and Potomac Parkway in connection with plans for providing a park-like treatment at the entrance to Georgetown, and in connection with the future widening of Pennsylvania Avenue, the Secretary of the Interior is authorized to accept on behalf of and without cost to the United States of America, from the owner thereof, unencumbered free-simple title to the following-described parcel of land situated in the District of Columbia and more particularly described as follows:

Part of lot 14, square 1194, as per plat recorded in the Office of the Surveyor of the District of Columbia in book 29, page 72, described as follows:

Beginning for the same at the intersection of the easterly line of Twenty-eighth Street and the south line of M Street, said point of beginning being also the northwest corner of said lot 14; thence along the south line of M Street east seventy and ninety-five one-hundredths feet to the northeast corner of said lot 14; thence in a southwesterly direction along the arc of the circle, the radius of which is two hundred and no tenths feet, deflecting to the right an arc distance of seventy-one and two one-hundredths feet to the northerly line of Pennsylvania Avenue; thence along said northerly line of Pennsylvania Avenue north sixty-five degrees twenty minutes west forty-four and fifty one-hundredths feet to the easterly line of Twenty-eighth Street and the southwest corner of said lot 14; thence along said easterly line of Twenty-eighth Street north no degrees three minutes west forty-five and seventeen one-hundredths feet to the point of beginning, containing three thousand three hundred twenty-two and forty-three one-hundredths square feet.

And upon acceptance of such title to such parcel of land, the Secretary of the Interior, acting for and on behalf of the United States of America, is authorized and directed to convey, without cost to the United States of America, to the grantor of the above-described tract of land, all right, title, and interest of the United States of America in and to the following-described tract of land owned by the United States of America and located in the District of Columbia, more particularly described as follows:

Parts of lots 9 and 10, square 1194, as per plat recorded in the Office of the Surveyor of the District of Columbia in Book G. T. 2, at page 23, described as follows:

Beginning for the same at a point on the south line of M Street, said point of beginning being the northwest corner of lot 9 and running thence along the south line of M Street east thirty-nine and fifty-five one-hundredths feet to the northeast corner of lot 10; thence along the east line of said lot 10 south twenty-four feet; thence south twenty-eight degrees sixteen minutes fifty seconds west eighty-three and forty-seven one-hundredths feet to a point in the northerly line of Pennsylvania Avenue, said point being the southwest corner of said lot 9; thence along the west line of said lot 9 north ninety-seven and fifty-one one hundredths feet to the point of beginning, containing two thousand four hundred two and eighty-six one-hundredths square feet.

The deeds of conveyance from and to the United States of America shall contain such conditions, covenants, or restrictions as the Secretary of the Interior, after consultation with the National Capital Park and Planning Commission, shall see fit to impose in connection with the future widening of Pennsylvania Avenue.

All land descriptions set forth in this Act are in accordance with a plat of computation recorded in the Office of the Surveyor of the District of Columbia in survey book 101, page 300.

Mr. BASSETT. S. 1450 would authorize the Secretary of Interior to convey a certain tract of land now owned by the United States held as a right-of-way for Rock Creek and Potomac Parkway, to the American Oil Co. in exchange for the conveyance to the United States of a tract of land at the intersection of Pennsylvania Avenue, Twenty-eighth Street, and M Street NW.

Senator KERR. Now, stop right there.

Senator MARTIN. I would like to get that located in my own mind.

Senator KERR. Let that go right in. I have a plat here, a smaller one than that, and then we will look at that, showing the intersection of Pennsylvania Avenue, M Street, and Twent-eighth Street.

Senator MARTIN. I am pretty familiar with this city. Where is that in the city, just where?

Senator KERR. That is on M Street or Pennsylvania Avenue, just 4 or 5 blocks, as I understand it, before you get to Georgetown.

Mr. BASSETT. That is right. Here is the Rock Creek Parkway.

Senator MARTIN. Yes.

Mr. BASSETT. Down below here is the Potomac River, which comes in there.

Senator KERR. Now, wait a minute.

Senator MARTIN. Which bridge is this now?

Mr. BASSETT. This is the bridge over Rock Creek in the parkway.

Senator MARTIN. Is this the bridge that runs on over to Georgetown?

Mr. BASSETT. Yes.

Senator KERR. That is the freeway, is it not?

Mr. BASSETT. The freeway comes right under here.

Senator MARTIN. This is Rock Creek where we go up and hit Connecticut Avenue.

Mr. BASSETT. That is right.

Senator MARTIN. And so on up.

Senator KERR. You say that is Rock Creek? Where is the Rock Creek stream of water?

Mr. BASSETT. Well, they do not show it here.

Senator MARTIN. It is probably on this side, I believe. I drive up that way, of course, as you know; I live up that way.

Senator KERR. Well, that map that you have there showing Pennsylvania Avenue Bridge and M Street Bridge over Rock Creek Park shows us a picture of upper structures going approximately

east and west, and then below that a lower structure of the Rock Creek driveway going approximately north and south; is that correct?

Mr. BARRER. That is right.

Senator MARTIN. That is right.

Senator KERR. Now we see where M Street goes out to Twenty-eighth. Senator Martin, let us go out and look at this.

Senator MARTIN. All right.

Senator KERR. Let the record show that Senator Martin and I are going out to look at the ground.

Let us find out who are the witnesses here.

Mr. NOLEN. I am listed as the first witness, Senator. I am John Nolen, of the Capital Park and Planning Commission.

Senator KERR. You are Nolen, of what?

Mr. NOLEN. Park and Planning Commission.

Senator KERR. Of the District of Columbia?

Mr. NOLEN. National Capital Park and Planning Commission.

Senator KERR. National Capital Park and Planning Commission.

Next is Thompson, Assistant Superintendent of the National Capital Parks.

Mr. THOMPSON. I am here.

Senator KERR. Here is Ashton, of the Board of Zoning Adjustment of Washington.

Mr. ASHTON. I am here, Senator.

Senator KERR. Here is Whitley, of the American Oil Co.

Mr. WHITLEY. I am here, sir.

Senator KERR. Kummer and O'Day, both of American Oil Co.

Mr. KUMMER. Yes, sir.

Senator KERR. Gasch, representing the Boys' Club of Washington.

Mr. GASCH. Yes, sir. Mr. Davis is here, also, of the Boys' Club. General Davidson, of the Georgetown Citizens' Association.

Mr. NOLEN. If we might give you just a quick explanation of what this situation is all about—

Senator KERR. You are John Nolen?

Mr. NOLEN. Yes, sir. I think you might want to know what to look for when you go on the ground.

Senator KERR. Why don't you go with us?

Mr. NOLEN. I would be very glad to.

Senator MARTIN. You are going to oppose this?

Mr. NOLEN. No; not oppose it. I do not think you have any opposition to it. I think everybody is for it.

Senator KERR. That is the reason I begin to wonder about it. [Laughter.]

Senator MARTIN. Well, if everybody is for it—

Senator KERR. I want to know what it is, myself.

Senator MARTIN. If everybody is for it, why not let us go out there and take a man of each group, and if everybody is for it I do not see very much where we ought to object, except I would like to know what is involved.

Senator KERR. That is what I want.

Mr. THOMPSON. May I suggest, Senator, that is what I was going to recommend also, that you take one of the Planning Commission, the Park Service, the oil company, and the Boys' Club, and I think it will reveal itself quite clearly on the ground better than on a plat.

Senator KERR. The committee will recess while it goes out to inspect the sites.

(The committee made an on-site examination of the properties in question and then returned to the committee room.)

Senator KERR. Let the record show that Senator Case, Senator Martin, and Senator Kerr went out and looked at the tracts of land at the location on the ground, where M Street and Pennsylvania Avenue and Twenty-eighth Street intersect; that the Government at this time appears to be the owner of lots 9 and 10, the northwest corner of which is about 140 feet east of the east line of Twenty-eighth Street along the south line of M Street.

The American Oil Co. appears to be the owner of lots 7 and 8, which are 43 feet wide on M Street and 47.37 long on Pennsylvania Avenue, and that these two lots, 8 being north of 7, join lots 9 and 10, which are presently the property of the Government, along the west line of lot 9.

The Boys' Club of Washington own lot 14, which is 70.95 feet long running east and west along M Street and 78.03 long along Pennsylvania Avenue and 45.17 feet long along 28th Street.

The oil company has an option to purchase lot 14.

Senator MARTIN. Excuse me; why no state that erected thereon is this church building? I mean, that is a little better identification.

Senator KERR. On lot 14 is erected a very old church which was abandoned for use as a church--when was that?

Senator MARTIN. Somebody said approximately 20 years ago.

Senator KERR. When it was acquired by the Boys' Club of Washington.

The Boys' Club of Washington feel that it is inadequate and now poorly located for their purposes.

Senator MARTIN. Why no just state that they have already moved-----

Senator KERR. I am going to. They feel the need for this unit of their service is far greater in the areas a mile or more north and east of this location; they have sold lot 14 to the American Oil Co. for \$62,500.

Senator MARTIN. Have they sold it or-----

Mr. GASCH. Apparently contracted, looking toward the sale.

Senator KERR. That they have entered into a contract for the sale of lot 14 to the American Oil Co. for \$62,500.

The American Oil Co. now proposes to trade to the Government what is approximately the west 3,322.43 square feet of lot 14 for what is approximately the west 2,402.86 square feet of lots 9 and 10 now belonging to the Government.

The oil company proposes to tear down the building now on lot 14 and turn that part of it which they offered to trade to the Government over to the Government with the surface cleared and in condition for improvement or beautification for park purposes.

Does that about cover it?

Senator MARTIN. It seems to cover it.

Senator CASE. Mr. Chairman, in view of what you have just said, it seems to me that the bill should provide that the land which the Government is to receive should be clear of all structures. I suspect that if the Government were to tear down that building it would cost more to tear it down than the salvage would be worth.

Senator KERR. I am sure it would, and I think we should have it in the bill. Let us develop that in the evidence.

Senator CASE. Well, the bill merely states a description of the two tracts, and on the face of the bill it would appear that it would be possible for the oil company to turn the land over with the building on it.

Senator KERR. Let us develop that in the hearing.

Senator MAURIN. I can tell you we can put an amendment in the bill, a committee amendment in the bill, which would require that.

Senator KERR. Let us develop that and see. I think that is their proposal. If it is, we will get it in the record, and then we will have it.

First we will hear Mr. John Nolen, Director of the Division of Projects and Designs, Capital Park and Planning Commission, Washington, D. C., or the District of Columbia; which is it?

Mr. NOLEN. Washington, D. C.

Senator KERR. All right, Mr. Nolen, take a seat right there.

STATEMENT OF JOHN NOLEN, DIRECTOR, DIVISION OF PROJECTS AND DESIGNS, CAPITAL PARK AND PLANNING COMMISSION

Mr. NOLEN. Mr. Chairman, this proposal that is before your committee-----

Senator KERR. All right, Mr. Nolen, you may proceed.

Mr. NOLEN. This proposal that is before your committee is the outgrowth of a very practical situation that faced our Commission as the Planning Commission for Washington, the National Capital Parks office, who had charge of park lands adjoining this location, and the Board of Zoning Adjustment which had presented to it last summer a request to allow for an expansion and reconstruction of the existing gasoline station that is involved in this exchange.

Senator KERR. Now located on lots 7 and 8.

Mr. NOLEN. On lots 7 and 8.

Senator KERR. Which are between M Street and Pennsylvania Avenue, and the west line of which is approximately 71 feet on the M Street approach and 78 feet on the Pennsylvania Avenue approach of Twenty-eighth Street, of the east boundary line of Twenty-eighth Street.

Mr. NOLEN. Yes.

Senator KERR. All right, sir.

Mr. NOLEN. Now, the bill itself is very simple. It is a bill which simply authorizes the Secretary of the Interior, in consultation with the National Capital Park and Planning Commission, to make an exchange of land that involves property controlled by the oil company for property that is-----

Senator KERR. Presently owned by the Government.

Mr. NOLEN (continuing). Presently owned by the Government, and part of the Rock Creek and Potomac Parkway.

The exchange is favorable to the Government in many ways. The Government will secure 3,322.43 square feet of land in exchange for 2,402.86 square feet which the oil company would secure.

Senator KERR. Yes. All right.

Mr. NOLEN. The land that the Government would obtain in the exchange has a frontage of over 160 feet on M Street, Twenty-eighth

Street, and Pennsylvania Avenue, whereas the land that the Government would deed to the oil company has a frontage of less than 40 feet on M Street.

Now, of course, the advantage to the oil company is that it secures a wider site on both M Street and Pennsylvania Avenue than it now has, and it secures a site that is deeper from street to street; and our understanding is that they propose to reconstruct on that site a Colonial-type gasoline station which will be very much an improvement over what is there now.

Senator KERR. I am sure that that will be developed by them. I have been advised that their construction will conform to—is it the requirements of the—

Mr. NOLEN. It comes under the Shipstead Act. Regardless of this transfer, if they wanted to reconstruct their present gasoline station, because it adjoins the Rock Creek and Potomac Parkway, plans for any alteration or change in the station would have to be presented to the Fine Arts Commission for their recommendation as to—

Senator KERR. Would it be subject to the approval of the Fine Arts Commission?

Mr. NOLEN. Yes; it is. But that is not mandatory. The Commissioners exercise the final discretion.

Senator KERR. Well, they have the veto power; or do they?

Mr. NOLEN. Actually they do not really have the veto power. They are usually able to persuade the developers of tracts of land—

Senator KERR. Well, they either have the authority to disapprove or they do not.

Mr. NOLEN. They have authority to modify their plans. They could disapprove, but the Commissioners could overrule them.

Senator KERR. But the applicant could not overrule them?

Mr. NOLEN. Well, the applicant would submit plans if they disapproved those plans—that is, the Commission of Fine Arts—the applicant could take the plans to the Commissioners, and the Commissioners could overrule the Fine Arts Commissioners.

Senator KERR. Or sustain the Fine Arts Commissioners?

Mr. NOLEN. It could sustain them.

Senator KERR. In other words, the Fine Arts Commission—is that what you call it?

Mr. NOLEN. It is the National Commission of Fine Arts, which is its official name.

Senator KERR. Either they or the Commissioners of the District of Columbia would have the power to disapprove or veto any plans not acceptable to them?

Mr. NOLEN. That is right; that is correct.

Senator KERR. Is that correct?

Mr. NOLEN. That is correct.

Senator KERR. All right; proceed. That would apply to any structure the oil company would put on this area, put on this piece of ground?

Mr. NOLEN. That is correct.

Senator KERR. All right.

Mr. NOLEN. That situation is not involved in this exchange at all.

Senator KERR. Well, it might be.

Mr. NOLEN. The law applies equally.

Senator KERR. It might be involved in the minds of the Senators as they contemplated whether or not they would approve the exchange.

Mr. NOLEN. It does not modify--the exchange does not modify--the provisions of existing law. They apply to this.

Senator KERR. I understand that, but I am just trying to get into this record what the conditions and the provisions of the existing law are.

Mr. NOLEN. I will be glad to submit a further statement.

Senator KERR. That is all right. You have already answered my question.

Mr. NOLEN. Mr. Chairman, I have here a plat that I think might interest the committee because it goes back deep into the history of this situation. It is a plat of the property proposed to be taken for the Rock Creek and Potomac Parkway, and it is dated 1916 and shows this property that is in question; that is, the Boys' Club property, the existing gasoline station, as included within the original taking lines of the Rock Creek and Potomac Parkway.

My reference to this is because in my opening statement I said the authorities involved were faced with a very practical situation here.

Last summer there was presented to the Board of Zoning Adjustment this request to enlarge the present gas station. Our Commission felt at the outset--

Senator KERR. Based upon their option to purchase the Boys' Club property and use it for that purpose?

Mr. NOLEN. That is correct.

Our Commission felt, and has felt for many years, that it would be desirable to purchase this property.

Senator KERR. You mean both that of the Boys' Club and the oil company?

Mr. NOLEN. That is correct. But the difficulties of securing appropriations for this kind of a purchase have been too great over the years, and with the current national emergency, we realize that it was just an impossible undertaking at this time.

Senator KERR. This would, in your planning, be only one of, I would say and presume to be, numerous such situations in the area?

Mr. NOLEN. That is correct. We have pressing needs, for example, for small playgrounds for the children in the very congested areas that may even involve improved properties, and those we give the highest priority to.

Senator KERR. Yes.

Mr. NOLEN. We could not justify this acquisition in comparison with those.

Senator KERR. And with other needs which you have that you feel should be met first.

Mr. NOLEN. That is correct.

Now, the suggestion for purchase, I might say, came from the Progressive Citizens' Association of Georgetown, which has been very much interested in improving the approaches to Georgetown, and the Commission decided after a review of the situation it faced, that we had better try to arrange some kind of an exchange here in which there would be a mutual benefit all around, and would not involve any Government funds, and this--

Senator KERR. You mean any expenditure of Government funds.

Mr. NOLEN. Any expenditure of Government funds, and this exchange that is described in the bill is the outgrowth of that.

Now, the agencies that have participated in all the negotiations and the studies that have led up to this proposed transaction have been

the Office of National Capital Parks, Mr. Harry Thompson who, I believe, is going to testify, and who has been most helpful and instrumental in securing the agreement in his office as to what we propose here—we have had various District authorities that have been involved because of any interest that they might have in the traffic arrangements at this location if the plan originally proposed by the oil company had gone through and, of course, the oil company, and so we come before you, I believe, today with a degree of unanimity that is, perhaps, unusual on legislation.

But, on the other hand-----

Senator KERR. You know of no one involved who is opposed to this suggestion?

Mr. NOLEN. I do not, sir.

Senator KERR. And those that you know who have the responsibility with reference to it favor it?

Mr. NOLEN. That is correct.

Senator KERR. All right, Mr. Nolen.

Do you have any questions, Senator?

Senator CASE. I would like to ask a few questions, Mr. Chairman.

Mr. Nolen, what is the assessed value of the oil company's property at the present time?

Senator KERR. That is, of lots 7 and 8?

Mr. NOLEN. Yes.

Senator CASE. That is their present property. Off the record. (Discussion off the record.)

Mr. NOLEN. The oil company property as of last summer—I have not the very latest assessment—was \$10,776.

Senator CASE. Has any effort been made to determine what that tract could be bought for from the oil company?

Mr. NOLEN. No, sir. We did not have an appraisal made, but we had some rough estimates that indicated that the two properties together, that is, the Boys' Club property and the oil company, would cost in the neighborhood of \$100,000, plus or minus.

Senator CASE. Well, on the basis of your testimony already, Mr. Nolen, the Boys' Club property apparently could be bought for \$62,500.

Mr. NOLEN. Yes; we understand that is their figure. That is the figure under which they have agreed to sell it, I believe, to the oil company but, perhaps, their testimony had better show that. I have no official information on that.

Senator CASE. Do you think you could buy the property from the oil company for \$37,500?

Mr. NOLEN. We have no firm estimate on that, sir. I am not in a position to give that. I understand it is a very profitable location. They have a large gallonage, and that is what determines value for oil company properties.

Senator CASE. On the basis of your familiarity with the acquisition of other sites in the District of Columbia for park purposes, would an assessed valuation of \$16,776 indicate that the property could be bought for \$37,500?

Mr. NOLEN. I should think that would be a fair assumption, yes.

Senator CASE. Mr. Chairman, is any representative of the oil company present?

Senator KERR. Yes; they will be heard later.

Senator CASE. From a traffic standpoint, would it be more desirable to have the oil company further from the apex of the triangle than it would be if it proceeded with its option and purchased the Boys' Club property?

Mr. NOLEN. Very much, sir; very much. The reason is fairly simple: The driveways in and out of the gas station would be further removed from the intersection after the transfer is consummated than if they constructed their station as they could well construct it if they owned the Boys' Club property in its entirety.

Senator CASE. You say as they could well construct it. Have you not already testified that under the Shipstead Act they could not construct it or reconstruct it, without permission of the Fine Arts Commission?

Mr. NOLEN. Yes, but the Fine Arts Commission probably would not. I do not believe it is authorized to turn down a plan on the basis of an undesirable traffic situation. That would be a matter, I believe . . .

Senator CASE. What authority does it have?

Mr. NOLEN. That would be a matter for the Board of Zoning Adjustment, which has to pass upon the plan.

Senator KERR. Which has already, as I understood it, given them permission to do that.

Mr. NOLEN. It has. It required them to remove the station slightly from the corner, but still very much closer than it would be under the transfer plan. I have the plan here which shows what the Board of Zoning Adjustment . . .

Senator CASE. The whole project or the net effect of the whole project will be to create a park front yard for the oil station, would it not?

Mr. NOLEN. Visually above eye level, perhaps, yes; but not necessarily so.

This plan that we have here prepared by one of our landscape architects shows how the site might be treated, and there is proposed a low but nevertheless adequate retaining wall along the east portion of the property that would screen unsightly features that always exist at more or less ground level, like the tops of cars, and so on, and still would permit a clear view of the intersection, and you would be able to see the station, to be sure. We have some low planting—

Senator CASE. At the intersection of three streets carrying a very heavy traffic.

Mr. NOLEN. That is correct.

Senator KERR. Well, Twenty-eighth Street does not carry a lot of traffic there, does it?

Mr. NOLEN. No, sir. The traffic that is heavy is the east-bound movement from M Street over to Pennsylvania Avenue and back to M Street in the manner that I am indicating here, and then, of course, there is this heavy west-bound movement on M Street and Pennsylvania Avenue, which merges just west of the triangle.

Senator KERR. Yes.

Senator CASE. When and if the contemplated exchange is made, what would be the total square footage acquired or owned by the oil company?

Mr. NOLEN. I will have to furnish that figure; I cannot give you that offhand. I gave the figures on the exchange, but the gross amount that the oil company would have can readily be computed.

Senator KERR. The oil company's representative is here, Senator.

Senator CASE. Let us find out how much you are proposing to give them.

Mr. NOLEN. The oil company would receive——

Senator KERR. The answer to that question, according to your plat is that you are proposing to trade them 2,402.86 square feet shown in the pink for 3,322.43 square feet shown in the green.

Senator CASE. No; that is not the answer to the question I am driving at. I want to know what this property will be worth when the transaction is completed. The transaction is not purely a matter of exchanging——

Senator KERR. I thought you asked him how much he was trading for how much.

Senator CASE. I asked him what the total square footage would be that the oil company would have.

Senator KERR. Is there a representative of the oil company here that can tell us that?

Mr. WHITLEY. No, sir.

Senator CASE. Do you know what the space is that you now have there?

Mr. WHITLEY. We can figure it in just a few minutes. We do not have those figures available.

Senator KERR. Why don't you do that figuring so that you can answer that question when you come up here.

Mr. WHITLEY. Yes.

Senator CASE. Mr. Chairman, it occurs to me that there are two ways of looking at this: One is an exchange of so much land for so much land, but actually the Rock Creek Park has a value that is not measured in just so much square footage of land, and if the alternative would be the acquisition of the entire area by the Government for the purposes of a park, at least the record should be clear as to what the choice is, what the values in the choice are.

The exchange of this land, it appears to me on the testimony as it is being developed, will create a site, a business site, of potentially very large values.

The Government will be providing for the oil company a park to its rear, and a front yard to the front at an intersection of streets where there is a large flow of traffic.

It will give it a protected entrance to the oil station. The parking area or the park area to the rear and the park area to the front will both be maintained by the Government; there will be no obstructions for the oil company.

I think the effect of the exchange is not merely to exchange so much land, but to create a site for an oil company of unusual value.

I would be interested in knowing what other evaluators would place as the value of that land with that kind of a situation.

Senator KERR. At this time, the oil company owns a strip of land 44.50 feet wide, running north and south, and which is joined on the east by Rock Creek Park. In other words, it already had the Rock Creek Park frontage on its east.

Senator CASE. Yes; but the approach——

Senator KERR. It has an option to buy and will buy, and has the approval of the Zoning Commission to use 71 feet, or rather, lot 14, which is all of the property west of what it already owns, going out to Twenty-eighth Street on the west, M Street on the north, and Pennsylvania Avenue on the south which, by tearing down the building, it could beautify if it wanted to, and own for itself or put its structure on there, so it would have just what it would have under the proposed change and, as I understand it, no more.

Senator CASE. Except that it would not be as far back from the intersection. Certainly, the exchange will give it a better approach from M Street than it could possibly have by proceeding with its option.

Senator KERR. It is trading the Government 71 feet on M Street for 40 feet on M Street.

Senator CASE. Yes; but the 70 feet, Mr. Chairman, are at the point of the intersection, and the entrance—

Senator KERR. Which could be more valuable than the other.

Senator CASE. But the entrance would have to be back some distance from that, from a traffic standpoint.

Senator KERR. They would have approximately 8,500 square feet if they retained lots 7 and 8 and used 14, according to Mr. Bassett here, who is an engineer, and if they make the transfer, they will have 7,200 square feet.

Senator CASE. Yes; they will have a lesser area on which they will have to pay taxes, but they will have all the benefits, both to the front and the rear of the other land, which will be owned by the Government and be maintained as a park or front yard.

Senator KERR. Well, now, as I understand it, they will have that in either event.

Senator CASE. They will not have as desirable an entrance, it would appear to me, without the exchange as they will with the exchange.

Now, are we going to have some testimony here from the representatives of the Boys' Club?

Senator KERR. Do you have any further questions of this witness?

Mr. NOLEN. I have one point that has not been mentioned that bears on the Senator's point.

Senator CASE. Just a minute. I want to know if we are going to have a representative from the Boys' Club to appear.

Senator KERR. Yes; we do have.

Senator CASE. All right.

Mr. NOLEN. In this matter of the equity involved here, no mention has been made of the fact that we propose to restrict the construction of the building on the oil company's site, new site, to a location 25 feet approximately back of the present building line of Pennsylvania Avenue. The reason for that is that Pennsylvania Avenue, as it enters Georgetown—

Senator KERR. Let me make that statement. Pennsylvania Avenue, up to the bridge which joins all of this property on the east, is 130 feet wide.

The bridge, which approaches the eastern boundary line of this total area we are talking about, is about 90 feet wide, carrying a pavement 50 feet wide, and walkways on either side of it.

Pennsylvania Avenue, west of that bridge, and at the east line of this area that we are looking at here, is approximately how wide?

Mr. NOLEN. Eighty feet.

Senator KERR. Eighty feet wide.

What the witness is saying that they intend to put restrictions on the building of any building on any part of this property, either that which the oil company now owns or which it might acquire, which would leave an area 25 feet wide, running approximately northwest and southeast along the north side of Pennsylvania Avenue, that can be acquired at any time the Government wants to acquire it, if they should decide to do so, in order that they might widen Pennsylvania Avenue by that amount along this particular area.

Senator CASE. It is within the power of the District of Columbia government, is it not, Mr. Nolen, to acquire this land for the purposes of street widening?

Mr. NOLEN. That is correct.

Senator KERR. By condemnation and payment.

Mr. NOLEN. That is correct. We are avoiding in this manner the condemnation of a building of a going business, and to avoid that, the gas station could probably still remain there, but all the District would have to acquire would be the raw land.

Senator KERR. You mean under the restrictions that you propose to put on there—

Mr. NOLEN. Under the restrictions.

Senator KERR. If and when you get ready to condemn it, so there will be no building on it.

Mr. NOLEN. That is correct.

Senator KERR. Without that restriction they would have the right, by reason of their ownership, to build it nearer to the street, and then should you decide to acquire it you would have to do so at the expense not only of paying them for the land but for the building which they had placed there?

Mr. NOLEN. Yes.

Senator CASE. Let us see if that is exactly the situation.

Mr. NOLEN. I can explain.

Senator CASE. Before the American Oil Co. could improve that station they would have to get a building permit and approval of their plans from the Zoning Commission, would they not?

Mr. NOLEN. That is correct.

Senator CASE. And if you thought, as a member of the Fine Arts Commission or as a representative of the Fine Arts Commission, that they were going to erect a building that would interfere with the plans for widening Pennsylvania Avenue, you would register a protest with the Zoning Commission, would you not?

Mr. NOLEN. Yes; we certainly could.

Senator CASE. And would you not expect the Zoning Commission then to refuse a permit for the erection of a building that would merely create a structure, and enhancing the value of the property which the District might want to condemn? You would oppose that?

Mr. NOLEN. I could not predict what the Zoning Board would do, but I would think they would have to take into consideration the reasonableness of any request that the planning agency might make.

Senator CASE. Do you sit idly by and let the property owner or a business in the District of Columbia erect improvements on a tract

of ground where you contemplate widening the street, knowing that that merely increases the price of a condemnation?

Mr. NOLEN. It would depend upon the status of the plan. It would be our job to so advise the Board, but the Board of Zoning Adjustment would have the decision, and we would have no control over that decision.

Senator CASE. Do you presently have a plan for the widening of Pennsylvania Avenue?

Mr. NOLEN. No, sir. There is no plan that has status here. All we know is that it looks very much like some time in the future this bridge will have to be widened and the pavement widened.

Senator CASE. What cognizance has the Zoning Commission or the Fine Arts Commission taken of the need for widening Pennsylvania Avenue at this point?

Mr. NOLEN. It is not an issue before the Fine Arts Commission. It would be a matter before the District Commissioners, and I know of no plan that has any official status. But our Commission has felt that this requirement to set the buildings back to allow for future widening is a reasonable one to plan for.

Senator CASE. Do you know the origin of this language in the bill, S. 1450, on page 1, line 6, "and in connection with the future widening of Pennsylvania Avenue"—what does that refer to?

Mr. NOLEN. That refers to just what I have been describing. The proposal is to require the oil company to put a restriction on its land that would not permit it to put a building, any permanent building, north, or rather, south, of a line 25 feet north of the present building line.

Senator CASE. All right. Then, going back to the matter we were discussing here, if no exchange were made, and if the American Oil Co. proposed to build a structure there which would rest in part on the portion of this land that would be needed for the contemplated widening of Pennsylvania Avenue, would the Fine Arts Commission sit idly by or would it register a protest with the Zoning Commission?

Mr. NOLEN. I suspect it would register a rather futile protest. You see, the difficulty is the Zoning Board has to—

Senator CASE. Why do you say a rather futile protest?

Mr. NOLEN. Well, we have had other cases in the past where a long-range plan has been presented to the zoning authorities, and if it has no legislative status, there is no money status, there is no money in sight, the Board is apt to say, "Well, we would be taking this man's rights away and restricting the use of his land without any compensation and without any reality as to the reason for doing it."

Now, in this case here there is a quid pro quo; there is an exchange of land involved in which—

Senator CASE. Now, we do not need to get into the argumentative part at this time; I am just trying to determine what the facts are and how you would proceed and what the result would be. If you registered a protest with them, would you not also bring it to the attention of the Congress or the District Commissioners that steps should be taken to acquire that land before the structure would be placed on it that would either interfere with or make more difficult the widening of Pennsylvania Avenue?

Mr. NOLEN. Yes; I think that would be the thing—the Commission would do things like that. In fact, this legislation is a result of

just that notice I referred to earlier, that we were faced with a very realistic situation. The oil company said:

Senator KERR. Let me get this into the record, if it is accurate. With reference to lot 14 there is already a building within about 10 feet of Pennsylvania Avenue, so that approximately 15 feet of that 25-foot strip you are talking about along the south side of lot 14 is already covered by this building, is it not?

Mr. NOLEN. Yes; as the building exists today. I have a plat on that.

Senator CASE. But no new building could be placed there in place of this present building without getting permission from the Zoning Commission; is that not correct?

Mr. NOLEN. That is correct, and they got that last fall. They received a permit from the Board of Zoning Adjustment in the alternative, and Mr. Ashton is here, and he can testify to the details, if necessary. I think I can outline what was involved. The oil company said, "We would like to buy the Boys' Club. We have an option on it, but we won't do so until we get a permit from the Board of Zoning Adjustment saying we can build a gasoline station on the combined sites."

Senator CASE. Do you have a copy of that resolution adopted by the Zoning Commission?

Mr. NOLEN. Yes; Mr. Ashton has it here. We presented a report at the same hearing, and we said, "We think that legislation would provide a better solution here if it would permit the transfer that is described in the bill," so the Board of Zoning Adjustment approved both schemes.

Senator KERR. Either scheme in the alternative.

Mr. NOLEN. Either scheme in the alternative; and while there is a technicality that I am not sure whether the permit is still extant.

Senator KERR. Mr. Ashton of the Board of Zoning is here, and we contemplate calling him before the committee.

Mr. NOLEN. Yes. In any case, the gasoline company had the option and clear way to proceed as it wished.

Senator CASE. Mr. Chairman, I have here a copy of a letter which purports to be a letter from the Board of Zoning Adjustment to Mr. J. R. Whitley of the American Oil Co. dated December 21, 1950. Would the chairman be interested in having me read it?

Senator KERR. Sure, but I thought we would go into it when we had Mr. Ashton on the stand. He knows about that. This present witness is with the Division of Projects and Designs and, of course, he knows about it generally, but I believe Mr. Ashton, being one of those who participated in it, and with the responsibility, might be able to give us the evidence or information with a little more responsibility.

If the Senator wants to put it in now, that is very good.

Senator CASE. I would just as soon ask Mr. Ashton about it.

Senator KERR. I contemplated that we would get that into the record when we got Mr. Ashton here.

Senator CASE. The Boys' Club property is not assessed at the present time, or is it? Is the Boys' Club tax-free, Boys' Club property?

Mr. NOLEN. I do not know what its tax status is. It has assessed value given it on the books of some \$52,000.

Senator CASE. Are you sure about that?

Mr. NOLEN. I will give you the exact figures; yes, sir. These are the figures as of last summer, and are not. I do not have any reason to know that they have been changed \$52,100.

Senator CASE. And your understanding is that the oil company has an option to purchase property with an assessed valuation of \$52,000 for a price of \$62,500?

Mr. NOLEN. That is correct.

Senator CASE. And you have already indicated that the assessed value of the oil company property is \$16,770, and you think it could be purchased for approximately \$37,500?

Mr. NOLEN. No, sir. I said I thought it was reasonable to suppose it could be purchased for that amount or within that amount. There has been no appraisal made on our part, so I am just. You remember, your question was based upon rather a generalization.

Senator CASE. I know nothing about it. I have never heard about these properties before this morning, but obviously under the figures now before us, it is suggested that the oil company property is worth two and a half times its assessed value, while the Boys' Club property is proposed to be sold for \$62,500 on an assessed valuation of \$52,000.

Senator KERR. There might be this difference between the assessed value, that the oil company's property is assessed, and I assume they are paying taxes on their assessment, while the Boys' Club does not pay taxes, does it?

Mr. DAVIS. No; it does not.

Senator KERR. You are Mr. E. L. Davis of the Boys' Club?

Mr. DAVIS. I am a member of the board of trustees of the Boys' Club.

Senator KERR. He will be up here in a moment, Senator.

Senator CASE. I think he should identify himself. He is volunteering evidence up here, and we ought to know who he is when he speaks for the purpose of the record.

What was the basis of that \$52,000 figure that you gave us, Mr. Nolen?

Mr. NOLEN. It is on the assessment books of around \$22,000 for land and \$30,000 for building, and I was going to interject that the difference in the ratio between the assessment and the purchase price in case of the two different properties, I think, is partly accountable by the fact that the oil company is buying land and a site essentially, although they are paying--although the assessment reflects the value of the building. In other words--

Senator CASE. Do you know when those valuations were placed on the books?

Mr. NOLEN. Those assessments as of a year ago.

Senator CASE. In both instances?

Mr. NOLEN. Yes, sir.

Senator CASE. That is all, Mr. Chairman.

Senator KERR. Mr. Thompson? His name is on here next. We might just as well take him in order. Next is Mr. Harry T. Thompson, Associate Superintendent, National Capital Parks, Interior Department.

Give us your knowledge or recommendations or suggestions, Mr. Thompson.

STATEMENT OF HARRY T. THOMPSON, ASSOCIATE SUPERINTENDENT, NATIONAL CAPITAL PARKS, DEPARTMENT OF THE INTERIOR

Mr. THOMPSON. Mr. Chairman, you have my name and my connection with the Interior Department, and I have been asked by our Department, our Secretary, and the Director of our Park Service to appear here on behalf of and in support of this proposed legislation.

I should like to subscribe in principle to the statement made by Mr. Nolen.

Senator KERR. Just one moment. All right, you may proceed.

Mr. THOMPSON. I should like to subscribe, in principle, to the statement made by Mr. Nolen that, in the view of our Department and in the view of the Park Service, we think that the proposed legislation is favorable to the Government for the number of reasons cited by Mr. Nolen.

Perhaps, at this time, I could help Senator Case clarify a point regarding the appearance of the land as it might be developed insofar as the National Commission of Fine Arts is concerned.

If you will refer, Senator, to line 22 on page 3, and reading forward, the bill as now drafted says:

The deeds of conveyance from and to the United States of America shall contain such conditions, covenants, or restrictions as the Secretary of the Interior, after consultation with the National Capital Park and Planning Commission, shall see fit to impose in connection with the future widening of Pennsylvania Avenue.

In the normal process of considering any covenants, restrictions or agreements, we would take into account the application of the Shipstead Act, which is designed as a protective measure, and as a control exercised by the National Commission of Fine Arts on all land bordering Rock Creek and Potomac Parkway or the Rock Creek Park land to which we have been referring.

We would normally refer any plans presented to us to the National Commission of Fine Arts, but since the National Commission of Fine Arts has not been brought into the picture officially, as is often done, I would suggest to satisfy your concern, that the Commission of Fine Arts be given a veto power, if you wish to call it that, and that it be written into this particular section, some words to the effect which would make it mandatory that the Commission of Fine Arts must approve any buildings or improvements.

Senator CASE. In other words, you would suggest in lines 24 and 25 on page 3 that instead of using the words "after consultation with the National Capital Park and Planning Commission," that we use some words which would mean, "upon or with the advice and approval"——

Mr. THOMPSON. With the advice and approval insofar as the structures are concerned.

Senator KERR. The National—what do you call it?

Mr. THOMPSON. The National Commission of Fine Arts.

Senator KERR. Is that a part of the National Capital Park and Planning Commission?

Mr. THOMPSON. No, sir; that is an independent agency that has been set up.

Senator CASE. Then you would want to insert that as an additional-----

Mr. THOMPSON. I think I would, to satisfy the concern you have expressed here that since the Commission of Fine Arts now has merely an advisory capacity that their advice be made mandatory. I do not think that would be objectionable to us, nor do I think it would be objectionable to the oil company, although you could ask them on that point.

That is quite often done in the erection of buildings, memorials and statues and other structures, that the Fine Arts Commission--its approval must be obtained before it is erected. That, I think, would overcome any concern that you may have on that score.

I have no written testimony, but I shall make it just as brief as possible. I would say-----

Senator KERR. I would like to have you introduce into the record a copy of the letter of the Department of Interior which, I presume, is with reference to your responsibility. The letter seems to be signed by Dale E. Doty.

Mr. THOMPSON. Yes, sir, the Assistant Secretary.

I would like to introduce into the record a letter addressed to Senator Chavez from our Assistant Secretary, Mr. Dale E. Doty, supporting this proposed legislation and giving the reasons why the Department of the Interior feels it would be advantageous to the Department and to the Government.

Senator KERR. And to the Government?

Mr. THOMPSON. Yes.

(The letter referred to is as follows:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., July 3, 1951.

HON. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
United States Senate.

MY DEAR SENATOR CHAVEZ: This is in reply to your letter of May 9, 1951, requesting the views of this Department on S. 1450, entitled "A bill to provide for the exchange of certain lands owned by the United States of America for certain privately owned lands."

We recommend that S. 1450 be enacted.

The proposed legislation, if enacted, would authorize and direct the Secretary of the Interior to convey the right, title, and interest of the United States in and to a certain tract comprising 2,402.86 square feet of land, as described on page 3 of the bill, to the American Oil Co. in exchange for the conveyance to the United States by that company of unencumbered title to a tract comprising 3,322.43 square feet of land, as described on page 2 of the bill, without cost to the Federal Government. These properties are located between M Street and Pennsylvania Avenue NW., District of Columbia.

The American Oil Co., present owner of land between M Street and Pennsylvania Avenue, near Twenty-eighth Street NW., on which a service station is now located, has, or is about to acquire, under an option purchase contract, the land located at the apex of these streets. The National Capital Park and Planning Commission, and the District of Columbia Highway Department have worked out, from an aesthetic approach, a plan for the transfer of land on the basis provided for in the proposed legislation, which is satisfactory to the American Oil Co., the District government, the Planning Commission, and this Department.

It is the desire of this Department to acquire this apex area as shown in green on the attached plat of computation for development as a park and to provide an aesthetic appearance at the so-called entrance to Georgetown. In order to accomplish this objective, it will be necessary to extend the American Oil Co.'s service station eastward to include a small part of the Rock Creek and Potomac

Parkway in Federal ownership and under the jurisdiction of this Department. The land at the apex of M Street and Pennsylvania Avenue, from the standpoint of the Federal Government, is more valuable for aesthetic and park purposes than the land east of the present location of the oil company's service station. It is, therefore, the considered opinion of this Department that an exchange of land as provided for in S. 1450 would be very much in the Federal interest.

The enactment of S. 1450, moreover, would facilitate the movement of traffic from the widening of Pennsylvania Avenue and the relocation of the present American Oil Co.'s service station as far to the east as is possible away from the apex. Furthermore, the open park treatment of the apex will provide better visibility for the public using the streets, lengthen the channelization treatment for left-turn movement east-bound into M Street, and provide an additional lane of traffic for west-bound movement on Pennsylvania Avenue.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

DALE E. DOTY,
Assistant Secretary of the Interior.

Senator KERR. All right, Mr. Thompson.

Mr. THOMPSON. May I wind up just briefly, unless you have questions for me, to say that this particular problem has been the subject of a great many conferences and meetings at which the District Highway Department, the National Capital Park and Planning Commission, the National Park Service, the Boys' Club of Washington, the Progressive Citizens' Association of Georgetown, and the American Oil Co. all have participated.

Insofar as my Department of the Interior is concerned, we are of the opinion that if an exchange is made, such as is proposed by the legislation and recorded on the plat to which you have referred, it would be beneficial to the Government in that in considering it we have looked at it from the Rock Creek approach, and you may recall from your visit to the site, there was a considerable amount of flat meadowland there which is not seen from the Rock Creek valley.

We were concerned that any building that might be placed on any land that might be exchanged might be obvious, but we are convinced that the type of building that might be put up here would be out of sight from the valley, and although, again, I cannot speak for the oil company, I am sure they have made some studies, all of which, I believe, are of the one-story nature, and I would hope that if this is approved that such a building as is put here would be in character with the program to restore Georgetown to its earlier colonial and Georgian character.

Senator CASE. As a matter of fact, as one of the advisers of the Secretary of the Interior, would you not recommend that the Secretary of the Interior establish that as some of the conditions, covenants, and restrictions?

Mr. THOMPSON. I think that would be one of the precedents to the agreement.

Senator CASE. How large a park area will you have at the point of the intersection there?

Mr. THOMPSON. Well, insofar as it can be determined here, it is 3,322.42 square feet.

Senator CASE. What does the Department of Interior or the National Park and Planning Commission, or whoever will have jurisdiction of that, what does the agency contemplate doing with that tract of ground?

Mr. THOMPSON. Well, it would be administered by the National Park Service of the Interior Department.

Senator CASE. Which you represent?

Mr. THOMPSON. Which I represent.

As of this time we have no plans developed on which we could subscribe and say that this is what we would do. It is the function of the office that I represent to administer and to police and maintain areas of this kind throughout the city; and looking about on similar areas of this kind, I can refer you to an area up at the junction of Wisconsin and Massachusetts Avenues, which is a small area, that is usually seeded, planted, and beautified with a certain amount of sitting-out space for the people as an attraction to the general area.

Senator CASE. Now, as the bill is drawn, it proposes the exchange of two described parcels of land, and the only restriction on that is the paragraph which authorizes the Secretary of the Interior to place certain conditions, covenants, or restrictions on the deeds of conveyance from and to the United States.

What assurance would the Congress have that if the Government acquired this land, that the old building on it would be removed?

Mr. THOMPSON. Well, you have a letter written again, I think, addressed—

Senator KERR. In that regard we have a letter from the oil company in which they state it as their purpose to clear that, and it is my purpose, when they come on here, to let them explain what their proposal is, and then I thought we would put some set provision in the bill.

Senator CASE. I want to find out from this man representing the Secretary of the Interior and the National Capital Park and Planning Commission what they are going to require as to the condition of that land.

Is there a basement or is there an excavation under that building at the present time?

Mr. THOMPSON. Yes, there is. We would ask that the building be removed in its entirety down to and including the foundation walls or any structures, at least 3 feet below ground, and that it be filled back in with acceptable material, and graded level with the adjoining walk lines so that it would be flush—the surface of the ground would be flush—with all of the adjoining properties on all four sides, with a material suitable for the growing of plants or trees, so that our cost would be reduced to the minimum in the improvement of it.

Senator CASE. So that the Government will neither get an old building to remove nor a hole in the ground that it would have to fill.

Mr. THOMPSON. That is correct.

Senator CASE. But it would be restored with soil suitable for planting of grass and shrubs and trees.

Mr. THOMPSON. That would be one of the requirements that we would include in our acceptance of it.

Senator CASE. It seems to me, Mr. Chairman, that the record should show that.

Senator KERR. I am very happy to get it in there.

Senator CASE. It is a different thing from getting an old building or a hole in the ground with rocks, debris, and rubble, and land which

was suitable for planting, and you would include that in the recommendations for the Secretary of the Interior to impose on the agreements for exchange.

Mr. THOMPSON. We would; yes, sir.

Senator CASE. That is all, Mr. Chairman.

Senator KERR. All right, Mr. Thompson. We thank you.

Mr. Ashton of the Board of Zoning Adjustment.

**STATEMENT OF HENRY G. ASHTON, BOARD OF ZONING
ADJUSTMENT, DISTRICT OF COLUMBIA**

Mr. ASHTON. Mr. Chairman and members of the committee, first, I must say that I am here representing Mr. Clouser, who is a member of the Board of Zoning Adjustment, who is Director of Planning, and I am his associate. He was unable to make the appointment today, and I have taken the place at his request.

Senator KERR. Can you tell us what your position is and what your recommendations are, and the reasons for them?

Mr. ASHTON. Yes, sir. I have the whole complete file as far as the Board of Zoning Adjustment's action with reference to this case is concerned.

The order, in short, approves the proposed transfer of land. In fact, it is a part of the order in the condition of approval of the extension of this gasoline service station which was applied.

Senator KERR. Do you have a copy of that order?

Mr. ASHTON. Yes, sir. Senator Case has it.

Senator CASE. I have it here, Mr. Chairman. I wonder, before we put that into the record—I would like to ask a question, and it probably should be asked of the representative of the American Oil Co., before this goes in the record.

Senator KERR. All right.

Senator CASE. Is a representative of the American Oil Co. present?

Senator KERR. Mr. Whitley, come right around here. What are your initials?

STATEMENT OF J. R. WHITLEY, ENGINEER, AMERICAN OIL CO.

Mr. WHITLEY. J. R. Whitley.

Senator KERR. Of the American Oil Co. What is your position with the American Oil Co.?

Mr. WHITLEY. Engineer.

Senator KERR. Are you in charge of this part of their operations?

Mr. WHITLEY. Yes, sir; in charge of all the construction in this division.

Senator KERR. I am not interested in that. I want to know if you are interested in their responsibility in connection with this matter.

Mr. WHITLEY. Yes, sir.

Senator KERR. All right.

Senator CASE. Mr. Whitley, have you filed an application for a building permit with the Inspector of Buildings?

Mr. WHITLEY. No, sir.

Senator CASE. Mr. Chairman, this letter may now be introduced so far as I am concerned, but I think the question I have just asked bears upon the validity of the order.

Senator KERR. The letter is from the Board of Zoning Adjustment to Mr. J. R. Whitlox.

Mr. WHITLEY. That is a little misspelling there.

Senator KERR. It should be Whitley?

Mr. WHITLEY. That is right.

Senator KERR. It is addressed to Mr. Whitlox of the American Oil Co., 711 Fourteenth Street NW., Washington, D. C., and is dated December 21, 1950.

DEAR SIR: The Board of Zoning Adjustment on November 22, 1950, after public hearing held on July 19, 1950, granted the appeal of the American Oil Co. and the Boys' Club of Washington, D. C., for permission to establish a gasoline service station at 2715 Pennsylvania Avenue and 2726 M Street, NW., lots 7 and 803, square 1194, subject to the following conditions:

Where do we see lot 803? I did not see that.

Mr. WHITLEY. That has since then been subdivided into lots 7, 8, 9, and 10.

Senator KERR. I see.

Mr. WHITLEY. Seven and eight, rather.

Senator KERR. In other words, that which appears on this plat as being lots 7 and 8 is the same as referred to in this letter as lot 803.

Mr. WHITLEY. That is right, sir.

Senator KERR (reading):

(a) Plan 2 as submitted to the Board is approved provided appropriate legislation can be consummated by June 30, 1951.

That, I assume, would have to be brought down to date.

(b) In the event plan 2 is not consummated within the time limit above set forth plan 4 is approved subject to these conditions:

I. Dedication of the park area at the west end of the site as per plan for park purposes and screened by a retaining wall of stone or brick 3½ feet high with adequate returns at each end.

II. Building and appurtenant facilities including any additional pumps, air hoses, etc., shall be erected as indicated on the plan and approval of architectural features approved by the Board prior to issuance of permit. No structures other than the gasoline pumps shown on the plan shall be erected upon the land lying south of the line marked "building limit" also designated on plan.

Under the provisions of paragraph C, part 1, section XXIII, of the zoning regulations, the above order of the Board is valid for a period of 6 months only unless application for building permit is filed with the Inspector of Buildings within a period of 6 months after the date of this order. This permit will be issued by the Inspector of Buildings subject to compliance with the provisions of all other applicable law and regulation.

Yours very truly,

BOARD OF ZONING ADJUSTMENT

by blank, but appearing to be by W. E. Chase, Administrative Assistant.

Senator CASE. Mr. Chairman, the testimony up to this point has indicated that there was a valid order from the Zoning Commission which permitted the oil company to go ahead, and that if we did not do something about this, the oil company could go ahead under an existing order from the Zoning Commission.

The letter which you have just read indicates there were two plans under which they might go ahead. One was conditioned upon legislation prior to June 30, 1951. That has not taken place.

The other alternative authorized them to go ahead under a certain building plan, but it required that an application for the building permit be filed with the Inspector of Buildings within 6 months of the

date of the order or the date of that letter. That was December of 1950, as I understand it.

Senator KERR. That is correct.

Senator CASE. It is obvious that 6 months have expired, and there is no valid order so far as that evidence is concerned.

Mr. ASHROD. Senator, I am sorry I did not bring that point up, because it was not asked, but the Board of Zoning Adjustment is cognizant of the facts of the difficulties encountered there due to the waiting period.

Senator KERR. Due to the fact that Congress has neither passed the legislation nor declined to pass it?

Mr. ASHROD. Yes, sir; and the time involved, they have amended that as of this letter here dated April 26, 1951, and it is the Board's opinion that, as this letter reads, June 30 is the starting period for this 6 months.

Senator KERR. In other words, you now tell us that the Zoning Board has given a 6-month extension to the order?

Mr. ASHROD. Yes.

Senator KERR. Which I have just read into the record?

Mrs. ASHROD. Yes, sir. They have allowed the change in date, so that June 30 shall be the commencement point.

Senator CASE. Mr. Chairman, that letter should be read into the record.

Senator KERR. This is with reference to Appeal No. 2769. It is dated April 26, 1951 and is addressed to Mr. J. R. Whitlox, which you tell me is Whitley.

Mr. WHITLEY. Yes, sir.

Senator KERR. (reading):

AMERICAN OIL Co.,
Washington, D. C.

DEAR SIR: The Board of Zoning Adjustment on April 25, 1951, considered a suggestion made orally by a representative of your company that the appeal in connection with the Boys' Club property at 2715 Pennsylvania Avenue N.W. be dated effectively beginning June 30, 1951, in order to comply with conditions outlined in the order which has already been forwarded to you.

I have been directed to advise you that the Board agrees that the 6 months' period which is a limitation upon commencing operations shall begin on the June 30 date mentioned above.

Yours very truly,

BOARD OF ZONING ADJUSTMENT—

by blank, but it appears to be signed by W. E. Chase, Administrative Assistant.

Senator CASE. Mr. Whitley, under existing regulations in connection with the defense effort, could you start a building now without getting an authorization from the Federal Government?

Mr. WHITLEY. Well, I understand that an order has just recently been issued whereby we can, so long as we use less than 200 pounds of copper and 2 tons of steel which, in this building, would be less than either one of those amounts.

Senator KERR. Which in this situation you would conform to and, therefore, could erect such a building without such a permit.

Mr. WHITLEY. That is from what I understand the latest revision is.

However, that was filed 3 weeks ago with the National Production Authority, and we have been verbally assured that would be approved this week. However, that was before this new order came out, of which we just got a copy today.

Senator CASE. I would like to ask the representative of the Zoning Commission whether you feel that your control over the possibility of them starting a building has completely passed. Have you no further authority in the matter?

Mr. ASHTON. Oh, yes, we have. The Board has authority in this matter.

Senator CASE. What authority?

Mr. ASHTON. As the order was read, it is contingent upon approval of the buildings. They have to be submitted to the Board of Zoning Adjustment.

Senator KERR. The plans have to be submitted?

Mr. ASHTON. Yes, sir.

Senator CASE. And the Building Inspector would have to issue a permit?

Mr. ASHTON. Yes, sir. The Board does not issue a permit. The Building Inspector issues the permit, but he has no authority unless he has a letter that the Board, after public hearing, has granted this exception.

Senator CASE. Have you, Mr. Whitley—meaning by “you” the oil company—made any tender of your property to the Government?

Mr. WHITLEY. No, sir.

Senator CASE. You have not offered it for sale to the Government?

Mr. WHITLEY. No, sir.

Senator KERR. You are now talking about lots 7 and 8?

Senator CASE. The present property.

Mr. WHITLEY. What we presently own, no, sir; we have not.

Senator CASE. Have you offered it for sale at all that you know?

Mr. WHITLEY. No, sir; we have not.

Senator CASE. Were you in on the negotiations with respect to the price of the Boys' Club property?

Mr. WHITLEY. Yes, sir.

Senator CASE. How did you arrive at the valuation of \$62,500?

Mr. WHITLEY. Well, that was their asking price.

Senator CASE. When?

Mr. WHITLEY. So I understand it.

Senator CASE. When?

Mr. WHITLEY. Approximately last July.

Senator CASE. July of 1951 or July of 1950?

Mr. WHITLEY. 1950.

Senator CASE. July of 1950. That is all I want to ask.

Senator KERR. All right, Mr. Whitley, just be at ease there for a while.

Is there any further question of Mr. Ashton?

Senator CASE. No.

Senator KERR. Mr. Whitley, I have a letter here from the American Oil Co. I am going to place this in the record, and I would now like to have you tell us for the record whether or not you heard the questions that Senator Case asked of Mr. Ashton—no, of Mr. Thompson, Associate Superintendent, National Capital Parks, Interior Department, a few minutes ago.

Mr. WHITLEY. Yes, sir; I did.

Senator KERR. Did you hear Mr. Thompson's statement of what the Secretary of the Interior would require of the oil company with reference to razing the buildings, removing the walls of the basement

down to a depth of 3 feet below the surface, and then filling in the basement with suitable soil for grass and plants?

Mr. WHITLEY. Yes, sir.

Senator KERR. Would you have any objection to the bill having a provision in it that that would be one of the things that would be required of your company?

Mr. WHITLEY. No, sir. We would not have any objections whatsoever. It is our intention to do that.

Senator KERR. Now, who was it back there who was going to figure out the estimate of the space involved?

Mr. WHITLEY. Well, of course, these are just rough figures with the exchange of this property.

Senator KERR. Let us start over. Have you got the figures now showing the number of square feet you presently own?

Mr. WHITLEY. Yes, sir. It is approximately 5,337.

Senator KERR. Approximately 5,337 square feet?

Mr. WHITLEY. What we now own.

Senator KERR. How much is there in lot 14 that we understand you have an option to buy from the Boys' Club?

Mr. WHITLEY. I would say approximately 4,000.

Senator KERR. Approximately 4,000?

Mr. WHITLEY. Four thousand. These are rough figures. They are not right down to the end because I have not had time to figure that out.

Senator KERR. Well, according to my figures there are about 4,500—let me see, according to my estimate you now own 3,800 or 4,000 feet in lots 7 and 8.

Mr. WHITLEY. That is right. I had the figure added together; I had 3,961 that we now own—

Senator KERR. You would be buying it.

Mr. WHITLEY (continuing). And 4,408 feet is what we would be purchasing from the Boys' Club.

Senator KERR. So you stand here approximately as the owner of 8,500 square feet including that which you own, and that which you have a contract to buy?

Mr. WHITLEY. Yes; that is right.

Senator KERR. If you make this proposed exchange, you will be trading 3,322.43 square feet for 2,402.86 square feet, so that you will wind up as the owner of approximately 7,200 square feet instead of approximately 8,500 square feet.

Mr. WHITLEY. That is right, sir.

Senator KERR. Those are all the questions I have.

Senator CASE. Mr. Whitley, property values have advanced in the District of Columbia in the last year, have they not?

Mr. WHITLEY. Some, I would say. To what percent I would not be able to answer that, but I would say it has advanced some.

Senator CASE. Frankly, the thing that is bothering me about this bill—and I was not bothered until more of the testimony came out—that was actually, I think, the Government, by making the arrangements for this trade would be creating a site of exceptional value for an oil station, a site with a value that you would not have even if you went ahead with your present proposal, for it certainly seems to me that being back a distance just from the very point of the triangle, or whatever geometrical shape the lot there takes, that you have an

advantage for traffic getting into the station, and you have the advantage of the park area that will be created in front of the station, and that is at present to the back of it, and the permission to do the whole thing will create a property of considerable more value than you now have.

The testimony as we have it before us indicates that whereas your present property has an assessed value of \$16,000-and-some, it might have a resale value of approximately \$37,000, which would be two and a half times, or not quite two and a half times its assessed value. But the deal proposes to give sanction for your purchasing property from the Boys' Club for \$62,500, which has an assessed value of \$52,000.

My feeling is that by the Government's becoming a party to making this deal, which would give you a site of unusual value for an oil station in the District, it in effect becomes a party to sanctioning a deal and lending the value of the park areas to creating a profitable site—a property of considerably more value than is indicated in the compensation proposed to go to the Boys' Club, and in view of the fact that these negotiations with the Boys' Club started a year ago, and your valuation was based upon the figures at that time, do you not think it would be appropriate for you to pay the Boys' Club at least \$75,000 for that lot to accomplish the transfer? That is a much more modest increase in value over July 1950 than a great deal of other property in the District of Columbia has shown, as evidenced by sales that have taken place within that period of time.

Mr. WHITLEY. Well, I am not in a position to answer that question, but this purchase contract which we have consummated that time does call for this \$62,500, and in order for that to be opened up for renegotiating of price, why, that would have to come from some of the Boys' Club officials, and our real-estate department. I would have no jurisdiction in making a statement or anything to that effect.

Senator CASE. I recognize it is a new proposition and you did not come here prepared to say anything on that point, but just looking at the whole thing it appears to me it would be a fairer thing to do and an equitable thing to do, because values have increased and you are now asking the Government to lend whatever values it would give by the creation of park areas fore and aft, and the Boys' Club will find that whatever it planned to construct a year ago, that is, in July of 1950, with the \$62,500, it would be pinched to get the same structures now for \$75,000.

I just pass that along as a suggestion. I would like to see you initiate the negotiations with the Boys' Club, frankly.

Mr. WHITLEY. Well, we can make that recommendation. I will make it to the company and to the Boys' Club representatives, but I have no authority—

Senator CASE. I understand. Of course, you are not prepared to make any comment.

Mr. WHITLEY. To make a statement of that sort.

Senator KERR. Do you happen to know the amount of that assessed value to which the Senator has referred that applied to the building on this Boys' Club?

Mr. WHITLEY. I understand it is approximately \$30,000.

Senator KERR. Of the \$52,000.

Mr. WHITLEY. That is right. The land value, I would say, is approximately \$22,000.

Senator KERR. As I understand it, you are going to tear the building down?

Mr. WHITLEY. That is right.

Senator KERR. And that is what you said to do when you made the contract to buy it?

Mr. WHITLEY. The building would be of no value to us, and to anyone else that I can see, who would ever purchase that property.

Senator KERR. And is it likely that tearing it down will cost you more now than it would a year ago?

Mr. WHITLEY. I do not think that cost has increased because there is a salvage of materials in that that were more scarce than they were a year ago.

Senator KERR. You think that would offset it?

Mr. WHITLEY. I think that would just offset the increase in cost.

Senator KERR. I join with the Senator in saying that I would like to see you give the Boys' Club more money, but I want to find out this information from you.

Do you have any further questions, Senator?

Senator CASE. No, sir.

Senator KERR. Mr. Irving Kummer, of the American Oil Co., can you add anything to what we have gotten from Mr. Whitley?

STATEMENT OF IRVING KUMMER, AMERICAN OIL CO.

Mr. KUMMER. I do not think so, except being connected with the real-estate department, I might be able to answer some of the Senator's questions about value there.

Senator CASE. I do not care to go into them any further. We do not need to get too technical. It was only a friendly suggestion.

Senator KERR. Mr. O'Day, do you have anything further to say?

Mr. W. A. O'DAY. No, Senator.

Senator KERR. Mr. Gasch.

Mr. GASCH. May I bring Mr. Davis, the chairman of our building committee along with me?

Senator KERR. Yes, sir.

At this point, however, I would like to introduce a letter from the American Oil Co. signed by W. A. O'Day, sales manager, dated July 24, 1951, addressed to Senator Dennis Chavez, chairman, Committee on Public Works, United States Senate, Washington, D. C.

(The letter referred to is as follows:)

AMERICAN OIL CO.,
Baltimore, Md., July 24, 1951.

Re S. 1450, a bill to provide for the exchange of certain lands owned by the United States of America for certain privately owned lands.

Senator DENNIS CHAVEZ,
Chairman, Committee on Public Works,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This will confirm our understandings which were explained in our telephone conversation this morning with Mr. Harry Thompson of National Capitol Parks, as follows:

Our plans for the rebuilding of our service station as proposed on the revised lay-out of the land after the exchange of properties with the United States Government provide for the razing of the Boys' Club building, now on a part of the general premises, at our cost. Therefore, as soon as the proposed title changes

EXCHANGE OF CERTAIN LANDS IN GEORGETOWN, D. C. 27

have been cleared and all necessary permits have been obtained for the rebuilding of our service station, we will promptly proceed, at our cost, to clear the portion of the property wherein title will be ultimately vested in the United States Government.

Yours very truly,

THE AMERICAN OIL CO.,
W. A. O'DAY, Sales Manager.

I would like to place in the record a letter from the Assistant Director of the Budget dated June 21, 1951, in support of the legislation.

(The letter referred to follows:)

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., June 21, 1951.

HON. DENNIS CHAVEZ,
Chairman, Senate Committee on Public Works,
412 Senate Office Building, Washington, D. C.

MY DEAR SENATOR CHAVEZ: This is in reply to your request of May 9, 1951, for the views of this office with respect to S. 1450, a bill to provide for the exchange of certain lands owned by the United States of America for certain privately owned lands.

You are advised that this Office is in favor of the enactment of this legislation. It is noted that the bill provides, in line 9 of page 1, that the lands accepted by the United States shall be conveyed by "unencumbered fee-simple title", whereas lines 22 and 23 of page 3 of the bill provide that "the deeds of conveyance from and to the United States shall contain such conditions, covenants, or restrictions as the Secretary of the Interior, after consultation with the National Capital Park and Planning Commission, shall see fit to impose in connection with the future widening of Pennsylvania Avenue." For purposes of clarity it would appear desirable that the words "and to" in line 22, be stricken from the bill.

Sincerely yours,

ELMER B. STAATS,
Assistant Director.

Senator KERR. I would like to introduce a letter from the National Capital Park and Planning Commission, signed by Mr. Demaray, Acting Chairman, in which it advises the committee that the proposal has the endorsement of the Commission.

(The letter referred to follows:)

NATIONAL CAPITAL PARK AND PLANNING COMMISSION,
June 21, 1951.

HON. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
United States Senate.

Subject: Report on S. 1450, for exchange of lands at Pennsylvania Avenue, Twenty-eighth and M Streets NW.

MY DEAR SENATOR CHAVEZ: The National Capital Park and Planning Commission has received your request of May 9 to furnish the Committee on Public Works with a report on S. 1450, to provide for the exchange of certain lands owned by the United States of America for certain privately owned lands.

The purpose of this legislation is to permit a mutually beneficial exchange of land between the National Park Service and the owners of adjoining property for a park-like treatment at a prominent entrance to Georgetown. The proposal has the endorsement of the Commission, the National Park Service and other agencies concerned, as well as interested citizen groups.

The bill is an outgrowth of an appeal granted by the Board of Zoning adjustment to enlarge an existing gasoline service station located between Pennsylvania Avenue, M and Twenty-eighth Street NW, and Rock Creek and Potomac Parkway. The oil company has consolidated all private ownerships in this area by acquiring the old Peck Memorial Chapel, abandoned many years ago and since used as a boys' club. Rather than have the service station extend to Twenty-eighth Street, with drives in and out so close to this heavily traveled intersection, the Board, the Commission, and other agencies, as well as the owners of the station, have agreed upon the more desirable plan which S. 1450 would authorize.

Under the exchange plan authorized in the bill, an area of approximately 2,400 square feet of the Rock Creek and Potomac Parkway abutting the gasoline service station would be deeded to its owners in exchange for approximately 3,300 square feet which would be deeded to the National Park Service for park purposes by the same owners. The exact areas and dimensions of the proposed exchange are shown on plat of computation prepared by the Surveyor of the District of Columbia under date of January 18, 1951, and recorded in survey book 101, page 300, copy of which is attached.

The advantage of the exchange to the public is threefold. It will permit (1) the embellishment of the terminus of Pennsylvania Avenue at its entrance to Georgetown with a park-like treatment similar to that which prevails at many other such intersections in Washington; (2) future modification of the traffic channelization to increase the capacity of the Pennsylvania Avenue M Street intersection when needed, and (3) the widening of Pennsylvania Avenue at some future time without the necessity of acquiring expensive improvements because any new structures will be set back to the line of Pennsylvania Avenue east of Rock Creek. At present, Pennsylvania Avenue is less than 90 feet wide at this point, though east of Rock Creek for its entire length to the White House it is 130 feet wide.

The enclosed print, entitled "Georgetown Entrance at Twenty-eighth and M Streets and Pennsylvania Avenue" illustrates how both the park development and the gasoline service station reconstruction would be carried out if the legislation is approved. The service-station plan accords with a scheme submitted by its owners. A building of colonial type is proposed, plans for which would be subject to the approval of the Commission of Fine Arts under the Shipstead Act, because it adjoins the Rock Creek and Potomac Parkway.

Originally, both the gasoline service station properties were included within the taking lines of the Rock Creek and Potomac Parkway, but because of lack of sufficient funds they were not acquired before the Parkway Commission was abolished in 1933. Present estimated costs for acquiring these properties range up to \$100,000. Under the exchange plan, the most essential public purposes would be accomplished without any expenditure for land.

The Commission strongly recommends that this legislation be approved.

I have been advised by the Bureau of the Budget that there is no objection to the presentation of this report to your committee.

Sincerely yours,

A. E. DEMARAY, *Acting Chairman.*

Senator KERR. All right, now. This is Mr. Gasch, representative of the Boys' Club of Washington.

**STATEMENT OF OLIVER GASCH, BOYS' CLUB OF WASHINGTON,
ACCOMPANIED BY EDWIN L. DAVIS, BOYS' CLUB OF WASHINGTON**

Mr. GASCH. Yes, sir.

Senator KERR. Tell your story.

Mr. GASCH. I do not know the details that you desire from me, sir, but possibly some reference to the situation with which we are confronted would be appropriate.

The Rotary Club approximately 20 years ago bought this property and gave it to the Boys' Club. We have operated this facility during that time. We have found that due to changed conditions in Georgetown, particularly the heavy traffic down there, that it is not as good a location as we would like to have for the Georgetown area. So several years ago we had the opportunity of buying a tract of land located on Wisconsin Avenue near S Street, near Dumbarton Oaks.

We bought that land and we now have a football field up there, tennis courts, and open-air basketball field. We have some locker-room space, but have not had the funds with which to construct an appropriate facility for 12 months in the year.

So we were particularly anxious to sell this facility, the old Tech's Chapel property, get what money we could out of it, and put it up in the building on Wisconsin Avenue and S Street.

Obviously, when we entered into this contract it was necessary for the American Oil Co. to get the approval of the Board of Zoning Adjustment, before they could extend their gas station facilities down at Pennsylvania Avenue and M Street.

The Board of Zoning Adjustment came up with these two alternative plans after consultation with the National Capital Park Authority.

We generally favor, Mr. Chairman, this legislation, because frankly, we want to get our money and we want to start construction up at Wisconsin Avenue and S Street of the additional facilities we will need up there just as soon as we can go ahead.

Senator KERR. How was the \$62,500 figure arrived at?

Mr. GASCH. Well, we wanted to get as much as we could for our property. We put it on the market, and that was the best offer we could get.

Senator KERR. That was in June or July of 1950?

Mr. GASCH. That is correct.

Mr. DAVIS. Spring of 1950.

Senator CASE. The spring?

Senator KERR. Was the price the best offer you got, or was the deal that you made the result of placing that figure on it and their accepting your figure?

Mr. GASCH. Mr. Davis can correct me on this, but I believe we put it on the market considerably more in price—considerably higher price and we did not have any takers.

Mr. DAVIS. We did not.

Mr. GASCH. We got this proposition from the American Oil Co. and it was considered by the Board. We felt it was the best thing the Boys' Club could do.

Senator KERR. All right, Mr. Gasch. Any further questions, Senator?

Senator CASE. No, except, Mr. Chairman, it is obvious that I will feel a little better about this when I learn they are willing to pay \$75,000 for it.

Mr. GASCH. That is very nice of you, sir.

Senator CASE. Because I honestly think a deal made at that time over a year ago would not yield you in funds sufficient to construct what you contemplated the possibility of constructing at this time.

Senator KERR. I would not be surprised but that maybe the Congress is as much to blame for the delay as the oil company.

Senator CASE. That may be, but the Congress is going to increase the value of this oil station by having a park on both sides of it.

Senator KERR. Who is the other gentleman with you?

Mr. GASCH. Mr. Davis, sir.

Senator KERR. What is your position, Mr. Davis?

Mr. DAVIS. I am a trustee, the same as Mr. Gasch.

Senator KERR. What is your name?

Mr. DAVIS. Edwin L. Davis.

Senator KERR. Edwin L. Davis?

Mr. DAVIS. Yes, sir.

Senator KERR. What is your present status in respect to your relationship with the American Oil Co.?

Mr. DAVIS. The status of the trustees with the American Oil Co. is that we have an agreement that we will sell the property.

They also agree with us that they will allow us to stay in the building a reasonable length of time to give us an opportunity to raise additional funds to build the building we would like to have up at Wisconsin Avenue and S, that we are not to go out in the cold, so to speak. They made us that concession.

Senator CASE. How much do you estimate it would take now to build up at the new location?

Mr. DAVIS. We have been negotiating to borrow or be loaned some—we hope—from a trust fund for charitable purposes, and we would like to get around \$400,000.

As it is, we borrowed on this property; we owe about \$37,000 on the Wisconsin Avenue project, and so we have only got about \$24,000 in here at this time, which is not enough money to go ahead under any circumstances.

We have in equity here and pledges, which are not cash, of course, approximately \$128,000 at this moment, which is not sufficient to carry on our project, and we are trying to borrow the balance. So far we have not been successful.

Senator KERR. Do you have a binding contract with the oil company that you will sell and they will buy?

Mr. DAVIS. Yes, sir; we do.

Senator KERR. Is it your position that you favor this legislation?

Mr. DAVIS. We do.

Senator KERR. That was the best offer you could get for the property?

Mr. DAVIS. Well, the property was on the market for some little time.

Senator KERR. How long was it on the market?

Mr. DAVIS. I would say around 9 months before this was consummated.

Would you check me on that, Mr. Gasch?

Senator KERR. Did you have any other offers for it?

Mr. DAVIS. This was the only offer we were able to get.

Senator KERR. From anybody?

Mr. DAVIS. I explained why we thought that was the best thing we could do, because this property for commercial purposes is difficult of access unless you are in a car.

You have the traffic sweeping out here; you have the traffic here, and this way and down Twenty-eighth Street, and for commercial purposes you have to have an easy way to get to your property, so—

Senator KERR. In other words, this property does not have value for the ordinary retail establishment because they would have no parking space?

Mr. DAVIS. They have parking space, it is true, but the person on foot buys, too, you know.

Senator KERR. Well, I mean, though, since there is only about—

Mr. DAVIS. There is no parking on the street, to speak of.

Senator KERR. No parking on the street adjacent to it?

Mr. DAVIS. That is correct.

Senator KERR. And there would not be room here to build much of a commercial building, and leave enough for adequate parking space for customers.

Mr. DAVIS. That is correct, sir.

Senator KERR. And you are telling us the traffic around it is—

Mr. DAVIS. Heavy.

Senator KERR (continuing). Of such a nature and intensity that there is very difficult access to it for pedestrians.

Mr. DAVIS. Yes, sir.

Senator KERR. Of course, the stuff east of it is, to begin with, the oil company station now already there, and then a little ways east of that the Rock Creek Parkway, which eliminates any possibility of access or approach from that direction.

Mr. DAVIS. Yes, sir.

Senator KERR. All right, sir. Do you have any questions, Senator?

Senator CASE. Mr. Chairman, I should like to ask, did you explore the possibility of buying from the oil company the land that they now own?

Mr. DAVIS. No, we did not, sir. The population has moved since this project was established. It has moved farther uptown.

Senator CASE. My thoughts ran further than that, as to whether or not you explored the possibility of buying their tract, and then offering the two tracts together, and fortified with the deal it is now proposed to make in exchange with the Government, as to any other oil company?

Mr. DAVIS. No, sir; we were not astute enough, and that was not proposed to the board when I was president.

Senator CASE. Mr. Chairman, it is just my horseback opinion that other competitive oil companies in the city would be glad to pay considerably in excess of \$100,000 for the tract of that land that will be the final result of the proposed exchange.

Senator KERR. Do you know of any way that we could compel the American Oil Co. to permit that to be done?

Senator CASE. No, I do not.

Senator KERR. Would you consider a law to that effect?

Senator CASE. I think when you consider that the Government is asked to lend support here to a transaction which will create a site of unusual value for an oil company, that the Government has a responsibility for lending a little shield to those who are not in a good position to negotiate. The assent of the Government ought not be given lightly to a transaction which promises to create something of exceptional value.

Senator KERR. I think the Government should look at this from the standpoint of what the Government's position is. I think they should not consider it at all unless they are in as good or better condition after they make it than they were before. I do not know what authority we would have to compel one applicant to put himself in a position to trade himself out of an applying position in order to give him an opportunity to apply.

Senator CASE. I think that the Boys' Club, with an option already given, probably is in a helpless legal position. I think the oil company will have to modify its offer voluntarily on the basis of existing values. Or it might be well for the committee to have a report,

through the staff, of what the Government itself is being asked to pay for comparable footage for building sites that would be as well located as that might be, for a Government building. And I recognize when I suggest that, that the Fine Arts Commission would not want to see a tall building erected there. But I should like to know what the Government is paying for building sites of comparable size to this in the heart of the city.

Senator KERR. Of course, this is hardly in the heart of the city.

Would you like to have your contract back from the oil company? Do you think you could sell this to anybody else for more money now?

Mr. GARDNER. That is a difficult question to answer now.

Mr. DAVIS. I do not know whether I could answer that for the board, sir.

Senator KERR. I might say that I would not be adverse to considering a slow-down strike to get them to give this back if somebody else wants to offer some more money. [Laughter.]

If you had this contract back, then what would you do? You would try to find somebody else to buy it.

Mr. DAVIS. We would have to hunt for another purchaser, and with American Oil Co. owning the property behind you, you would have a difficult time selling this piece.

Senator KERR. You do not think if you had it loose from this contract today that you could find anybody to pay you more money?

Mr. DAVIS. I doubt it, sir.

Senator KERR. You doubt it.

Any further questions?

Senator CASE. If you had the funds to buy from the oil company at a price which does not exceed their assessed value, or is in relation to their assessed value by the same ratio that the price they are offering to you, if you had the funds to step in and buy that property for the ratio of 16 to the price as 52 is to 62, and then could turn around and offer the consolidated property, you would not have any trouble finding a buyer.

Mr. DAVIS. Oh, no, not under those circumstances. But the point of it is, when the Boys' Club wanted to sell we did not have any surplus funds. We were always up against it for more money, both for operation and for new projects. It is like any other charitable organization.

Senator KERR. As I understand, there are \$30,000 of that assessed—well, to begin with, the assessed valuation of your property is just somebody's estimate anyway, is it not? You do not pay any taxes on it, do you?

Mr. DAVIS. We do not pay any taxes.

Senator KERR. And the \$30,000 item for the building, for any practical purpose or commercial value today is just so much salvage, is it not?

Mr. DAVIS. So much salvage. We did try with other people, broadcasting studios, and so forth, but nobody would give us a bid.

Senator KERR. Nobody would give you a bid because they have got no place to park there and no access to it.

Mr. DAVIS. Yes.

Senator KERR. All right. Anything further, Senator?

Senator CASE. No.

Mr. Chairman, I would like to ask the staff to get us some figures on prices that the Government is paying for comparable real estate for building sites.

Senator KERR. You do not think the Government would put a building on a comparable site to that, would you, Senator?

Senator CASE. No, because I think it would be too expensive.

Senator KERR. When you say a comparable site, you have to have one that is comparable in location and accessibility. Do you think the Government would put a building on a site that is, in the first place, that small and, in the second place, is inaccessible as that is?

Senator CASE. No, but the site that would be created when the exchange is effected.

Senator KERR. You do not think the Government would put a building on a park place anyway.

Senator CASE. No, I do not.

Senator KERR. We will get you anything you want that we can.

Senator CASE. All right. I think it would be helpful.

Senator KERR. Next we have a representative of the Georgetown Citizens' Association. Give us your name.

STATEMENT OF HOWARD C. DAVIDSON, GEORGETOWN CITIZENS' ASSOCIATION AND GEORGETOWN PROGRESSIVE CITIZENS' ASSOCIATION

Mr. DAVIDSON. Maj. Gen. Howard C. Davidson.

Senator KERR. Sit down, General.

Mr. DAVIDSON. I have nothing to add, Mr. Chairman, except that the Georgetown Citizens' Association-----

Senator KERR. Tell us something about the Georgetown Citizens' Association.

Mr. DAVIDSON. It is one of the many citizens' associations. We have two in Georgetown, the Georgetown Progressive Citizens' Association and Georgetown Citizens' Association; and any propositions like this are referred to us by the Zoning Commission, and it is brought up at the meetings as to whether or not people have objections to it.

This, I know, was one of the approved things, and I was asked to come down here just to represent the association and to say that we were for this exchange.

Senator CASE. That is, you would rather see that point cleared up without that tall building there.

Mr. DAVIDSON. Yes, sir. That building is not a thing of beauty there, and I think it would be better if it were torn down and if nothing else were put there.

Senator KERR. As I understand it, the church that built it abandoned it or outgrew it or it served its purpose in a period of time that expired some 20 years ago.

Mr. DAVIDSON. I imagine the church abandoned it for the same reason that these business places will not bid on it because there is a difficult way to get in there.

Senator CASE. But you do not have any doubt that there would be bidders for it by other oil companies if the proposed consolidated tract were available for purchase.

Mr. DAVIDSON. No, sir. I would like to see the Boys' Club get as much as they could out of it. I am for that. I do not know whether you could reopen that. I am not familiar with those negotiations at all.

Senator CASE. I think that has to be a voluntary thing.

Senator KERR. All right, General. Thank you, sir.

We have a representative of the Georgetown Progressive Citizens' Association.

Mr. DAVIDSON. I am afraid I am the same one.

Senator KERR. You represent them, too?

Senator CASE. May I suggest that we put some ditto marks in the record?

Senator KERR. Give him your name again now.

Mr. DAVIDSON. Howard C. Davidson.

Senator KERR. Is the Progressive Citizens' Association different from the Citizens' Association?

Mr. DAVIDSON. It is a mystery to me why they are, but they are the same thing; they do the same thing, but one of them was supposed to be the Georgetown Citizens' Association, which was supposed to be mainly businessmen, but now they have taken in the women, too. There is no difference in them; they just have two.

Senator KERR. I see. They are different groups, though?

Mr. DAVIDSON. Yes, sir—No, sir; they are about the same people; they are about the same people in both of them.

Senator CASE. Mr. Chairman, off the record.

(Discussion off the record.)

Senator KERR. Are there others here who want to testify or who can enlighten this committee about this matter?

We will bring this hearing to a temporary recess, and we will excuse those present and have a little conference between the members of the committee.

(Whereupon, at 12:50 p. m., the subcommittee adjourned, subject to call.)

EXCHANGE OF CERTAIN LANDS IN GEORGETOWN, D. C.

SEPTEMBER 25 (legislative day, SEPTEMBER 19), 1951.—Ordered to be printed

Mr. KERR, from the Committee on Public Works, submitted the following

REPORT

[To accompany S. 1450]

The Committee on Public Works, to whom was referred the bill (S. 1450) to provide for the exchange of certain lands owned by the United States of America for certain privately owned lands, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Page 3, line 22, strike out the words "and to".

The amendment is proposed for purposes of clarity to conform with provisions of page 1, line 9, that lands accepted by the United States shall be conveyed by "unencumbered fee-simple title."

The purpose of S. 1450 is to authorize the Secretary of the Interior to convey a certain tract of land owned by the United States as rights-of-way for the Rock Creek and Potomac Parkway to the American Oil Co. in exchange for the conveyance to the United States of a tract of land at the intersection of Pennsylvania Avenue, Twenty-eighth, and M Streets NW, in the District of Columbia.

The American Oil Co., present owner of land between M Street and Pennsylvania Avenue, near Twenty-eighth Street NW., on which a service station is now located, has an option to purchase an adjoining tract of land located at the apex of these streets. The District of Columbia Board of Zoning has granted authority for the company to enlarge the service station. Rather than have the service station extend all the way to Twenty-eighth Street, with drives in and out so close to this heavily traveled intersection, all interested agencies have agreed to the plan of exchange of land which will permit expansion of the service station to the east toward Rock Creek Parkway, and leave the apex of the intersection for park purposes.

The option on the purchase of land and building adjacent to the intersection now held by the American Oil Co. is with the Boys' Club of Washington. That organization is anxious to complete the trans-

2 EXCHANGE OF CERTAIN LANDS IN GEORGETOWN, D. C.

action and obtain funds for making improvements at a more satisfactory location. Officials of the American Oil Co. have assured the committee in writing that the building now located on lot 14 will be razed and removed without expense to the United States, and the site filled and graded in a manner satisfactory to the Secretary of the Interior. The committee further understands that the plans for alteration or change in the present service station of the American Oil Co. will be made subject to the approval of the National Commission of Fine Arts under the covenants provided for in the last paragraph on page 3 of the bill.

The area to be transferred by the United States is 2,402 square feet, and the area to be received by the United States is 3,322 square feet. The enactment of this legislation will permit: (1) Park-like treatment of an important entrance to Georgetown which will provide better visibility for the public using the streets; (2) widening of Pennsylvania Avenue at some future date, which is now 90 feet wide at this point and 130 feet wide east of Rock Creek; (3) modification of the traffic channelization to increase the capacity of the intersection.

The committee considers enactment of this legislation to be advantageous to the Government and desirable from an aesthetic viewpoint.

Comments of the Bureau of the Budget, Department of the Interior, and National Capital Park and Planning Commission recommending approval of the legislation follow:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., June 21, 1951.

HON. DENNIS CHAVEZ,
Chairman, Senate Committee on Public Works,
Washington, D. C.

MY DEAR SENATOR CHAVEZ: This is in reply to your request of May 9, 1951, for the views of this office with respect to S. 1450, a bill to provide for the exchange of certain lands owned by the United States of America for certain privately owned lands.

You are advised that this office is in favor of the enactment of this legislation.

It is noted that the bill provides, in line 9 of page 1, that the lands accepted by the United States shall be conveyed by "unencumbered fee-simple title," whereas lines 22 and 23 of page 3 of the bill provide that "the deeds of conveyance from and to the United States shall contain such conditions, covenants, or restrictions as the Secretary of the Interior, after consultation with the National Capital Park and Planning Commission, shall see fit to impose in connection with the future widening of Pennsylvania Avenue." For purposes of clarity it would appear desirable that the words "and to" in line 22, be stricken from the bill.

Sincerely yours,

ELMER B. STAATS,
Assistant Director.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C.

HON. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
United States Senate.

MY DEAR SENATOR CHAVEZ: This is in reply to your letter of May 9, 1951, requesting the views of this Department on S. 1450, entitled "A bill to provide for the exchange of certain lands owned by the United States of America for certain privately owned lands."

We recommend that S. 1450 be enacted.

The proposed legislation, if enacted, would authorize and direct the Secretary of the Interior to convey the right, title, and interest of the United States in and to a certain tract comprising 2,402.86 square feet of land, as described on page 3

of the bill, to the American Oil Co. in exchange for the conveyance to the United States by that company of unencumbered title to a tract comprising 3,322.43 square feet of land, as described on page 2 of the bill, without cost to the Federal Government. These properties are located between M Street and Pennsylvania Avenue NW., District of Columbia.

The American Oil Co., present owner of land between M Street and Pennsylvania Avenue, near Twenty-eighth Street NW., on which a service station is now located, has or is about to acquire, under an option-purchase contract, the land located at the apex of these streets. The National Capital Park and Planning Commission, and the District of Columbia Highway Department have worked out, from an esthetic approach, a plan for the transfer of land on the basis provided for in the proposed legislation, which is satisfactory to the American Oil Co., the District government, the Planning Commission, and this Department.

It is the desire of this Department to acquire this apex area as shown in green on the attached plat of computation for development as a park and to provide an aesthetic appearance at the so-called entrance to Georgetown. In order to accomplish this objective, it will be necessary to extend the American Oil Co.'s service station eastward to include a small part of the Rock Creek and Potomac Parkway in Federal ownership and under the jurisdiction of this Department. The land at the apex of M Street and Pennsylvania Avenue, from the standpoint of the Federal Government, is more valuable for aesthetic and park purposes than the land east of the present location of the oil company's service station. It is, therefore, the considered opinion of this Department that an exchange of land as provided for in S. 1450 would be very much in the Federal interest.

The enactment of S. 1450, moreover, would facilitate the movement of traffic from the widening of Pennsylvania Avenue and the relocation of the present American Oil Co.'s service station as far to the east as is possible away from the apex. Furthermore, the open park treatment of the apex will provide better visibility for the public using the streets, lengthen the channelization treatment for left-turn movement east-bound into M Street, and provide an additional lane of traffic for west-bound movement on Pennsylvania Avenue.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

Secretary of the Interior.

NATIONAL CAPITAL PARK AND PLANNING COMMISSION,
Washington, D. C., June 21, 1951.

Subject: Report on S. 1450, for exchange of lands at Pennsylvania Avenue, Twenty-eighth and M Streets NW.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works,
United State Senate, 412 Senate Office Building, Washington, D. C.

MY DEAR SENATOR CHAVEZ: The National Capital Park and Planning Commission has received your request of May 9 to furnish the Committee on Public Works with a report on S. 1450, to provide for the exchange of certain lands owned by the United States of America for certain privately owned lands.

The purpose of this legislation is to permit a mutually beneficial exchange of land between the National Park Service and the owners of adjoining property for a park-like treatment at a prominent entrance to Georgetown. The proposal has the endorsement of the Commission, the National Park Service and other agencies concerned, as well as interested citizen groups.

The bill is an outgrowth of an appeal granted by the Board of Zoning Adjustment to enlarge an existing gasoline service station located between Pennsylvania Avenue, M and Twenty-eighth Streets NW., and Rock Creek and Potomac Parkway. The oil company has consolidated all private ownerships in this area by acquiring the old Peck Memorial Chapel, abandoned many years ago and since used as a boys' club. Rather than have the service station extend to Twenty-eighth Street, with drives in and out so close to this heavily traveled intersection, the Board, the Commission, and other agencies, as well as the owners of the station, have agreed upon the more desirable plan which S. 1450 would authorize.

Under the exchange plan authorized in the bill, an area of approximately 2,400 square feet of the Rock Creek and Potomac Parkway abutting the gasoline service station would be deeded to its owners in exchange for approximately 3,300 square feet which would be dedicated to the National Park Service for park purposes by

4 EXCHANGE OF CERTAIN LANDS IN GEORGETOWN, D. C.

the same owners. The exact areas and dimensions of the proposed exchange are shown on plat of computation prepared by the surveyor of the District of Columbia under date of January 18, 1951, and recorded in Survey Book 161, page 309, copy of which is attached.

The advantage of the exchange to the public is threefold. It will permit (1) the embellishment of the terminus of Pennsylvania Avenue at its entrance to Georgetown with a park-like treatment similar to that which prevails at many other such intersections in Washington; (2) future modification of the traffic channelization to increase the capacity of the Pennsylvania Avenue-M Street intersection when needed, and (3) the widening of Pennsylvania Avenue at some future time without the necessity of acquiring expensive improvements because any new structures will be set back to the line of Pennsylvania Avenue east of Rock Creek. At present, Pennsylvania Avenue is less than 93 feet wide at this point, though east of Rock Creek for its entire length to the White House it is 130 feet wide.

The enclosed print, entitled "Georgetown Entrance at Twenty-eighth and M Streets and Pennsylvania Avenue" illustrates how both the park development and the gasoline service station reconstruction would be carried out if the legislation is approved. The service station plan accords with a scheme submitted by its owners. A building of colonial type is proposed, plans for which would be subject to the approval of the Commission of Fine Arts under the Shipstead Act, because it adjoins the Rock Creek and Potomac Parkway.

Originally, both the gasoline service station properties were included within the taking lines of the Rock Creek and Potomac Parkway, but because of lack of sufficient funds they were not acquired before the Parkway Commission was abolished in 1933. Present estimated costs for acquiring these properties range up to \$100,000. Under the exchange plan, the most essential public purposes would be accomplished without any expenditure for land.

The Commission strongly recommends that this legislation be approved.

I have been advised by the Bureau of the Budget that there is no objection to the presentation of this report to your committee.

Sincerely yours,

A. E. DEMARAY, *Acting Chairman.*



EXCHANGE OF CERTAIN LANDS IN GEORGETOWN, D. C.

OCTOBER 10, 1951.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. TRIMBLE, from the Committee on Public Works, submitted the following

REPORT

[To accompany S. 1450]

The Committee on Public Works, to whom was referred the bill (S. 1450) to provide for the exchange of certain lands owned by the United States of America for certain privately owned lands, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of S. 1450 is to authorize the Secretary of the Interior to convey a certain tract of land owned by the United States as rights-of-way for the Rock Creek and Potomac Parkway to the American Oil Co. in exchange for the conveyance to the United States of a tract of land at the intersection of Pennsylvania Avenue, Twenty-eighth and M Streets NW., in the District of Columbia.

The American Oil Co., present owner of land between M Street and Pennsylvania Avenue, near Twenty-eighth Street NW., on which a service station is now located, has an option to purchase an adjoining tract of land located at the apex of these streets. The District of Columbia Board of Zoning has granted authority for the company to enlarge the service station. Rather than have the service station extend all the way to Twenty-eighth Street, with drives in and out so close to this heavily traveled intersection, all interested agencies have agreed to the plan of exchange of land which will permit expansion of the service station to the east toward Rock Creek Parkway, and leave the apex of the intersection for park purposes.

The option on the purchase of land and building adjacent to the intersection now held by the American Oil Co. is with the Boys' Club of Washington. That organization is anxious to complete the transaction and obtain funds for making improvements at a more satisfactory location. Officials of the American Oil Co. have assured the committee that the building now located on lot 14 will be razed and

removed without expense to the United States, and the site filled and graded in a manner satisfactory to the Secretary of the Interior. The committee further understands that the plans for alteration or change in the present service station of the American Oil Co. will be made subject to the approval of the National Commission of Fine Arts under the covenants provided for in the last paragraph on page 3 of the bill.

The area to be transferred by the United States is 2,402 square feet, and the area to be received by the United States is 3,322 square feet. The enactment of this legislation will permit (1) parklike treatment of an important entrance to Georgetown which will provide better visibility for the public using the streets; (2) widening of Pennsylvania Avenue at some future date, which is now 90 feet wide at this point and 130 feet wide east of Rock Creek; (3) modification of the traffic channelization to increase the capacity of the intersection.

The Department of the Interior recommends the enactment of the proposed legislation, and the National Capital Park and Planning Commission has advised the committee that the most essential public purposes would be accomplished without any expenditure for land if the legislation is approved. The Bureau of the Budget advises that it favors the enactment of this legislation. Letters from these departments are included in report of the Senate Committee on Public Works (S. Rept. 837) on this bill.



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DEED OF CONVEYANCE

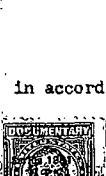
KNOW ALL MEN BY THESE PRESENTS, that the United States of America, through and by R. D. Seales [Under] Secretary of the Interior, acting under and by virtue of the authority contained in the act of October 20, 1951 (Public Law 184, 82nd Congress, 65 Stat. 570), entitled "An Act To provide for the exchange of certain lands owned by the United States of America for certain privately owned lands," does hereby convey unto The American Oil Company, a Maryland corporation, its successors and assigns, all of the right, title, and interest of the United States of America in and to the following described lands owned by the United States of America that portion of the Rock Creek and Potomac Parkway, United States Reservation No. 339, in the City of Washington, District of Columbia, which, at the date of this instrument, is under the administrative jurisdiction of the Department of the Interior, and which is more particularly described as follows:



Parts of lots 9 and 10, square 1194, as per plat recorded in the Office of the Surveyor of the District of Columbia in Book G.T. 2, at page 23, described as follows:



Beginning for the same at a point on the south line of M Street, said point of beginning being the northwest corner of lot 9 and running thence along the south line of M Street east thirty-nine and fifty-five one-hundredths feet to the northeast corner of lot 10; thence along the east line of said lot 10 south twenty-four feet; thence south twenty-eight degrees sixteen minutes fifty seconds west eighty-three and forty-seven one-hundredths feet to a point in the northerly line of Pennsylvania Avenue, said point being the southwest corner of said lot 9; thence along the west line of said lot 9 north ninety-seven and fifty-one one-hundredths feet to the point of beginning, containing two thousand four hundred two and eighty-six one-hundredths square feet.



The land description set forth in this deed of conveyance is in accordance with a Plat of Computation recorded in the Office of the



Surveyor of the District of Columbia in Survey Book 161, page 309.

This conveyance is made subject to the covenant that no structural improvements, except gasoline service station dispensing pumps and appurtenances thereof, shall ever be erected or constructed within that part of lot 9 in square 1194, of the City of Washington, District of Columbia, lying between the northerly line of Pennsylvania Avenue as it now exists and as is shown on said plat of computation recorded in the Office of the Surveyor of the District of Columbia in Survey Book 161, page 309 as aforesaid and a line drawn twenty-five feet from and parallel thereto and northerly thereof, without the concurrence of the National Capital Park and Planning Commission.

All uranium, thorium, and all other materials determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761) to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands covered by this instrument are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. However, such land may be used, and any rights otherwise acquired by this disposition may be exercised, as if no reservation of such materials had been made; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under the Atomic Energy Act of 1946, as it now exists or may hereafter be amended, such material shall be the property of the United States Atomic Energy Commission, and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other

person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the Commission does not require delivery of such material to it, the reservation hereby made shall be of no further force or effect.

IN WITNESS WHEREOF, I, the said R. D. Searles Under Secretary of the Interior, have hereunto set my hand and affixed the official seal of the Department of the Interior of the United States of America, this 23rd day of June, 1952.



UNITED STATES OF AMERICA

By R. D. Searles
Under Secretary of the Interior

Signed and sealed in the

presence of:

Margaret Gillette
Anna K. Life

DISTRICT OF COLUMBIA, ss:

On this 23rd day of June, 1952, personally appeared R. D. Searles, to me known and who by me duly sworn, did depose and say that he is the Under Secretary of the Interior of the United States of America, the grantor in the foregoing deed; that he knows the seal of the Department of the Interior of the United States of America and that the seal affixed to said instrument is the official seal of the Department of the Interior and was affixed thereto by his order; that said instrument was signed and sealed on behalf of the United States of America by virtue of the authority contained in the act of October 20, 1951 (Public Law 184, 82nd Congress, 65 Stat. 570), and that he acknowledged the said instrument to be the act and deed of the United States of America for the purposes therein expressed.



Edwin J. Davis
Notary Public
District of Columbia

My commission expires:
November 14, 1956.

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day of A. D. 19 at 9:20
M and recorded in Liber No.
folio 55 at seq. one of the Land
Records of the District of Columbia
Recorder

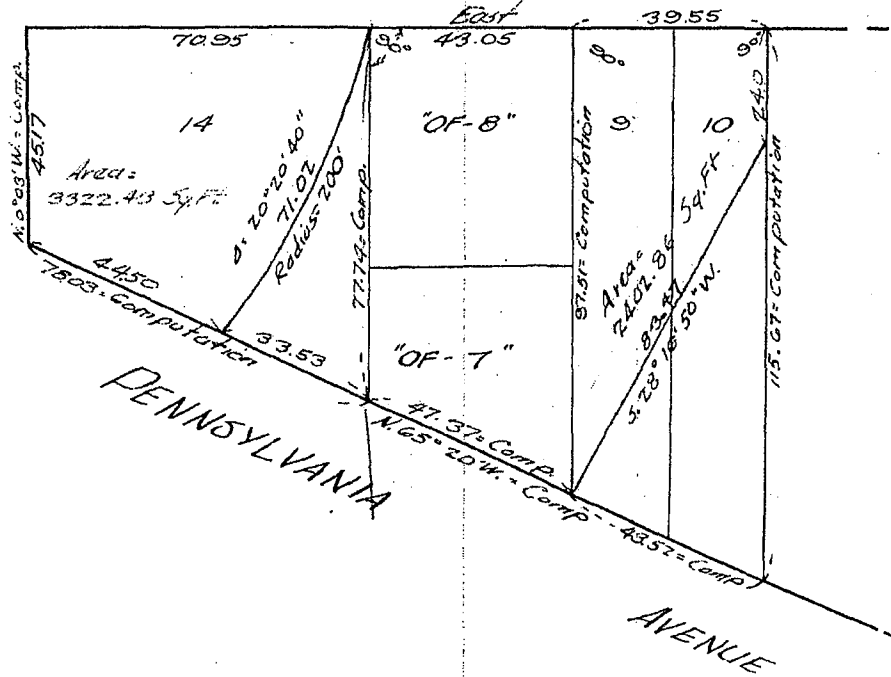
Surveyor's Office
DISTRICT OF COLUMBIA

Washington, January 18, 1951

Plat of ~~Survey~~ Computation of parts of lots 9, 10 and 14 for deed
purposes. Show areas. SQUARE 11.94
(60,975.30)

28-TH STREET

M STREET



Scale: 1 inch = 30 feet

I HEREBY CERTIFY, That the foregoing plat is correct in accordance with law and Record. Actual ^{Computation} survey made this
18 day of January, 1951, for American Oil Company
By W.B.G. J. J. Heat

270.70

THIS DEED

Made this 30th day of April, in the year Nineteen hundred and Fifty-two, by and between THE AMERICAN OIL COMPANY, a corporation organized under the laws of the State of Maryland, party of the first part; and the UNITED STATES OF AMERICA, party of the second part.

WITNESSETH, that for and in consideration of the conveyance by the Secretary of the Interior of certain lands situated in the District of Columbia and owned by the United States of America, to the American Oil Company, a Maryland corporation, under authority contained in the Act of October 20, 1951 (Public Law 184 - 82nd Congress, 65 Stat. 570), the said party of the first part does hereby grant and convey unto the said party of the second part, in fee simple the following described land and premises, with the easements and appurtenances thereunto belonging, except the building located thereon known as the "Washington Boy's Club", situate in the District of Columbia, namely:

Part of lot 14, square 1194, as per plat recorded in the Office of the Surveyor of the District of Columbia in book 29, page 72, described as follows:

Beginning for the same at the intersection of the easterly line of Twenty-eighth Street and the south line of M Street, said point of beginning being also the northwest corner of said lot 14; thence along the south line of M Street east seventy and ninety-five one-hundredths feet to the northeast corner of said lot 14; thence in a southwesterly direction along the arc of the circle, the radius of which is two hundred and no tenths feet, deflecting to the right an arc distance of seventy-one and two one-hundredths feet to the northerly line of Pennsylvania Avenue; thence along said northerly line of Pennsylvania Avenue north sixty-five degrees twenty minutes west forty-four and fifty one-hundredths feet to the easterly line of Twenty-eighth Street and the southwest corner of said

lot 14; thence along said easterly line of Twenty-eighth Street north no degrees three minutes west forty-five and seventeen one-hundredths feet to the point of beginning, containing three thousand three hundred twenty-two and forty-three one-hundredths square feet.

The land description set forth in this deed of conveyance is in accordance with a plat of computation recorded in the Office of the Surveyor of the District of Columbia in Survey Book 161, page 309.

TO HAVE AND TO HOLD the same unto and to the use of the said party hereto of the second part, in fee simple.

AND the said party of the first part hereby covenants to warrant generally the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

AND in further consideration of the interest of the party of the first part in the orderly development of the National Capital and its park, parkway and playground system the said party hereto of the first part, agrees for itself, its successors and assigns, that there shall never be erected or caused to be erected any building or structure, except gasoline service station dispensing pumps and appurtenances thereof, on the part of Square 1194 in the District of Columbia lying within the part of said square bounded by the northerly line of Pennsylvania Avenue as it now exists through said Square 1194, as is shown upon said plat of computation recorded in the Office of the Surveyor of the District of Columbia in Survey Book 161, page 309, as aforesaid, and a line drawn parallel thereto and distant 25 feet northerly thereof.

AND the said party of the first part further covenants that the said party of the first part will, within one year from the date of this instrument, and without cost to the Federal Government, demolish all buildings or structures now located on the land hereinbefore described, remove the debris, and clean up the site in a manner satisfactory to the Secretary of the Interior.

IN TESTIMONY WHEREOF, on the day and year first hereinbefore written, the said party of the first part has caused these presents to be signed in its corporate name by M. L. Schwartz, its Vice President, attested by A. J. Yundt, its Assistant Secretary, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint A. J. Yundt its true and lawful Attorney in fact, for it and its name to acknowledge and deliver these presents as its act and deed.

APPROVED
AS TO FORM
[Signature]

THE AMERICAN OIL COMPANY

By: *M. L. Schwartz*
Vice President

Attest: *A. J. Yundt*
Assistant Secretary



STATE OF MARYLAND:
CITY OF BALTIMORE:
RECORDED IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF BALTIMORE CITY

I, John W. Sherman, a Notary Public
State of Maryland,
in and for the State of Maryland do hereby certify that
A. J. YUNDT, who is personally well known to me as
the person named as Attorney in fact in the foregoing and annexed
Deed, bearing date on the 30th day of April
A.D. 1952, to acknowledge the same, personally appeared before me
State of Maryland
in said Deed and as Attorney in fact aforesaid, and by virtue
of the authority vested in him by said Deed, acknowledged the same
to be the act and deed of the AMERICAN OIL COMPANY, the corporation
grantor therein, and delivered the same as such.

GIVEN under my hand and seal, this 30th day of
April A.D. 1952.



John W. Sherman
Notary Public
My Commission Expires: May 4, 1953
JOHN W. SHERMAN
NOTARY PUBLIC
CITY OF BALTIMORE, MARYLAND
My Commission Expires May 4, 1953

N. P.

The laws of this State do not
require a Notarial Seal to be filed
in this office.

State of Maryland, Baltimore City, Sct.:

I, M. LUTHER PITTMAN, Clerk of the Superior Court of Baltimore City, do hereby certify
that *John W. Sherman* before whom the

supposed acknowledgment was made, and who has
hereto subscribed his name, was, at the time of so doing, a Notary Public of the State of Maryland, in and for the
City of Baltimore, residing in said City and State, duly commissioned and sworn, and authorized by law to administer
oaths and take acknowledgments, or Proof of Deeds to be recorded therein. I further certify that I am acquainted with
the handwriting of the said Notary, and verify I believe the signature to be his genuine signature.

IN TESTIMONY WHEREOF, I hereto set my hand and affix the
seal of the Superior Court of Baltimore City, the same
being a Court of Record, this 30 day of

April 1952.
M. Luther Pittman
Clerk of the Superior Court of Baltimore City.

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THIS IS TO CERTIFY that the foregoing and annexed deed was duly executed and delivered pursuant to and in strict conformity with the provisions of a Resolution of the Board of Directors of THE AMERICAN OIL COMPANY, passed at a regularly called meeting of said Board of Directors, and that a quorum was present at said meeting.




Secretary

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D.C.

The within deed is hereby accepted on behalf of the United States under the authority contained in the act of October 20, 1951 (Public Law 184, 82nd Congress), and pursuant to authority delegated in Section 7 of the Departmental Order No. 2640, dated June 11, 1951 (16 F.R. 5846).

Director