## CITY OF BALTIMORE ORDINANCE Council Bill 22-0215

Introduced by: The Council President At the request of: The Administration (Department of Transportation) Introduced and read first time: April 4, 2022 <u>Assigned to: Economic and Community Development Committee</u> Committee Report: Favorable with amendments Council action: Adopted Read second time: July 25, 2022

# AN ORDINANCE CONCERNING

### City Streets - Closing - Two 10 Foot Alleys

- 2 FOR the purpose of condemning and closing of two 10 Foot Alleys bounded by East 23rd Street,
- 3 Greenmount Avenue and East 22nd  $\frac{1}{2}$  Street, as shown on a plat numbered 303-A-19A, dated
- 4 September 14, 2021, prepared by the Survey Section, and filed in the Office of the
- 5 Department of Transportation; and providing for a special effective date.
- 6 BY authority of
- 7 Article I General Provisions
- 8 Section 4
- 9 and

1

- 10 Article II General Powers
- 11 Sections 2, 34, 35
- 12 Baltimore City Charter
- 13 (1996 Edition)

#### 14 SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the

15 Department of Transportation shall proceed to condemn and close two 10 foot alleys bounded by

16 East 23rd Street, Greenmount Avenue, and East 22nd ½ Street and more particularly described as

17 follows:

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DESCRIPTION OF TWO 10 FOOT ALLEYS BOUNDED BY EAST 23 <sup>R</sup>	<sup>D</sup> STREET,
GREENMOUNT AVENUE, AND EAST 22 <sup>ND</sup> 1/2 STREET	

20Beginning for Parcel 1 at the point formed by the intersection of the south side21of East  $23^{rd}$  Street 66 feet wide and the east side of a 10 foot alley, said point22of beginning being distant Westerly 294.50 feet more or less, measured along23the south side of said East  $23^{rd}$  Street from the west side of Greenmount24Avenue 66 feet wide; thence leaving the south side of said East  $23^{rd}$  Street and25binding on the east side of said 10 foot alley, Southerly 146 feet more or less,26to intersect the north side of East  $22^{nd}$   $\frac{1/2}{2}$  Street 66 feet wide; thence binding on27the north side of said East  $22^{nd}$   $\frac{1/2}{2}$  Street, Westerly 10 feet to the west side of

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates matter added to the bill by amendment.

Strike out indicates matter stricken from the bill by

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1	said 10 foot alley; thence binding on the west side of said 10 foot alley,
2	Northerly 146 feet more or less, to intersect the south side of said East 23 <sup>rd</sup>
3	Street and thence binding on the south side of said East 23 <sup>rd</sup> Street, Easterly 10
4	feet more or less, to the place of beginning.
5	Containing 1460.0 square feet or 0.0335 acres more or less
6	Beginning for Parcel 2 at the point formed by the intersection of the west side
7	of a 10 foot alley and the south side of another 10 foot alley, said point of
8	beginning being distant Northerly 46 feet more or less, measured along the
9	west side of said 10 foot alley from the north side of East $22^{nd} \frac{1}{2}$ Street 66 feet
10	wide; thence binding on the south side of said 10 foot alley Westerly 187 feet
11	more or less, to intersect the east side of another 10 foot alley; thence binding
12	on the east side of said 10 foot alley Northerly 10 feet to the north side of said
13	alley; thence binding on the north side of said 10 foot alley, Easterly 187 feet
14	more or less, to the west side of said 10 foot alley so projected and thence
15	binding on the west side of said 10 foot alley so projected Southerly 10 feet, to
16	the place of beginning.
17	Containing 1870.0 square feet or 0.0429 acres more or less
18	As delineated on a plat numbered 303-A-19A prepared by the Survey Section
19	and filed on September 15, 2021, in the Office of the Department of
20	Transportation.
21	SECTION 2 AND DE IT FUDTUED ODDAINED. That the proceedings for the condemnation and
21	<b>SECTION 2.</b> AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and aloging of two 10 foot allows bounded by East 23rd Street. Greenmount Avenue and East 22rd 1/
22	closing of two 10 foot alleys bounded by East 23rd Street, Greenmount Avenue and East 22nd $\frac{1}{2}$ Street and the rights of all interested parties shall be regulated by and in accordance with all
23 24	applicable provisions of State and local law and with all applicable rules and regulations adopted
24 25	by the Director of Department of Transportation and filed with the Department of Legislative
26	Reference.
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27	SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all

**SECTION 3. AND BE IT FURTHER ORDAINED**, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

**SECTION 4. AND BE IT FURTHER ORDAINED**, That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council or, have been removed and relaid in accordance with the specifications and under the direction of the Director of Department of Transportation of Baltimore City and at the expense of the person seeking to erect the building or structure.

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SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all
subsurface structures and appurtenances owned by any person other than the Mayor and City
Council of Baltimore shall be removed by and at the expense of their owners, promptly upon
notice to do so from the Director of Public Works.

5 SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this 6 Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized 7 representatives, shall have access to the subject property and to all subsurface structures and 8 appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining, 9 repairing, altering, relocating, or replacing any of them, without need to obtain permission from 10 or pay compensation to the owner of the property.

11 SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is 12 enacted.

#### Council Bill 22-0215

Certified as duly passed this 15 day of August , 20<mark>22</mark>

In

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this <u>15</u> day of <u>August</u> , 20<u>22</u>

Natawna B. Austin Chief Clerk

Approved this 3rd day of October , 2022

Brandon M. Scott Mayor, Baltimore City

Approved for Form and Legal Sufficiency This 1st Day of September, 2022.

Elena R DiPietro

**Chief Solicitor**