

CITY OF BALTIMORE
ORDINANCE 23 • 219
Council Bill 22-0214

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: April 4, 2022
Assigned to: Economic and Community Development Committee
Committee Report: Favorable, with Amendment
Council action: Adopted
Read second time: March 13, 2023

AN ORDINANCE CONCERNING

Franchise – Underground Snow Melt System

FOR the purpose of granting a franchise to ~~the~~ The Johns Hopkins Hospital to construct, use, and maintain an underground snow melt system, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

Recitals

The Johns Hopkins Hospital, in connection with making certain improvements to facilities in the 1700 Block of East Monument Street, would like to install an underground Snow Melt system in the sidewalk of the 1700 Block of East Monument Street for a period not exceeding 25 years.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to ~~the~~ The Johns Hopkins Hospital, its tenants, successors, and assigns (collectively, the “Grantee”) to construct, use, and maintain, at Grantee’s own cost and expense, and subject to the terms and conditions of this Ordinance, a snow melt system in the sidewalk of East Monument Street, the location being described as follows:

Beginning for the same at a point on the south side of the 1700 Block of E. Monument Street, 60 feet wide, the point of beginning being 304.61 feet from the east side of N. Broadway, 130 feet wide; thence binding on the south side of E. Monument Street, easterly 105 feet; thence northerly 8.71 feet, thence westerly 12.5 feet, more or less; thence northeasterly 5.52 feet; thence westerly 96 feet; thence southerly 12.92 feet to the to the place of beginning.

Containing 1,304 square feet of land, more or less.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 **SECTION 2. AND BE IT FURTHER ORDAINED,** That to become effective, the franchise or right
2 granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within
3 6 months after the effective date of this Ordinance.

4 **SECTION 3. AND BE IT FURTHER ORDAINED,** That as compensation for the Franchise, the
5 Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$_____ a
6 year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise
7 charge must be paid annually, at least 30 days before the initial and each renewal term of the
8 Franchise.

9 **SECTION 4. AND BE IT FURTHER ORDAINED,** That:

10 (a) The initial term of the Franchise is 1 year, commencing on the effective date of this
11 Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will
12 automatically renew, without any action by either the Mayor and City Council of Baltimore or
13 the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this
14 Ordinance, each renewal term will be on the same terms and conditions as the initial term. The
15 maximum duration for which the Franchise may operate, including the initial and all renewal
16 terms, is 25 years.

17 (b) Either the Mayor and City Council of Baltimore, acting by and through the Director of
18 Public Works, or the Grantee may cancel the Franchise as at the end of the initial or any renewal
19 term by giving written notice of cancellation to the other at least 90 days before the end of that
20 term.

21 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore,
22 acting by and through the Board of Estimates, may increase or decrease the annual franchise
23 charge by giving written notice of the increase or decrease to the Grantee at least 150 days before
24 the end of the original or renewal term immediately preceding the renewal term to which the
25 increase or decrease will first apply. The new franchise charge will apply to all subsequent
26 annual renewal terms, unless again increased or decreased in accordance with this section.

27 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
28 expressly reserves the right at all times to exercise, in the interest of the public, full municipal
29 superintendence, regulation, and control over and in respect to all matters connected with the
30 Franchise and not inconsistent with the terms of this Ordinance.

31 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense,
32 shall maintain in good condition and in compliance with all applicable laws and regulations of
33 Baltimore City, all structures for which the Franchise is granted. The maintenance of these
34 structures shall be at all times subject to the regulation and control of the Commissioner of
35 Housing and Community Development and the Director of Public Works. If any structure for
36 which the Franchise is granted must be readjusted, relocated, protected, or supported to
37 accommodate a public improvement, the Grantee shall pay all costs and expenses in connection
38 with the readjustment, relocation, protection, or support.

39 **SECTION 8. AND BE IT FURTHER ORDAINED,** That at the option of the Mayor and City
40 Council of Baltimore, acting by and through the Director of Public Works, the Grantee's failure
41 to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise.
42 Immediately on written notice to the Grantee of the exercise of this option, the Franchise

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1 terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore
2 may waive the forfeiture or otherwise reinstate the Franchise.

3 **SECTION 9. AND BE IT FURTHER ORDAINED,** That at any time and without prior notice, the
4 Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public
5 interest, welfare, safety, or convenience so requires. Immediately on written notice to the
6 Grantee of the exercise of this right, the Franchise terminates.

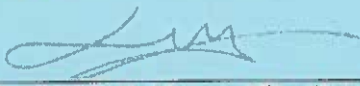
7 **SECTION 10. AND BE IT FURTHER ORDAINED,** That on cancellation, expiration, forfeiture,
8 revocation, or other termination of the Franchise for any reason, the Grantee shall remove all
9 structures for which the Franchise is granted. The removal of these structures shall be
10 (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor
11 and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of
12 Housing and Community Development and the Director of Public Works, and (iii) completed
13 within the time specified in writing by the Director of Public Works.

14 **SECTION 11. AND BE IT FURTHER ORDAINED,** That the Grantee is liable for and shall
15 indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses,
16 costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any
17 time subjected on account of, or in any way resulting from, (i) the presence, construction, use,
18 operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures
19 for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or
20 agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this
21 Ordinance.

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

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Certified as duly passed this 27 day of March, 2022



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this 27 day of March, 2022



Chief Clerk

Approved this 6th day of April, 2023



Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 29th Day of March, 2023.

Elena R DiPietro

Chief Solicitor

