

**CITY OF BALTIMORE
COUNCIL BILL 11-0702
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: May 16, 2011
Assigned to: Highways and Franchises Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: Planning Commission, Department of Housing and Community Development, Department of General Services, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing – Air Rights over Orleans Street,**
3 **189.30 Feet West of Wolfe Street**

4 FOR the purpose of condemning and closing air rights over Orleans Street, 189.30 feet west of
5 Wolfe Street, as shown on Plat 346-A-52C in the Office of the Department of General
6 Services; and providing for a special effective date.

7 BY authority of

8 Article I - General Provisions
9 Section 4

10 and

11 Article II - General Powers
12 Sections 2, 34, 35
13 Baltimore City Charter
14 (1996 Edition)

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
16 Department of Public Works shall proceed to condemn and close air rights over Orleans Street,
17 189.30 feet west of Wolfe Street, and more particularly described as follows:

18 Beginning for Parcel No. 1 at a point on the south side of Orleans Street, varying
19 in width, distant South 87° 04' 30" West 189.30 feet, measured along the south
20 side of said Orleans Street, from the west side of Wolfe Street, 70 feet wide, and
21 at a horizontal plane having an elevation varying from 117.52 feet to 117.72 feet,
22 and ascending to an elevation of unlimited height, and running thence binding on
23 the south side of said Orleans Street, South 87° 04' 30" West 22.36 feet to
24 intersect the west side of said air rights parcel of land; thence by a straight line
25 drawn at a right angle to the south side of said Orleans Street and binding on the
26 west side of said air rights parcel of land, North 02° 55' 30" West 69.95 feet;
27 thence by a line curving to the left with a radius of 389.00 feet the distance of
28 22.51 feet which arc is subtended by a chord bearing South 86° 25' 08.5" East
29 22.51 feet to intersect the east side of said air rights parcel of land, and thence

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 binding on the east side of said air rights parcel of land, South 02° 55' 30" East
2 67.40 feet to the place of beginning.

3 Containing 1,533.13 square feet land.

4 As delineated on Plat 346-A-52C, prepared by the Survey Control Section and filed on July 28,
5 2010, in the Office of the Department of General Services.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
7 closing of air rights over Orleans Street and the rights of all interested parties shall be regulated
8 by and in accordance with all applicable provisions of state and local law and with all applicable
9 rules and regulations adopted by the Director of General Services and filed with the Department
10 of Legislative Reference.

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

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

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

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

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