

**CITY OF BALTIMORE
COUNCIL BILL 17-0058
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: April 24, 2017
Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **A Portion of West 26th Street**

4 FOR the purpose of condemning and closing a portion of West 26th Street, extending from the
5 west side of North Howard Street southwesterly 306 feet, more or less, and southeasterly for
6 a variable width, as shown on Plat 70-A-3020A in the Office of the Department of
7 Transportation; and providing for a special effective date.

8 BY authority of
9 Article I - General Provisions
10 Section 4
11 and
12 Article II - General Powers
13 Sections 2, 34, 35
14 Baltimore City Charter
15 (1996 Edition)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Department of Transportation shall proceed to condemn and close a portion of West 26th Street,
18 extending from the west side of North Howard Street southwesterly 306 feet, more or less, and
19 southeasterly for a variable width, and more particularly described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of the north
21 side of West 26th Street 66 feet wide, and the west side of North Howard Street 66
22 feet wide, the point of beginning being distant South 02° 58' 30" East 169.6 feet
23 more or less, measured along the west side of North Howard Street from the
24 southwest corner of West Lorraine Avenue 60 feet wide, and running thence
25 binding on the west side of North Howard Street as now surveyed viz; South 02°
26 58' 30" East 57.83 feet, thence leaving North Howard Street to established a new
27 right of way line for West 26th Street by a line curving to the right with a radius of
28 5.0 feet, the distance of 7.95 feet which arc is subtended by a chord bearing South
29 42° 18' 30" West 7.07 feet, thence by a tangent line South 87° 01' 30" West 22.74

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

Council Bill 17-0058

1 feet, thence by a line curving to the left with a radius of 300.50 feet the distance of
2 149.32 feet which arc is subtended by a chord bearing South 72° 47' 24" West
3 147.79 feet, thence by a tangent line South 58° 33' 17" West 109.28 feet to
4 intersect the east side of a 10-foot alley, thence binding on the east side of the 10-
5 foot alley North 31° 26' 43" West 5.76 feet to the north side of West 26th Street
6 and thence binding on the north side of 26th Street, North 58° 33' 17 East 306.92
7 feet to the place of beginning.

8 Containing 5157.58 square feet, more or less.

9 As delineated on Plat 70-A-3020A, prepared by the Survey Section and filed on May 14, 2014, in
10 the Office of the Department of Transportation.

11 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
12 closing of a portion of West 26th Street and the rights of all interested parties shall be regulated
13 by and in accordance with all applicable provisions of state and local law and with all applicable
14 rules and regulations adopted by the Director of Transportation and filed with the Department of
15 Legislative Reference.

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

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

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

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

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