

Council Bill 15-0516

1 of beginning being distant 100.15 feet measured along the west side of said
2 Greenmount Avenue from the south side of said Lafayette Avenue, and running
3 thence and binding on the west side of said Greenmount Avenue

- 4 1. South 05° 57' 17" East 10.01 feet to the south side of said 10-foot alley, thence
5 binding on the south side of said 10-foot alley,
- 6 2. South 87° 08' 43" West 56.30 feet, to the new division line of said alley, thence
7 on said new division line,
- 8 3. North 02° 54' 31" West 10.00 feet to the north side of said 10-foot alley, thence
9 binding
- 10 4. North 87° 08' 43" East 55.76 feet to the point of beginning.

11 Containing 560 square feet or 0.0129 acres, more or less, as surveyed in February
12 of 2014, by S.J. Martenet and Company, Inc.

13 As delineated on Plat 202-A-61A, prepared by S.J. Martenet and Company, Inc., and filed on
14 February 24, 2014, in the Office of the Department of General Services.

15 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
16 closing of air rights over a portion of a 10-foot alley in the rear of 435-439 East Lafayette
17 Avenue, extending westerly 56 feet, more or less, from Greenmount Avenue, and the rights of all
18 interested parties shall be regulated by and in accordance with all applicable provisions of state
19 and local law and with all applicable rules and regulations adopted by the Director of General
20 Services and filed with the Department of Legislative Reference.

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

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

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

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

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

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City