

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 17-0040

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: March 20, 2017
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable
Council action: Adopted
Read second time: June 5, 2017

AN ORDINANCE CONCERNING

**City Streets – Closing –
Beds of 2 10-Foot Alleys Bounded by West 27th Street, Fox Street,
West 28th Street, and Remington Avenue**

FOR the purpose of condemning and closing the beds of 2 10-foot alleys bounded by West 27th Street, Fox Street, West 28th Street, and Remington Avenue, as shown on Plat 70-A-3021A in the Office of the Department of Transportation; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Transportation shall proceed to condemn and close the beds of 2 10-foot alleys bounded by West 27th Street, Fox Street, West 28th Street, and Remington Avenue, and more particularly described as follows:

Beginning for Parcel Number 1 at a point on the 4th or Northeasterly 80-foot line of a parcel of land described in a deed dated August 21st, 2013 by and between AKKQ, LLC and Millers Square, LLC recorded among the Land Records of Baltimore City in Liber FMC 15598, folio 181 located 5.00 feet from the beginning thereof, the point of beginning being also located at the intersection of the Northeast side of a 10-foot alley and the Southwest side of another 10-foot alley; the point of beginning being distant southwesterly 75.00 feet from the southeast side of Remington Avenue (96 feet wide) thence binding on the Northeast side of the 10-foot alley mentioned firstly herein

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.

Council Bill 17-0040

- 1 1. Southeasterly 48 feet, more or less, to intersect the 4th or Southwesterly
2 150 foot line of a parcel of land described in a deed dated June 5th,
3 2013 by and between Susan L. Lawson and Millers Square, LLC
4 recorded among the Land Records of Baltimore City in Liber FMC
5 15301, folio 399; thence
- 6 2. Southwesterly 10 feet thence;
- 7 3. Northwesterly 48 feet, more or less; and thence
- 8 4. Northeasterly 10 feet, to the point of beginning.

9 Containing 480 square feet or 0.011 acres, more or less.

10 Beginning for Parcel Number 2 at a point formed by the intersection of the
11 Northwest side of a 10-foot alley and the Northeast side of Fox Street, 20 feet
12 wide, the point of beginning being distant Southeasterly 70.00 feet measured
13 along the Northeast side of Fox Street from a point formed by the intersection of
14 the Southeast side of West 28th Street, 66 feet wide, and the Northeast side of Fox
15 Street; thence departing the Northeast side of Fox Street and binding on the
16 Northwest side of the 10-foot alley

- 17 1. Northeasterly 150 feet, more or less, to intersect the Southwest side of
18 Remington Avenue, 96 feet wide; thence binding on part of the
19 Southwest side of Remington Avenue;
- 20 2. Southeasterly 10 feet, to a point formed by the intersection of the
21 Southwest side of Remington Avenue and the Southeast side of the 10-
22 foot alley; thence departing the Southwest side of Remington Avenue
23 and binding on the Southeast side of the 10-foot alley;
- 24 3. Southwesterly 150 feet, more or less, to intersect the Northeast side of
25 Fox Street; thence binding on part of the Northeast side of Fox Street;
- 26 4. Northwesterly 10 feet, to the point of beginning.

27 Containing 1,500 square feet, or 0.034 acres, more or less.

28 As delineated on Plat 70-A-3021A, prepared by the Survey Section and filed on December 22,
29 2015, in the Office of the Department of Transportation.

30 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
31 closing of the beds of 2 10-foot alleys and the rights of all interested parties shall be regulated by
32 and in accordance with all applicable provisions of state and local law and with all applicable
33 rules and regulations adopted by the Director of Transportation and filed with the Department of
34 Legislative Reference.

35 **SECTION 3. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all
36 subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore
37 continue to be the property of the Mayor and City Council, in fee simple, until their use has been

Council Bill 17-0040

1 abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with
2 them, that person must first obtain permission from the Mayor and City Council and, in the
3 application for this permission, must agree to pay all costs and expenses, of every kind, arising
4 out of the removal, alteration, or interference.

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

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

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

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

Council Bill 17-0040

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