

**CITY OF BALTIMORE
COUNCIL BILL 06-0503
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: August 14, 2006
Assigned to: Highways and Franchises Subcommittee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**City Streets – Closing –**
3 style="text-align:center">**Montreal Street and 2 Portions of Mount Royal Avenue**

4 FOR the purpose of condemning and closing (1) Montreal Street, extending from North Avenue
5 Southerly to Mount Royal Avenue, (2) a portion of Mount Royal Avenue contiguous to the
6 northeast side thereof, and (3) a portion of Mount Royal Avenue contiguous to the northeast
7 side thereof, extending from McMechen Street, Northwesterly 144.3 feet, more or less, as
8 shown on Plat 348-A-87 in the Office of the Department of Public Works; and providing for
9 a special effective date.

10 BY authority of
11 Article I - General Provisions
12 Section 4
13 and
14 Article II - General Powers
15 Sections 2, 34, 35
16 Baltimore City Charter
17 (1996 Edition)

18 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
19 Department of Public Works shall proceed to condemn and close (1) Montreal Street, extending
20 from North Avenue Southerly to Mount Royal Avenue, (2) a portion of Mount Royal Avenue
21 contiguous to the northeast side thereof, and (3) a portion of Mount Royal Avenue contiguous to
22 the northeast side thereof, extending from McMechen Street, Northwesterly 144.3 feet, more or
23 less, and more particularly described as follows:

24 Beginning for Parcel No. 1 at the point formed by the intersection of the west side
25 of Montreal Street, 66 feet wide, and the south side of North Avenue, 100 feet
26 wide, and running thence binding on the south side of said North Avenue,
27 Easterly 66.0 feet to intersect the east side of said Montreal Street; thence binding
28 on the east side of said Montreal Street, Southerly 127.2 feet, more or less, to
29 intersect the northeast side of Mount Royal Avenue, varying in width; thence

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

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1 binding on the northeast side of said Mount Royal Avenue, the 2 following
2 courses and distances; namely, Northwesterly 63.9 feet, more or less, and
3 Northwesterly 12.6 feet, more or less, to intersect the west side of said Montreal
4 Street, and thence binding on the west side of said Montreal Street, Northerly 89.6
5 feet, more or less, to the place of beginning.

6 Beginning for Parcel No. 2 at a point on the northeast side of Mount Royal
7 Avenue, varying in width, distant southeasterly 36.9 feet, more or less, measured
8 along the northeast side of said Mount Royal Avenue, from the south side of
9 North Avenue, 100 feet wide, and running thence binding on the northeast side of
10 said Mount Royal Avenue, Southeasterly 48.8 feet, more or less, and thence by
11 straight lines through the bed of said Mount Royal Avenue, the 2 following
12 courses and distances; namely, Northwesterly 46.7 feet, more or less, and
13 Northeasterly 4.4 feet, more or less, to the place of beginning.

14 Beginning for Parcel No. 3 at the point formed by the intersection of the east side
15 of Montreal Street, 66 feet wide, and the northeast side of Mount Royal Avenue,
16 varying in width, and running thence binding on the northeast side of said Mount
17 Royal Avenue, Southeasterly 80.4 feet, more or less, to intersect the northwest
18 side of McMechen Street, 66 feet wide; thence by straight lines through the bed of
19 said Mount Royal Avenue, the 3 following courses and distances; namely,
20 Northwesterly 30.3 feet, more or less, Northwesterly 69.6 feet, more or less, and
21 Northwesterly 43.2 feet, more or less, to intersect the northeast side of said Mount
22 Royal Avenue, and thence binding on the northeast side of said Mount Royal
23 Avenue, Southeasterly 63.9 feet, more or less, to the place of beginning.

24 As delineated on Plat 348-A-87, prepared by the Survey Control Section and filed on June 15,
25 2006, in the Office of the Department of Public Works.

26 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
27 closing of Montreal Street and 2 portions of Mount Royal Avenue and the rights of all interested
28 parties shall be regulated by and in accordance with all applicable provisions of state and local
29 law and with all applicable rules and regulations adopted by the Director of Public Works and
30 filed with the Department of Legislative Reference.

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

38 **SECTION 4. AND BE IT FURTHER ORDAINED,** That no building or structure of any kind
39 (including but not limited to railroad tracks) may be constructed or erected in or on any part of
40 the street closed under this Ordinance until all subsurface structures and appurtenances owned by
41 the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council
42 or, at the expense of the person seeking to erect the building or structure, have been removed and
43 relaid in accordance with the specifications and under the direction of the Director of Public
44 Works of Baltimore City.

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

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

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