

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 09-0419

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: November 16, 2009
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable
Council action: Adopted
Read second time: March 28, 2011

AN ORDINANCE CONCERNING

**City Streets – Closing –
Eutaw Street, Worcester Street, and Oler Street**

FOR the purpose of condemning and closing (1) Eutaw Street, extending from Oler Street, northeasterly to Worcester Street, (2) Worcester Street, extending from Warner Street, southeasterly to Eutaw Street, and (3) Oler Street, extending from Warner Street, southeasterly to Eutaw Street, as shown on Plat 327-A-7A in the Office of the Department of General Services; 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 General Services shall proceed to condemn and close (1) Eutaw Street, extending from Oler Street, northeasterly to Worcester Street, (2) Worcester Street, extending from Warner Street, southeasterly to Eutaw Street, and (3) Oler Street, extending from Warner Street, southeasterly to Eutaw Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the northeast side of Oler Street, 50 feet wide, and the northwest side of Eutaw Street, 45 feet wide, and running thence binding on the northwest side of said Eutaw Street, Northeasterly 273.8 feet, more or less, to intersect the southwest side of Worcester Street, 66 feet wide; thence binding on the southwest side of said Worcester Street, Southeasterly 45.00 feet to intersect the southeast side of said Eutaw Street; thence binding on the southeast side of said Eutaw Street, Southwesterly 273.8 feet, more or less, to intersect the northeast side of said Oler

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 09-0419

1 Street, and thence binding on the northeast side of said Oler Street, Northwesterly
2 45.00 feet to the place of beginning.

3 Beginning for Parcel No. 2 at the point formed by the intersection of the
4 southwest side of Worcester Street, 66 feet wide, and the southeast side of Warner
5 Street, 66 feet wide, and running thence binding on the southeast side of said
6 Warner Street, Northeasterly 66.00 feet to intersect the northeast side of said
7 Worcester Street; thence binding on the northeast side of said Worcester Street,
8 Southeasterly 270.0 feet, more or less, to intersect the line of the southeast side of
9 Eutaw Street, 45 feet wide, if projected northeasterly; thence binding reversely on
10 said line, so projected, Southwesterly 66.00 feet to intersect the southwest side of
11 said Worcester Street, and thence binding on the southwest side of said Worcester
12 Street, Northwesterly 270.0 feet, more or less, to the place of beginning.

13 Beginning for Parcel No. 3 at the point formed by the intersection of the
14 southwest side of Oler Street, 50 feet wide, and the southeast side of Warner
15 Street, 66 feet wide, and running thence binding on the southeast side of said
16 Warner Street, Northeasterly 50.00 feet to intersect the northeast side of said Oler
17 Street; thence binding on the northeast side of said Oler Street, Southeasterly
18 270.0 feet, more or less, to intersect the line of the southeast side of Eutaw Street,
19 45 feet wide, if projected southwesterly; thence binding on the line of the
20 southeast side of said Eutaw Street, so projected, Southwesterly 50.00 feet to
21 intersect the southwest side of said Oler Street, and thence binding on the
22 southwest side of said Oler Street, Northwesterly 270.0 feet, more or less, to the
23 place of beginning.

24 As delineated on Plat 327-A-7A, prepared by the Survey Control Section and filed on October
25 14, 2009, in the Office of the Department of General Services.

26 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
27 closing of the streets and the rights of all interested parties shall be regulated by and in
28 accordance with all applicable provisions of state and local law and with all applicable rules and
29 regulations adopted by the Director of General Services and filed with the Department of
30 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 General
44 Services of Baltimore City.

Council Bill 09-0419

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.

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