

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 20-0501**

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: February 24, 2020  
Assigned to: Housing and Urban Affairs Committee  
Committee Report: Favorable  
Council action: Adopted  
Read second time: November 16, 2020

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**AN ORDINANCE CONCERNING**

**City Streets – Closing –  
Air Rights over a Portion of the Public Right of Way of Rogers Alley**

FOR the purpose of condemning and closing the air rights area over a portion of the public right of way of Rogers Alley, as shown on Plat 313-A-23A 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 air rights area over a portion of the public right of way of Rogers alley, and more particularly described as follows:

Beginning for Parcel 1 from a point on the north side of Redwood Street, 66 feet wide, the point being Easterly 100.0 feet, more or less, from the east side of South Calvert Street, 66 feet wide, thence Northerly 55.0 feet, more or less, along the west side of Rogers Alley, 9.5 feet wide, to the point of beginning, the point also being in a horizontal plane having an elevation 43.5 feet, more or less, and ascending to an elevation of unlimited height, as referenced to the Baltimore City Vertical Datum, running thence the four following courses and distances, binding on the west side of Rogers Alley Northerly 18.0 feet, more or less; thence crossing Rogers Alley Easterly 9.5 feet, more or less, to intersect the east side of Rogers Alley; thence binding on the east side of Rogers Alley Southerly 18.0 feet, more or less; and thence crossing Rogers Alley Westerly 9.5 feet, more or less, to the place of beginning.

**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.

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1           Containing 171 square feet or 0.0039 acres, more or less.

2           As delineated on Plat 313-A-23A, prepared by the Survey Section and filed on November 14,  
3           2019, in the Office of the Department of Transportation.

4           **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and  
5           closing of the air rights area over a portion of the public right of way of Rogers Alley and the  
6           rights of all interested parties shall be regulated by and in accordance with all applicable  
7           provisions of state and local law and with all applicable rules and regulations adopted by the  
8           Director of Transportation and filed with the Department of Legislative Reference.

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

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

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

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

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

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Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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Mayor, Baltimore City