

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 17-0137

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: September 25, 2017
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable
Council action: Adopted
Read second time: August 6, 2018

AN ORDINANCE CONCERNING

1 City Streets – Closing – Proctor Street, a Portion of Proctor Alley, and a
2 10-Foot Alley Lying Between East Biddle Street, Homewood Avenue,
3 East Chase Street, and Greenmount Avenue

4 FOR the purpose of condemning and closing Proctor Street, a portion of Proctor Alley, and a 10-
5 foot alley lying between East Biddle Street, Homewood Avenue, East Chase Street, and
6 Greenmount Avenue, as shown on Plat 284-A-14A in the Office of the Department of
7 Transportation; and providing for a special effective date.

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

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Department of Transportation shall proceed to condemn and close Proctor Street, a portion of
18 Proctor Alley, and a 10-foot alley lying between East Biddle Street, Homewood Avenue, East
19 Chase Street, and Greenmount Avenue, and more particularly described as follows:

20 Beginning for Parcel No. 1 at a point formed by the intersection of the north side
21 of East Chase Street, 66 feet wide, and the west side of a 10-foot alley, the point
22 of beginning being distant easterly 63.5 feet, more or less, measured along the
23 north side of East Chase Street from the point formed by the intersection of the
24 north side of East Chase Street and the east side of Greenmount Avenue, 66 feet
25 wide; thence departing from the north side of East Chase Street and binding on the
26 west side of the 10-foot alley, Northerly 78.3 feet, more or less, to intersect the
27 south side of Proctor Alley, variable width; thence binding on the south side of
28 Proctor Alley Easterly 10 feet, more or less to intersect the east side of the 10-foot

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 alley; thence binding on the east side of the 10-foot alley, Southerly 79.5 feet,
2 more or less, to intersect the north side of East Chase Street; and thence binding
3 on the north side of East Chase Street Easterly 10 feet, more or less, to the point
4 of beginning.

5 Containing 789 square feet or 0.018 acres of land, more or less.

6 Beginning for Parcel No. 2 at a point formed by the intersection of the west side
7 of Proctor Street variable width, and the south side of a 10-foot alley, the point of
8 beginning being distant southerly 80.0 feet, more or less, measured along the west
9 side of Proctor Street from the point formed by the intersection of the west side of
10 Proctor Street and the south side of East Biddle Street 66 feet wide; thence
11 crossing the existing right of way of Proctor Street, Easterly 20.0 feet, more or
12 less, to intersect the east side of Proctor Street; thence binding on the east side of
13 Proctor Street, Southerly 137.0 feet, more or less; thence crossing the existing
14 right of way of Proctor Street, Westerly 20.0 feet, more or less, to intersect the
15 west side of Proctor Street; and thence binding on the west side of Proctor Street,
16 Northerly 136.4 feet, more or less, to the point of beginning.

17 Containing 2,734 square feet or 0.063 acres of land, more or less.

18 Beginning for Parcel No. 3 at a point formed by the intersection of the east side of
19 Proctor Street variable width, and the north side of a 2-foot alley, the point of
20 beginning being distant Southerly 217.0 feet, more or less, measured along the
21 east side of Proctor Street from the point formed by the intersection of the east
22 side of Proctor Street and the south side of East Biddle Street 66 feet wide; thence
23 binding on the east side of Proctor Alley, Southerly 27.0 feet, more less, to
24 intersect the south side of Proctor Alley; thence binding on the south side of
25 Proctor Alley, Westerly 48.5 feet to intersect the east side of a 10-foot alley;
26 thence crossing Proctor Alley, Northwesterly 13.7 feet, more or less, to intersect
27 the northwest side of Proctor Alley; thence binding on the northwest side of
28 Proctor Alley, Northeasterly 39.8 feet, more or less, to intersect the west side of
29 Proctor Street; and thence crossing Proctor Street, Easterly 20.0 feet, more or less,
30 to the point of beginning.

31 Containing 1,192 square feet or 0.027 acres of land, more or less.

32 As delineated on Plat 284-A-14A, prepared by the Survey Section and filed on February 14,
33 2017, in the Office of the Department of Transportation.

34 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
35 closing of the street and alleys and the rights of all interested parties shall be regulated by and in
36 accordance with all applicable provisions of state and local law and with all applicable rules and
37 regulations adopted by the Director of Transportation and filed with the Department of
38 Legislative Reference.

39 **SECTION 3. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all
40 subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore
41 continue to be the property of the Mayor and City Council, in fee simple, until their use has been
42 abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with

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1 them, that person must first obtain permission from the Mayor and City Council and, in the
2 application for this permission, must agree to pay all costs and expenses, of every kind, arising
3 out of the removal, alteration, or interference.

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

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

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

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