

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 17-0123

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: September 18, 2017
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: November 13, 2017

AN ORDINANCE CONCERNING

Franchise – Bridgeway over Linden Avenue

FOR the purpose of granting a franchise to Maryland General Hospital, Inc., to construct, use, and maintain an elevated bridgeway that is to be located above and across Linden Avenue, ~~approximately 260.17 feet north of the southern building line on the northerly side of Madison Avenue,~~ to connect a proposed new hospital building on the west side of Linden Avenue with the existing main hospital building on the east side of Linden Avenue, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to Maryland General Hospital, Inc., its tenants, successors, and assigns (collectively, the “Grantee”) to construct, use, and maintain, at Grantee’s own cost and expense, and subject to the terms and conditions of this Ordinance, ~~an elevated bridgeway above and across Linden Avenue approximately 260.17 feet north of the southern building line on the northerly side of Madison Street, which elevated walkway or bridgeway is to connect the existing building of the Grantee situated on the east side of Linden Avenue with a proposed new hospital building of the Grantee situated on the west side of Linden Avenue.~~ a pedestrian bridge, approximately 66’ long by 41’ wide by 17’ high, that will connect the West Campus currently being developed by the Grantee on the west side of Linden Avenue, to the east side of Linden Avenue by crossing the Linden Avenue right-of-way, located within an aerial easement area more particularly described as follows:

Beginning at the northwest property corner (Northing: 343.45; Easting: -1579.84) of the southwestern corner of University of Maryland Medical Center, Midtown Campus, (Block 0501, Lots 001, 002, 004, 020, 030, 037, 039, 040A, 138), located at the intersection of N. Eutaw Street and W. Madison Street. Being the point of commencement, the following courses to the point of beginning at the

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 17-0123

1 crossing of the Linden Avenue right-of-way for the Grantee’s pedestrian bridge:
2 North 87 degrees, 31 minutes, 18 seconds East along the northerly right-of-way of
3 West Madison Street (66 foot right-of-way) for 109.17 feet; thence North 02
4 degrees, 38 feet, 40 seconds West along the westerly right-of-way of Linden
5 Avenue (66 foot right-of-way) for 232.24 feet to the point of beginning.

6 Leaving the point of beginning continuing along the westerly right-of-way of
7 Linden Avenue North 02 degrees, 38 feet, 40 seconds West for 41.00 feet; thence
8 North 87 degrees, 21 feet, 20 seconds East for 66.00 feet to a point on the easterly
9 right-of-way of Linden Avenue; thence along the easterly right-of-way of Linden
10 Avenue South 02 degrees, 38 feet, 40 seconds East for 14.24 feet; thence South 87
11 degrees, 21 feet, 20 seconds West for 61.42 feet ; thence South 02 degrees, 38
12 feet, 40 seconds East for 26.88 feet; thence South 87 degrees, 21 feet, 20 second
13 West for 4.58 feet to a point on the westerly right-of way of Linden Avenue being
14 the point of beginning.

15 This aerial easement shall be approximately 66 feet long by 41 feet wide by 17’
16 high and shall be approximately 16’ above street level at its lowest point.

17 Containing approximately 1,063 square feet in plane, or 0.024 acres, more or less.

18 **SECTION 2. AND BE IT FURTHER ORDAINED,** That to become effective, the franchise or right
19 granted by this Ordinance (the “Franchise”) must be executed and enjoyed by the Grantee within
20 6 months after the effective date of this Ordinance.

21 **SECTION 3. AND BE IT FURTHER ORDAINED,** That as compensation for the Franchise, the
22 Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$9,794.40 a
23 year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise
24 charge must be paid annually, at least 30 days before the initial and each renewal term of the
25 Franchise.

26 **SECTION 4. AND BE IT FURTHER ORDAINED,** That:

27 (a) The initial term of the Franchise is 1 year, commencing on the effective date of this
28 Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will
29 automatically renew, without any action by either the Mayor and City Council of Baltimore or
30 the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this
31 Ordinance, each renewal term will be on the same terms and conditions as the initial term. The
32 maximum duration for which the Franchise may operate, including the initial and all renewal
33 terms, is 25 years.

34 (b) The Mayor and City Council of Baltimore, acting by and through the Director of
35 Transportation, when, in the Director’s reasonable judgment, the public welfare or safety so
36 requires, may cancel the Franchise at the end of the initial or any renewal term by giving written
37 notice of cancellation to the Grantee at least 90 days before the end of that term.

38 (c) The Grantee may cancel the Franchise as of the end of the initial or any renewal term by
39 giving written notice of cancellation to the Mayor and City Council at least 90 days before the
40 end of that term.

Council Bill 17-0123

1 **SECTION 5. AND BE IT FURTHER ORDAINED**, That the Mayor and City Council of Baltimore,
2 acting by and through the Board of Estimates, may increase or decrease the annual franchise
3 charge by giving written notice of the increase or decrease to the Grantee at least 150 days before
4 the end of the original or renewal term immediately preceding the renewal term to which the
5 increase or decrease will first apply. The new franchise charge will apply to all subsequent
6 annual renewal terms, unless again increased or decreased in accordance with this section.

7 **SECTION 6. AND BE IT FURTHER ORDAINED**, That the Mayor and City Council of Baltimore
8 expressly reserves the right at all times to exercise, in the interest of the public, full municipal
9 superintendence, regulation, and control over and in respect to all matters connected with the
10 Franchise and not inconsistent with the terms of this Ordinance.

11 **SECTION 7. AND BE IT FURTHER ORDAINED**, That the Grantee, at its own cost and expense,
12 shall maintain in good condition and in compliance with all applicable laws and regulations of
13 Baltimore City, all structures for which the Franchise is granted. The maintenance of these
14 structures shall be at all times subject to the regulation and control of the Commissioner of
15 Housing and Community Development and the Director of Transportation. If any structure for
16 which the Franchise is granted must be readjusted, relocated, protected, or supported to
17 accommodate a public improvement, the Grantee shall pay all costs and expenses in connection
18 with the readjustment, relocation, protection, or support.

19 **SECTION 8. AND BE IT FURTHER ORDAINED**, That at the option of the Mayor and City
20 Council of Baltimore, acting by and through the Director of Transportation, the Grantee's failure
21 to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise.
22 Immediately on written notice to the Grantee of the exercise of this option, the Franchise
23 terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore
24 may waive the forfeiture or otherwise reinstate the Franchise.

25 **SECTION 9. AND BE IT FURTHER ORDAINED**, That at any time and without prior notice, the
26 Mayor of Baltimore City may revoke the Franchise if, in the Mayor's reasonable judgment, the
27 public interest, welfare, safety, or convenience so requires. Immediately on written notice to the
28 Grantee of the exercise of this right, the Franchise terminates.

29 **SECTION 10. AND BE IT FURTHER ORDAINED**, That on cancellation, expiration, forfeiture,
30 revocation, or other termination of the Franchise for any reason, the Grantee shall remove all
31 structures for which the Franchise is granted. The removal of these structures shall be
32 (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor
33 and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of
34 Housing and Community Development and the Director of Transportation, and (iii) completed
35 within the time specified in writing by the Director of Transportation.

36 **SECTION 11. AND BE IT FURTHER ORDAINED**, That the Grantee is liable for and shall
37 indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses,
38 costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any
39 time subjected on account of, or in any way resulting from, (i) the presence, construction, use,
40 operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures
41 for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or
42 agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this
43 Ordinance.

Council Bill 17-0123

1 **SECTION 12. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it
2 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