

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 16-0745

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: September 12, 2016
Assigned to: Housing and Community Development Committee
Committee Report: Favorable
Council action: Adopted
Read second time: October 20, 2016

AN ORDINANCE CONCERNING

**City Streets – Closing –
A Portion of South Eden Street and a Portion of Aliceanna Street**

FOR the purpose of condemning and closing a portion of South Eden Street, extending from Lancaster Street northerly 308 feet, more or less, to Aliceanna Street, and a portion of Aliceanna Street, extending from South Central Avenue easterly 170 feet, more or less, to South Eden Street, as shown on Plat 235-A-42A 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 a portion of South Eden Street, extending from Lancaster Street northerly 308 feet, more or less, to Aliceanna Street, and a portion of Aliceanna Street, extending from South Central Avenue easterly 170 feet, more or less, to South Eden Street, and more particularly described as follows:

Beginning for Parcel 1 at the point formed by the intersection of the north side of Lancaster Street and the west side of South Eden Street, 70 feet wide, the point of beginning lying at the southeast corner of the property known as 711 South Central Avenue; running thence, binding on the west side of South Eden Street, North 02°47'23" West 308.08 feet; thence, crossing into the Right-Of-Way of Aliceanna Street, North 86°38'02" East 14.21 feet; thence, continuing through the Right-Of-Way of Aliceanna Street, South 48°18'44" East 4.24 feet; thence, through the Right-Of-Way of South Eden Street, South 03°15'31" East 289.23

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 feet; thence South 40°34'54" West 22.06 feet to intersect the North side of
2 Lancaster Street extended; thence South 87°14'08" West 4.45 feet to the point of
3 beginning.

4 Beginning for Parcel 2 at the point formed by the intersection of the south side of
5 Aliceanna Street, 70 feet wide, and the east side of South Central Avenue, 100
6 feet wide, the point of beginning lying at the northwest corner of the property
7 known as 711 South Central Avenue; thence, binding on the east side of South
8 Central Avenue, North 02°52'35" West 6.30 feet; thence, crossing into the Right-
9 Of-Way of Aliceanna Street, North 86°38'02" East 169.96 feet; thence,
10 continuing through the Right-Of-Way of Aliceanna Street, South 02°47'23" East
11 8.08 feet to the intersection of the South side of Aliceanna Street and the West
12 side of South Eden Street, 70 feet wide; thence, binding on the south side of
13 Aliceanna Street, South 87°14'08" East 169.95 feet to the point of beginning.

14 As delineated on Plat 235-A-42A, prepared by the Survey Control Section and filed on
15 September 1, 2016, in the Office of the Department of Transportation.

16 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
17 closing of a portion of South Eden Street and a portion of Aliceanna Street and the rights of all
18 interested parties shall be regulated by and in accordance with all applicable provisions of state
19 and local law and with all applicable rules and regulations adopted by the Director of
20 Transportation and filed with the Department of Legislative Reference.

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

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

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

39 **SECTION 6. AND BE IT FURTHER ORDAINED**, That at all times after the closing under this
40 Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized
41 representatives, shall have access to the subject property and to all subsurface structures and
42 appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining,

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1 repairing, altering, relocating, or replacing any of them, without need to obtain permission from
2 or pay compensation to the owner of the property.

3 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
4 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