

**CITY OF BALTIMORE
COUNCIL BILL 09-0299
(First Reader)**

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

REFERRED TO THE FOLLOWING AGENCIES: Planning Commission, Department of Housing and Community Development, Department of Public Works, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **Hunter Street**

4 FOR the purpose of condemning and closing Hunter Street, extending from the north side of a 10-
5 foot alley, laid out in the rear of the properties known as 210 through 218/220-222 East
6 Preston Street, Northerly 94.1 feet, more or less, to the south side of a 7-foot alley, laid out in
7 the rear of the properties known as 209 through 217 East Mount Royal Avenue, as shown on
8 Plat 338-A-21A in the Office of the Department of Public Works; and providing for a special
9 effective date.

10 BY authority of
11 Article I - General Provisions
12 Section 4
13 and
14 Article II - General Powers
15 Sections 2, 34, 35
16 Baltimore City Charter
17 (1996 Edition)

18 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
19 Department of Public Works shall proceed to condemn and close Hunter Street, extending from
20 the north side of a 10-foot alley, laid out in the rear of the properties known as 210 through
21 218/220-222 East Preston Street, Northerly 94.1 feet, more or less, to the south side of a 7-foot
22 alley, laid out in the rear of the properties known as 209 through 217 East Mount Royal Avenue,
23 and more particularly described as follows:

24 Beginning for Parcel No. 1 at the point formed by the intersection of the east side
25 of Hunter Street, 20 feet wide, and the north side of a 10-foot alley, laid out in the
26 rear of the properties known as Nos. 210 through 218/220-222 E. Preston Street,
27 said point of beginning being distant, Westerly 173.8 feet, more or less, measured
28 along the north side of said 10-foot alley, from the west side of Guilford Avenue,
29 varying in width, and running thence binding on the line of north side of said 10-

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 foot alley, if projected westerly, Westerly 20.00 feet, to intersect the west side of
2 said Hunter Street; thence binding on the west side of said Hunter Street,
3 Northerly 94.1 feet, more or less, to intersect the line of the south side of a 7-foot
4 alley, if projected easterly, laid out in the rear of the properties known as Nos. 209
5 through 217 E. Mount Royal Avenue; thence binding on the line of the south side
6 of said 7-foot alley, so projected, Easterly 20.00 feet, to intersect the east side of
7 said Hunter Street, and thence binding on the east side of said Hunter Street,
8 Southerly 94.1 feet, more or less, to the place of beginning.

9 As delineated on Plat 338-A-21A, prepared by the Survey Control Section and filed on February
10 5, 2009, in the Office of the Department of Public Works.

11 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
12 closing of Hunter Street and the rights of all interested parties shall be regulated by and in
13 accordance with all applicable provisions of state and local law and with all applicable rules and
14 regulations adopted by the Director of Public Works and filed with the Department of
15 Legislative Reference.

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

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

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

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

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