

CITY OF BALTIMORE
COUNCIL BILL 16-0742
(First Reader)

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

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Department, Department of Housing and Community Development, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **A Portion of Creek Alley**

4 FOR the purpose of condemning and closing a portion of Creek Alley, extending from W. West
5 Street southeasterly 56 feet to the southernmost extremity thereof, as shown on Plat 257-A-
6 40A in the Office of the Department of Transportation; and providing for a special effective
7 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 a portion of Creek Alley,
18 extending from W. West Street southeasterly 56 feet to the southernmost extremity thereof, and
19 more particularly described as follows:

20 Beginning for Parcel 1 at the point formed by the intersection of the south side of
21 W. West Street 66 feet wide, and the east side of Creek Alley 20 feet wide, the
22 point of beginning being distant 155 feet, more or less, measured along the north
23 side of W. West Street from the west side of Race Street 66 feet wide, thence
24 binding on the west side of Race Street Southwesterly 56 feet to intersect the rear
25 property line of the address known as 101 W. West Street, thence binding on the
26 rear property line of the property northwesterly 20 feet to the northwest side of
27 Creek Alley, thence binding on the northwest side of Creek Alley northeasterly 56
28 feet, to intersect the south side of W. West Street, and thence binding
29 southeasterly 20 feet to the point of beginning.

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

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1 As delineated on Plat 257-A-40A, prepared by the Survey Control Section and filed on
2 September 1, 2016, in the Office of the Department of Transportation.

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

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

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

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

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

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