

**CITY OF BALTIMORE  
COUNCIL BILL 08-0243  
(First Reader)**

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Introduced by: The Council President  
At the request of: The Administration (Department of Public Works)  
Introduced and read first time: November 24, 2008  
Assigned to: Highways and Franchises Subcommittee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Public Works, Planning Commission, Department of Real Estate, Department of Finance

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A BILL ENTITLED

1 AN ORDINANCE concerning

2           **Release of Right of Ways – (1) a 12-Foot Right of Way and (2) a Varying in Width**  
3           **Right of Way Granted to the Mayor and City Council of Baltimore**  
4           **Through the Property of Pompeian, Inc.**

5 FOR the purpose of authorizing the release and surrender by the Mayor and City Council  
6 of Baltimore of all of its interests in and to (1) a 12-foot wide right of way heretofore granted  
7 to the City of Baltimore through the property of Union Railroad Company of Baltimore and  
8 the Pennsylvania Railroad Company, currently owned by Pompeian, Inc., the location and  
9 course of the 12-foot wide right of way to be released being shown on Plat B.S.20-20589  
10 prepared by the Department of Public Works – Bureau of Sewers and (2) a varying in width  
11 right of way granted to the City of Baltimore through the property of Pompeian, Inc., the  
12 location and course of the varying in width right of way to be released being shown on Plat  
13 R.W.20-36189 prepared by the Survey Control Section; and providing for a special effective  
14 date.

15 BY authority of  
16 Article I - General Provisions  
17 Section 4  
18 and  
19 Article II - General Powers  
20 Section 31  
21 Baltimore City Charter  
22 (1996 Edition)

23           **Recitals**

24           **WHEREAS**, By Agreement dated January 4, 1927, and granted unto the Mayor and City  
25 Council of Baltimore the right of way shown on a plat numbered B.S.20-20589 and dated  
26 August 27, 1926, and revised September 22, 1926, which plat is recorded with said  
27 Agreement; and

28           **WHEREAS**, By Agreement dated September 1, 2006, and recorded among the Land Records  
29 of Baltimore City in Liber F.M.C. No. 8439, Folio 331, granted unto the Mayor and City

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

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1 Council of Baltimore the right of way shown on a plat numbered R.W.20-36189 and dated  
2 February 10, 2006, which plat is recorded with said Agreement; and

3 **WHEREAS**, The said right of ways hereinafter described are no longer needed for public use,  
4 the public utility that had previously been therein having been abandoned and/or relocated to  
5 another right of way that was granted unto the Mayor and City Council of Baltimore.

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the  
7 Comptroller of Baltimore City be and is hereby authorized on the behalf of the Mayor and City  
8 Council of Baltimore to execute and deliver unto the owner or owners of the land within the  
9 right of ways hereinafter described, a release and surrender of all of the interest of the City of  
10 Baltimore in the right of ways described as follows:

11 Beginning for a 12-foot wide right of way to be extinguished at a point on the  
12 division line between the properties known as No. 4203 Pulaski Highway and No.  
13 200/400 N. Kresson Street said point being distant Southerly 519 feet, more or  
14 less, measured along said division line from the southeast side of Pulaski  
15 Highway, 80 feet wide, and running thence binding on said division line  
16 Southerly 12.0 feet, more or less; thence by a straight line through the property  
17 now or formerly owned by Pompeian, Inc. Westerly 221 feet, more or less, to  
18 intersect the division line between the property known as No. 4203 Pulaski  
19 Highway and the property of Norfolk Southern Railroad Company, there situate;  
20 thence binding on last said division line Northerly 12.0 feet, more or less, and  
21 thence by a straight line through said property 221 feet, more or less, to the place  
22 of beginning.

23 Beginning for a varying in width right of way at a point on the third line of the  
24 first parcel of land conveyed by Laco Corporation to Pompeian, Inc. by deed  
25 dated October 10, 1975 and recorded among the Land Records of Baltimore City  
26 in Liber R.H.B. No. 3281, Folio 226, said point of beginning being distant South  
27 02° 56' 59" East 525.69 feet, measured along the east right of way line of the  
28 Norfolk Southern Railroad Right of Way, there situate, from the southeast side of  
29 Pulaski Highway, 80 feet wide, and having a coordinate value of East 15,248.980  
30 feet and South 615.762 feet, and running thence by straight lines through the  
31 property now or formerly owned by Pompeian, Inc. the four following courses  
32 and distances; namely, North 86° 26' 31" East 168.10 feet, South 03° 33' 29" East  
33 15.00 feet, South 86° 26' 31" West 159.16 feet and South 67° 37' 26" West 9.65  
34 feet to intersect the third line of the first parcel of land described in said deed, and  
35 thence binding on the third line of the first parcel of land described in said deed  
36 and on the east right of way line of the Norfolk Southern Railroad Right of Way  
37 North 02° 56' 59" West 18.11 feet, as now surveyed, to the place of beginning.

38 Containing 2,536.92 square feet of land, more or less.

39 The use of the right of ways described hereinabove is no longer needed for public purposes.

40 **SECTION 2. AND BE IT FURTHER ORDAINED**, That no deed may pass under this Ordinance  
41 unless the deed has been approved by the City Solicitor.

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