

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 12-0059

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: April 16, 2012
Assigned to: Housing and Community Development Committee
Committee Report: Favorable
Council action: Adopted
Read second time: June 4, 2012

AN ORDINANCE CONCERNING

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**City Streets – Closing –
Toone Street**

FOR the purpose of condemning and closing Toone Street, extending from Ponca Street easterly to the Right of Way Line of Interstate Route No. 895 (Baltimore Harbor Tunnel), as shown on Plat 92-A-32A in the Office of the Department of General Services; 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 General Services shall proceed to condemn and close Toone Street, extending from Ponca Street easterly to the Right of Way Line of Interstate Route No. 895 (Baltimore Harbor Tunnel), and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Toone Street, 70 feet wide, and the east side of Ponca Street, 70 feet wide, and running thence binding on the east side of said Ponca Street, Northerly 70.0 feet to intersect the north side of said Toone Street; thence binding on the north side of said Toone Street, Easterly 180.4 feet, more or less, to intersect the western Right of Way Line of Through Highway of Interstate Route No. 895

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 (Baltimore Harbor Tunnel), there situate; thence binding on the western Right of
2 Way Line of Through Highway of said Interstate Route No. 895, Southerly 70.0
3 feet to intersect the south side of said Toone Street, and thence binding on the
4 south side of said Toone Street, Westerly 180.4 feet, more or less, to the place of
5 beginning.

6 As delineated on Plat 92-A-32A, prepared by the Survey Control Section and filed on January 24,
7 2012, in the Office of the Department of General Services.

8 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
9 closing of Toone Street and the rights of all interested parties shall be regulated by and in
10 accordance with all applicable provisions of state and local law and with all applicable rules and
11 regulations adopted by the Director of General Services and filed with the Department of
12 Legislative Reference.

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

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

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

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

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

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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