

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 09-0280

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: February 9, 2009
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable
Council action: Adopted
Read second time: June 8, 2009

AN ORDINANCE CONCERNING

**City Streets – Closing –
A 15-Foot Alley**

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3 FOR the purpose of condemning and closing a 15-foot alley laid out in the rear of the properties
4 known as Nos. 2501/2507 through 2511/2517 Eutaw Place, extending from Chauncey
5 Avenue, Northwesterly 108.0 feet, more or less, to the southeast side of a 15-foot alley laid
6 out in the rear of the properties known as Nos. 914 through 934 Chauncey Avenue, as shown
7 on Plat 316-C-1 in the Office of the Department of Public Works; and providing for a special
8 effective date.

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

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
18 Department of Public Works shall proceed to condemn and close a 15-foot alley laid out in the
19 rear of the properties known as Nos. 2501/2507 through 2511/2517 Eutaw Place, extending from
20 Chauncey Avenue, Northwesterly 108.0 feet, more or less, to the southeast side of a 15-foot alley
21 laid out in the rear of the properties known as Nos. 914 through 934 Chauncey Avenue, and
22 more particularly described as follows:

23 Beginning for Parcel No. 1 at the point formed by the intersection of the
24 northwest side of Chauncey Avenue, 60 feet wide, and the southwest side of a 15-
25 foot alley laid out in the rear of the properties known as Nos. 2501/2507 through
26 2511/2517 Eutaw Place, said point of beginning being distant northeasterly 140.0
27 feet, more or less, measured along the northwest side of said Chauncey Avenue,
28 from the northeast side of Eutaw Place, 70 feet wide, and running thence binding

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 on the southwest side of said 15-foot alley, Northwesterly 108.0 feet more or less,
2 to intersect the line of the south side of a 15-foot alley, laid out in the rear of the
3 properties known as Nos. 914 through 934 Chauncey Avenue, if projected
4 southwesterly; thence binding reversely on said line, so drawn, Northeasterly 15.0
5 feet to intersect the northeast side of said 15-foot alley, mentioned firstly herein;
6 thence binding on the northeast side of said 15-foot alley, mentioned firstly
7 herein, Southeasterly 108.0 feet, more or less, to intersect the northwest side of
8 said Chauncey Avenue, and thence binding on the northwest side of said
9 Chauncey Avenue, Southwesterly 15.0 feet to the place of beginning.

10 As delineated on Plat 316-C-1, prepared by the Survey Control Section and filed on January 14,
11 2009, in the Office of the Department of Public Works.

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

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

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

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

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

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