

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0241

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

Committee Report: Favorable
Council action: Adopted
Read second time: March 23, 2009

AN ORDINANCE CONCERNING

**City Streets – Closing –
Subterranean Rights Under Pleasant Street**

FOR the purpose of condemning and closing the subterranean rights under Pleasant Street, 23.35 feet east of St. Paul Place and extending Easterly 26.00 feet, as shown on Plat 114-A-54A in the Office of the Department of Public Works; 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 Public Works shall proceed to condemn and close the subterranean rights under Pleasant Street, 23.35 feet east of St. Paul Place and extending Easterly 26.00 feet, and more particularly described as follows:

Beginning for Parcel No. 1 at a point on the north side of Pleasant Street, 49.5 feet wide, distant North 86° 44' 00" East 23.35 feet, measured along the north side of said Pleasant Street from the east side of St. Paul Place, 54 feet wide, and at a horizontal plane having an elevation of 33.00 feet and descending to an elevation of unlimited depth, and running thence binding on the north side of said Pleasant Street, North 86° 44' 00" East 26.00 feet; thence by a straight line drawn at a right angle to the north side of said Pleasant Street, South 03° 16' 00" East 49.50 feet to intersect the south side of said Pleasant Street; thence binding on the south side of said Pleasant Street, South 86° 44' 00" West 26.00 feet, and thence by a straight line drawn at a right angle to the south side of said Pleasant Street, North 03° 16' 00" West 49.50 feet to the place of beginning.

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 As delineated on Plat 114-A-54A, prepared by the Survey Control Section and filed on October
2 27, 2008, in the Office of the Department of Public Works.

3 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
4 closing of the subterranean rights under Pleasant Street and the rights of all interested parties
5 shall be regulated by and in accordance with all applicable provisions of state and local law and
6 with all applicable rules and regulations adopted by the Director of Public Works and filed with
7 the Department of 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
10 Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their
11 use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or
12 interfere with them, that person must first obtain permission from the Mayor and City Council
13 and, in the application for this permission, must agree to pay all costs and expenses, of every
14 kind, arising 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 Public
21 Works 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
33 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