

**CITY OF BALTIMORE
COUNCIL BILL 17-0022
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: February 27, 2017
Assigned to: Housing and Urban Affairs Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **Bed of Duker Alley**

4 FOR the purpose of condemning and closing the bed of Duker Alley, extending westerly 92 feet,
5 more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as
6 shown on Plat 232-A-15A in the Office of the Department of Transportation; and providing
7 for a special effective 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 the bed of Duker Alley,
18 extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side
19 of Albemarle Street, and more particularly described as follows:

20 Beginning for Parcel No. 1 at a point formed by the intersection of the west side
21 of Albemarle Street 60 feet wide, and the south side of Duker Alley 10 feet wide,
22 said point of beginning being distant northerly 191 feet, more or less, measured
23 along the west side of said Albemarle Street from the point formed by the
24 intersection of the west side of said Albemarle Street and the north side of South
25 President Street varying width; thence binding on the south side of said Duker
26 Alley Westerly 92 feet, more or less, to the westernmost extremity of said Duker
27 Alley; thence binding on the westernmost extremity of said Duker Alley Northerly
28 10 feet to the north side of said Duker Alley; thence binding on the north side of
29 said Duker Alley Easterly 92 feet, more or less, to intersect the west side of said

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

Council Bill 17-0022

1 Albemarle Street; and thence crossing said Duker Alley Southerly 10 feet to the
2 place of beginning.

3 As delineated on Plat 232-A-15A , prepared by the Survey Control Section and filed on February
4 6, 2017, in the Office of the Department of Transportation.

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

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

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

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

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

34 **SECTION 7. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect when it is
35 enacted.