

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 10-0599

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: September 20, 2010
Assigned to: Highways and Franchises Subcommittee
Committee Report: Favorable with an amendment
Council action: Adopted
Read second time: December 5, 2011

AN ORDINANCE CONCERNING

**Franchise – Private Pedestrian Bridgeway Over the
1500 Block of Presstman Street**

FOR the purpose of granting a franchise to New Song Urban Ministries, LLC, to construct, use, and maintain a private pedestrian bridgeway above and across a portion of the 1500 block of Presstman Street right-of-way, connecting the New Song Academy building on the north side of Presstman Street with an Academic and Community building to be constructed on the south side of Presstman Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

Recitals

New Song Urban Ministries, LLC, is constructing approximately 11,462 square feet of multi-story space in new educational/community space and rehabilitating 6,578 square feet of existing space. The building will have classrooms, studios and meeting space on the south side of the 1500 block of Presstman Street. New Song Academy is opposite this space on the north side of Presstman Street.

New Song proposes to construct a one-story private enclosed pedestrian bridgeway over Presstman Street to connect these two buildings at the second-story level, providing a safe and convenient means for students, employees and visitors to travel between the two structures.

Portions of the private bridgeway will be located above and across the public right-of-way.

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.

Council Bill 10-0599

1 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That a
2 franchise or right is granted to New Song Uban Ministries, LLC, its tenants, successors, and
3 assigns (collectively, the “Grantee”) to construct, use, and maintain, at Grantee’s own cost and
4 expense, and subject to the terms and conditions of this Ordinance, a one-story private enclosed
5 pedestrian bridgeway, approximately 66 feet long by 10 feet wide by 14 feet high and shall be
6 approximately 17 feet above the street bed at its lowest point, that will connect the building being
7 constructed by the Grantee on the south side of Presstman Street, to the New Song Academy
8 building on the north side of Presstman Street, by crossing the Presstman Street right-of-way,
9 located within an aerial easement more particularly described as follows:

10 Beginning at a point on the Southernmost right-of-way line of Presstman Street
11 (66 feet wide) and also being distant North 87 degrees, 32 minutes 45 seconds
12 East 83.0 feet from the Southeast corner of the intersection of Presstman Street
13 and North Gilmore Street mentioned in the Deed dated February 6, 2001, recorded
14 among the Land Records in the City of Baltimore in Liber 1079, folio 432,
15 granted and conveyed by New Song Community Church, Inc. to New Song Urban
16 Ministries, LLC, thence leaving the aforementioned point of beginning, with all
17 bearings being referenced to the Baltimore City Topographical Survey
18 Commission; (1) North 02 degrees 27 minutes 15 seconds West 66.0 feet to a
19 point on the Northernmost right-of-way line of Presstman Street (66 feet wide),
20 thence running with and binding on the Northernmost right-of-way line of
21 Presstman Street (66 feet wide); (2) North 87 degrees 32 minutes 45 seconds East
22 10.00 feet to a point, thence leaving the Northernmost right-of-way line of
23 Presstman Street (66 feet wide); (3) South 02 degrees 27 minutes 15 seconds East
24 66.00 feet to a point on the Southernmost right-of-way line of Presstman Street
25 (66 feet wide), thence running with and binding on the Southernmost right-of-way
26 line of Presstman Street (66 feet wide); (4) South 87 degrees 32 minutes 45
27 seconds West 10.00 feet to the point of beginning.

28 The easement shall be approximately 10 feet wide by 66 feet long by 14 feet high and shall be
29 approximately 17 feet above the street bed at its lowest point.

30 Containing approximately 660 square feet in plane, or 0.015 acres, more or less.

31 **SECTION 2. AND BE IT FURTHER ORDAINED,** That to become effective, the franchise or right
32 granted by this Ordinance (the “Franchise”) must be executed and enjoyed by the Grantee within
33 6 months after the effective date of this Ordinance.

34 **SECTION 3. AND BE IT FURTHER ORDAINED,** That as compensation for the Franchise, the
35 Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$5,808.00 a
36 year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise
37 charge must be paid annually, at least 30 days before the initial and each renewal term of the
38 Franchise.

39 **SECTION 4. AND BE IT FURTHER ORDAINED,** That:

40 (a) The initial term of the Franchise is 1 year, commencing on the effective date of this
41 Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will
42 automatically renew, without any action by either the Mayor and City Council of Baltimore or
43 the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this

Council Bill 10-0599

1 Ordinance, each renewal term will be on the same terms and conditions as the initial term. The
2 maximum duration for which the Franchise may operate, including the initial and all renewal
3 terms, is 25 years.

4 (b) Either the Mayor and City Council of Baltimore, acting by and through the Director of
5 General Services, or the Grantee may cancel the Franchise as at the end of the initial or any
6 renewal term by giving written notice of cancellation to the other at least 90 days before the end
7 of that term.

8 **SECTION 5. AND BE IT FURTHER ORDAINED**, That the Mayor and City Council of Baltimore,
9 acting by and through the Board of Estimates, may increase or decrease the annual franchise
10 charge by giving written notice of the increase or decrease to the Grantee at least 150 days before
11 the end of the original or renewal term immediately preceding the renewal term to which the
12 increase or decrease will first apply. The new franchise charge will apply to all subsequent
13 annual renewal terms, unless again increased or decreased in accordance with this section.

14 **SECTION 6. AND BE IT FURTHER ORDAINED**, That the Mayor and City Council of Baltimore
15 expressly reserves the right at all times to exercise, in the interest of the public, full municipal
16 superintendence, regulation, and control over and in respect to all matters connected with the
17 Franchise and not inconsistent with the terms of this Ordinance.

18 **SECTION 7. AND BE IT FURTHER ORDAINED**, That the Grantee, at its own cost and expense,
19 shall maintain in good condition and in compliance with all applicable laws and regulations of
20 Baltimore City, all structures for which the Franchise is granted. The maintenance of these
21 structures shall be at all times subject to the regulation and control of the Commissioner of
22 Housing and Community Development and the Director of General Services. If any structure for
23 which the Franchise is granted must be readjusted, relocated, protected, or supported to
24 accommodate a public improvement, the Grantee shall pay all costs and expenses in connection
25 with the readjustment, relocation, protection, or support.

26 **SECTION 8. AND BE IT FURTHER ORDAINED**, That at the option of the Mayor and City
27 Council of Baltimore, acting by and through the Director of General Services, the Grantee's
28 failure to comply with any term or condition of this Ordinance constitutes a forfeiture of the
29 Franchise. Immediately on written notice to the Grantee of the exercise of this option, the
30 Franchise terminates. Once so terminated, only an ordinance of the Mayor and City Council of
31 Baltimore may waive the forfeiture or otherwise reinstate the Franchise.

32 **SECTION 9. AND BE IT FURTHER ORDAINED**, That at any time and without prior notice, the
33 Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public
34 interest, welfare, safety, or convenience so requires. Immediately on written notice to the
35 Grantee of the exercise of this right, the Franchise terminates.

36 **SECTION 10. AND BE IT FURTHER ORDAINED**, That on cancellation, expiration, forfeiture,
37 revocation, or other termination of the Franchise for any reason, the Grantee shall remove all
38 structures for which the Franchise is granted. The removal of these structures shall be
39 (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor
40 and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of
41 Housing and Community Development and the Director of General Services, and (iii) completed
42 within the time specified in writing by the Director of General Services.

Council Bill 10-0599

1 **SECTION 11. AND BE IT FURTHER ORDAINED,** That the Grantee is liable for and shall
2 indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses,
3 costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any
4 time subjected on account of, or in any way resulting from, (i) the presence, construction, use,
5 operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures
6 for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or
7 agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this
8 Ordinance.

9 **SECTION 12. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
10 is enacted.

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