

**Introduced by:** The Council President  
**At the request of:** The Comptroller (Department of Real Estate)

**Prepared by:** Department of Legislative Reference **Date:** June 16, 2017

**Referred to:** TAXATION, FINANCE & ECONOMIC DEVELOPMENT Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17-0094

A BILL ENTITLED

AN ORDINANCE concerning

**Sale of Property – NS Eastern Avenue Underpass  
NWC Macon Street (Block 6326, Lots 1-10)**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all of its interest in certain property known as NS Eastern Avenue Underpass NEC Macon Street (Block 6326, Lots 1-10) and no longer needed for public use; and providing for a special effective date.

By authority of  
Article V - Comptroller  
Section 5(b)  
Baltimore City Charter  
(1996 Edition)

**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

**Agencies**

- |  |   |
|--|---|
| <input type="checkbox"/> Baltimore City Public School System             | <input type="checkbox"/> Department of Public Works               |
| <input checked="" type="checkbox"/> Baltimore Development Corporation    | <input checked="" type="checkbox"/> Department of Real Estate     |
| <input type="checkbox"/> City Solicitor                                  | <input type="checkbox"/> Department of Recreation and Parks       |
| <input type="checkbox"/> Comptroller's Office                            | <input checked="" type="checkbox"/> Department of Transportation  |
| <input type="checkbox"/> Department of Audits                            | <input type="checkbox"/> Fire Department                          |
| <input checked="" type="checkbox"/> Department of Finance                | <input type="checkbox"/> Health Department                        |
| <input type="checkbox"/> Department of General Services                  | <input type="checkbox"/> Mayor's Office of Employment Development |
| <input type="checkbox"/> Department of Housing and Community Development | <input type="checkbox"/> Mayor's Office of Human Services         |
| <input type="checkbox"/> Department of Human Resources                   | <input type="checkbox"/> Mayor's Office of Information Technology |
| <input checked="" type="checkbox"/> Department of Planning               | <input type="checkbox"/> Office of the Mayor                      |
| <input type="checkbox"/> Other: _____                                    | <input type="checkbox"/> Police Department                        |
| <input type="checkbox"/> Other: _____                                    | <input type="checkbox"/> Other: _____                             |
| <input type="checkbox"/> Other: _____                                    | <input type="checkbox"/> Other: _____                             |

**Boards and Commissions**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Board of Estimates                       | <input type="checkbox"/> Environmental Control Board                |
| <input type="checkbox"/> Board of Ethics                                     | <input type="checkbox"/> Fire & Police Employees' Retirement System |
| <input type="checkbox"/> Board of Municipal and Zoning Appeals               | <input type="checkbox"/> Labor Commissioner                         |
| <input type="checkbox"/> Comm. for Historical and Architectural Preservation | <input type="checkbox"/> Parking Authority Board                    |
| <input type="checkbox"/> Commission on Sustainability                        | <input type="checkbox"/> Planning Commission                        |
| <input type="checkbox"/> Employees' Retirement System                        | <input type="checkbox"/> Wage Commission                            |
| <input type="checkbox"/> Other: _____  | <input type="checkbox"/> Other: _____                               |
| <input type="checkbox"/> Other: _____  | <input type="checkbox"/> Other: _____                               |
| <input type="checkbox"/> Other: _____  | <input type="checkbox"/> Other: _____                               |

CITY OF BALTIMORE  
ORDINANCE **17-071**  
Council Bill 17-0094

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Introduced by: The Council President  
At the request of: The Comptroller (Department of Real Estate)  
Introduced and read first time: July 17, 2017  
Assigned to: Taxation, Finance and Economic Development Committee  
Committee Report: Favorable with an amendment  
Council action: Adopted  
Read second time: October 30, 2017

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**AN ORDINANCE CONCERNING**

1    **Sale of Property – NS Eastern Avenue Underpass**  
2    **NWC Macon Street (Block 6326, Lots 1-10)**

3                      FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public  
4                      or private sale, all of its interest in certain property known as NS Eastern Avenue Underpass  
5                      ~~NEG~~ NWC Macon Street (Block 6326, Lots 1-10) and no longer needed for public use; and  
6                      providing for a special effective date.

7                      BY authority of  
8                      Article V - Comptroller  
9                      Section 5(b)  
10                     Baltimore City Charter  
11                     (1996 Edition)

12                     SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in  
13                     accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either  
14                     public or private sale, all the interest of the Mayor and City Council of Baltimore in the property  
15                     known as NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10), and more  
16                     particularly described as follows:

17                     The subject parcel (Block 6326, Lots 1-10) is a paved parking lot located on the  
18                     corner of S. Macon Street and Portugal Street,  
19                     containing 5,241 square feet, more or less, this property being no longer needed for public use.


20                     SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance  
21                     unless the deed has been approved by the City Solicitor.

22                     SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is  
23                     enacted.

**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 17-0094

Certified as duly passed this \_\_\_\_\_ day of NOV 13 2017

  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of NOV 13 2017

  
\_\_\_\_\_  
Chief Clerk

Approved this 29 day of November, 2017

  
\_\_\_\_\_  
Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 17<sup>th</sup> Day of November 2017

  
\_\_\_\_\_  
Chief Solicitor

APPROVED FOR FORM  
STYLE AND TEXTUAL SUFFICIENCY  
10-20-17  
DO NOT LEGISLATIVE REFERENCE

AMENDMENTS TO COUNCIL BILL 17-0094  
(1<sup>st</sup> Reader Copy)

By: Councilmember Middleton  
{To be offered on the Council Floor}

Amendment No. 1

On page 1, in line 6, strike "NEC" and substitute "NWC".

**ADOPTED**



CITY OF BALTIMORE

BOARD OF ESTIMATES

Room 204, City Hall  
Baltimore, Maryland 21202  
410-396-4755



BERNARD C "JACK" YOUNG  
PRESIDENT, CITY COUNCIL

CATHERINE E PUGH  
MAYOR

JOAN M PRATT  
COMPTROLLER

RUDOLPH S. CHOW, P.E.  
DIRECTOR OF PUBLIC WORKS

ANDRE M DAVIS  
CITY SOLICITOR

BERNICE H TAYLOR  
DEPUTY COMPTROLLER  
AND CLERK TO THE BOARD

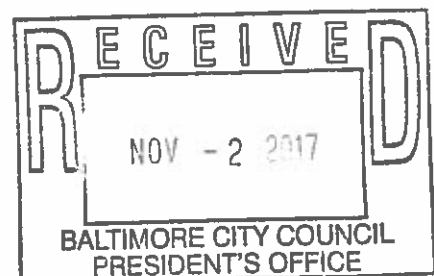
November 1, 2017

Honorable President and Members  
of the City Council

Ladies and Gentlemen:

On November 1, 2017 the Board had before it for consideration the following pending City Council Bills:

- 17-0094 - An Ordinance concerning Sale of Property - NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10) for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all of its interest in certain property known as NS Eastern Avenue Underpass NEC Macon Street (Block 6326, Lots 1-10) and no longer needed for public use; and providing for a special effective date.
- 17-0120 - An Ordinance concerning Property Tax Credit - Public Safety Officers for the purpose of establishing a tax credit against the property tax imposed on the principal residences of certain public safety officers; imposing certain limitations, conditions, and qualifications for credit eligibility; providing for the amount, duration, and administration of the credit; defining certain terms; providing for a special effective date; and generally relating to a property tax credit for qualified public safety officers.







CITY COUNCIL BILLS - cont'd

The Law Department approved as to form and legal sufficiency with the following comments:

A public safety officer is defined by the state to be a "firefighter, an emergency medical technician, or a law enforcement officer who is a sworn member of and employed full time by: 1) the Baltimore City Fire Department; 2) the Baltimore City Police Department; or 3) the Baltimore City Sheriff's Office." Md. Code, Tax-Prop., §9-304(i)(iii). That officer must separately qualify for the state's homestead tax credit. Md. Code, Tax-Prop., §9-304(i)(2). Each taxable year, the credit may not exceed the greater of \$2,500.00 or the total local real property tax imposed on the dwelling. Md. Code, Tax - Prop., §9-304(i)(3). If the public safety officer chooses to take this credit, he or she is prohibited from receiving any other property tax credit provided by Baltimore City, except the local portion of the homestead tax credit and the income tax rate offsetting credit. Md. Code, Tax-Prop. §9-304(i)(4).

The City has been granted the power to set the amount and duration of the credit. Md. Code, Tax-Prop., §9-304(i)(5). The City may also prescribe additional eligibility criteria, the rules and procedures necessary for application and uniform processing and any other provisions necessary to carry out the state law.

The Department of Finance performed a fiscal analysis of revenue gain, revenue loss and estimated costs to implement the property tax credit. The Department of Finance has no position in regards to the passage of City Council Bill 17-0120.

The Department of Planning has no objection and defers to the Department of Finance.

The Department of Housing and Community Development respectfully defers to the Department of Finance.



CITY COUNCIL BILLS - cont'd

The Department of Real Estate supports the passage of City Council Bill No. 17-0120 subject to the adoption of the rules and regulation by the Department of Finance.

After NOTING AND CONCURRING in all favorable reports received, the Board approved the aforementioned City Council Bills and referred them to the City Council with the recommendation that they be approved and passed by that Honorable Body.

The President ABSTAINED from voting.

Sincerely,

  
\_\_\_\_\_  
Bernice H. Taylor  
Clerk to the Board of Estimates



# BALTIMORE CITY COUNCIL TAXATION, FINANCE AND ECONOMIC DEVELOPMENT VOTING RECORD

DATE: October 19, 2017

BILL#: 17-0094

BILL TITLE: Ordinance -Sale of Property - NS Eastern Avenue Underpass  
NWC Macon Street (Block 6326, Lots 1-10)

MOTION BY: Castello      SECONDED BY: Pinkett

- FAVORABLE                       FAVORABLE WITH AMENDMENTS  
 UNFAVORABLE                       WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Middleton, Sharon, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, Edward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TOTALS</b>	<u>5</u>			

CHAIRPERSON: Sharon Middleton

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

October 10, 2017

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

Re: City Council Bill 17-0094 - Sale of Property— NS Eastern Avenue  
Underpass NWC Macon Street (Block 6326, Lots 1-10)

Dear President and City Council Members:

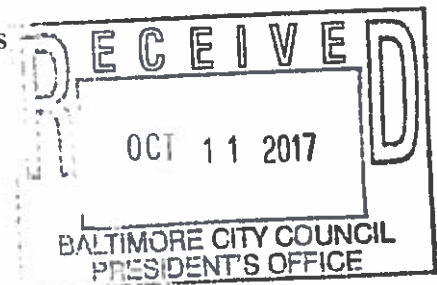
The Law Department has reviewed City Council Bill 17-0094 for form and legal sufficiency. The bill would allow the Mayor and City Council of Baltimore to sell all interest in a certain property known as NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10), declaring it no longer needed for public use. The bill also provides for a special effective date.

Article V, Section 5 (b) of the Baltimore City Charter grants the Department of Real Estate in the Comptroller's Office the power to arrange for the disposition of any building or parcel of land no longer needed by the City for public use, if that sale is approved by the Board of Estimates. Assuming the agency reports reveal that the property is no longer needed for public use, this is the appropriate ordinance to authorize disposition of the subject property. Therefore, the Law Department approves the bill for form and legal sufficiency.

Sincerely,


Jennifer Landis  
Assistant Solicitor

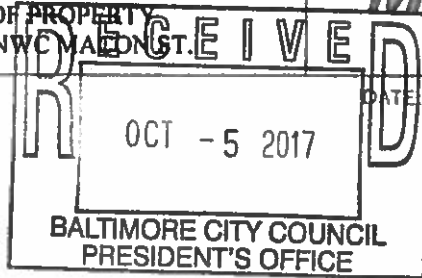
cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Kyron Banks, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Victor Tervalva, Chief Solicitor







<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0094/SALE OF PROPERTY NS EASTERN AVENUE UNDERPASS NWC MACON ST.	<b>MEMO</b>	



**TO**

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

September 28, 2017

The Department of Planning has been asked to review and consider City Council Bill #17-0094, for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all of its interest in certain property known as NS Eastern Avenue Underpass NEC Macon Street (Block 6326, Lots 1-10) and no longer needed for public use; and providing for a special effective date.

This bill was introduced at the request of the Department of Real Estate to surplus and sale the city-owned property comprising Block 6326, Lots 1-10. The lots create one, triangular-shaped parcel boarded by S. Macon Street to the east, Portugal Street to the north and the NS Eastern Avenue underpass to the south. Currently, the property is improved as a surface parking lot.

The City was solicited by Mr. Antonios Minadakis to purchase the land after decades of leasing the parcel from the City for use as a parking lot for his restaurant at 422-426 Macon Street. Upon receipt of the purchase request, the Department of Real Estate notified the Parking Authority, who indicated that they have no objection to the sale of property. Subsequently, the Department of Transportation, Public Works, and Recreation and Parks have also indicated that they have no interest in retaining the property. If purchased by Mr. Minadakis, he will continue to use the property as a parking lot.

A Public Utility Easement will be established and memorialized in the deed and contract of sale for existing water and sanitary mains, water and sanitary services, existing storm drains, conduit duct system and for future maintenance work. Additionally, a perpetual right of way and easement for ingress and egress to a pedestrian stairway from Eastern Ave along the western portion of the lot will also be established.

It is the City's general policy not to allow any private structures to be built over public utility systems. For this reason, a parking lot is one of the few viable development opportunities for the site. Built structures are restricted unless the purchaser, subject to approval of DOT, agrees to re-locate the conduit at their own expense.

If improved as a parking lot, the site must meet all site plan and landscape guidelines. Per Sec 14-331 of the Zoning Code, the "parking lot must be screened from public view in accordance with the requirements of the Baltimore City Landscape Manual." The parking lot will also be subject to review by the Site Plan Review Committee.

*No obj.*



In consideration of the historical use of the site as a parking lot and the site's limited development opportunities, Department of Planning finds that this property is no longer needed for public purpose and can be surplus and sold. The Department of Planning has no objection to the approval of City Council Bill #17-0094.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer  
Mr. Jim Smith, Chief of Strategic Alliances  
Ms. Karen Stokes, Mayor's Office  
Mr. Kyron Banks, Mayor's Office  
Mr. Colin Tarbert, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. David Tanner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Sharon Daboin, DHCD  
Mr. Patrick Fleming, DOT  
Ms. Elena DiPietro, Law Dept.  
Ms. Natawna Austin, Council Services  
Mr. Francis Burnszynski, PABC  
Mr. Walter Horton, Dept. of Real Estate

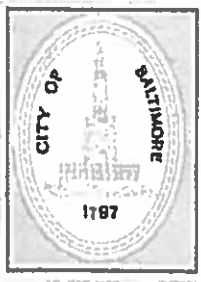


**FROM**

**NAME & TITLE** David Framm, Real Estate Agent Supervisor  
**AGENCY NAME & ADDRESS** Right of Way Services Division, Department of Transportation  
204 Abel Wolman Municipal Building  
**SUBJECT** Report on City Council Bill 17-0094

CITY of  
BALTIMORE

**MEMO**



**TO** Mr. Kyron Banks  
Office of the Mayor  
2<sup>nd</sup> floor, City Hall

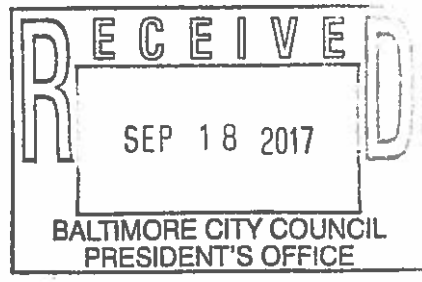
**DATE:** September 15, 2017

**RE:** Comments on City Council Bill 17-0094/Sale of Property – NS (north side) Eastern Avenue Underpass NWC (north west corner) Macon Street (Block 6326, Lots 1-10)

This office has reviewed the request contained in the above mentioned bill, and upon review have determined that Sale of Property - NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10) does not affect the interest of this office and therefore we are in support of City Council Bill 17-0094.



Sincerely,

*David Framm*  
David Framm

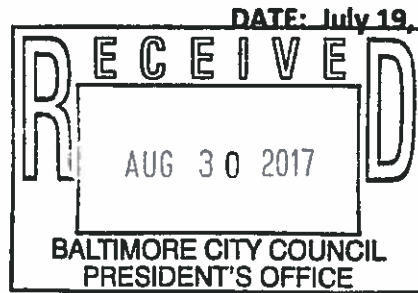


A



<b>F R O M</b>	 <b>Name &amp; Title</b> Walter J. Horton, Real Estate Officer	CITY OF BALTIMORE  <b>MEMO</b>  
	<b>Agency Name &amp; Address</b> Department of Real Estate Room 304 City Hall Baltimore, MD 21202	
	<b>Subject</b> City Council Bill # 17-0094 Sale of Property NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10)	

**TO:** The Honorable President and Members  
 Of the Baltimore City Council  
 ATTN: Natawana Austin, Executive Secretary  
 Room 409 City Hall  
 100 N. Holliday Street  
 Baltimore, MD 21202



The Department of Real Estate has reviewed City Council Bill 17-0094 for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as NS Eastern Avenue Underpass NWC Macon Street, and no longer needed for public use and providing for a special effective date.

The property (zoned C-1) is located in the Greektown section of East Baltimore and is bordered on the east by South Macon St., on the north by Portugal St. and on the south by Eastern Ave. Consisting of approximately 5,025 square feet, the property is paved, triangular shaped and currently used as a parking lot able to accommodate approximately 12-15 cars.

A Public Utility Easement will be established and memorialized in the deed and contract of sale for existing water and sanitary mains, water and sanitary services, existing storm drains, conduit duct system and for future maintenance work on same.

Additionally it is the City's general policy not to allow any private structures to be built over public utility systems. Further, due to the location of conduit on the lot, building will be restricted unless and until a Closure Agreement is completed and approved by DOT, Conduit Section.

There is a pedestrian entrance via a stairway from Eastern Ave along the western portion of the lot, a perpetual right of way and easement for ingress and egress will be established and memorialized in the deed and contract of sale.


The Department of Real Estate supports the passage of City Council Bill 17-0094.

F





*AKC*, Deputy, for:

<b>FROM</b>	NAME & TITLE	Andrew Kleine, Chief	CITY OF BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill #17-0094		

**TO**

DATE:

The Honorable President and  
Members of the City Council  
Room 400, City Hall

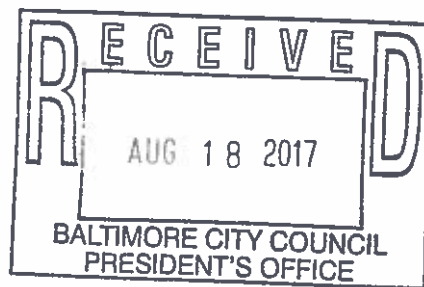
August 16<sup>th</sup>, 2018

City Council Bill #17-0094 was created for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as the NS Eastern Avenue Underpass NEC Macon Street (Block 06326, Lots 1-10) and no longer needed for public use; and providing for a special effective date.

The property is described as a paved parking lot located on the corner of South Macon Street and Portugal Street, containing 5,241 square feet.

Since this property is no longer needed for public use, and there were no objections from various city agencies to declare the property as surplus, and since there is not a significant fiscal impact, the Department of Finance has no objection to the passage of Council Bill 17-0094.

cc: Henry Raymond  
Kyron Banks



*No obj*



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 17-0094

Sale of Property – NS Eastern Avenue Underpass NWC Macon Street  
(Block 6326, Lots 1-10)

Committee: Taxation, Finance and Economic Development

Chaired By: Councilmember Sharon Green Middleton

Hearing Date: October 19, 2017  
Time (Beginning): 10:10 AM  
Time (Ending): 10:20 AM  
Location: Clarence "Du" Burns Chamber  
Total Attendance: ~40  
Committee Members in Attendance:  
Sharon Green Middleton, Chair  
Leon Pinkett, III, Vice Chair  
Eric Costello  
Edward Reisinger  
Robert Stokes

Bill Synopsis in the file? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded? .....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Certification of advertising/posting notices in the file? .....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Evidence of notification to property owners? .....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Final vote taken at this hearing? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by: .....	Councilmember Costello		
Seconded by: .....	Councilmember Pinkett		
Final Vote: .....	Favorable		



**Major Speakers**  
(This is not an attendance record.)

- Ms. Monique Sampson, Department of Real Estate
- Mr. Matthew DeSantis, Department of Planning
- Mr. David Framm, Department of Transportation

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**Major Issues Discussed**

1. Councilwoman Middleton read the bill and agency reports into the record.
2. Agency representatives provided comment about their respective agency reports.
3. Ms. Monique Sampson shared information about the property and the desire of the bidder to purchase the lot.

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**Further Study**

Was further study requested?

Yes  No

If yes, describe.

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**Committee Vote:**

S. Middleton: ..... Yea  
L. Pinkett, III: ..... Yea  
E. Costello: ..... Yea  
E. Reisinger: ..... Yea  
R. Stokes: ..... Yea

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Jennifer L. Coates, Committee Staff



Date: October 19, 2017

cc: Bill File  
OCS Chrono File



# CITY OF BALTIMORE COUNCIL HEARING ATTENDANCE RECORD

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Chairperson: Sharon Middleton  
 10:00 AM Place: Clarence "Du" Burns Chambers  
 Venue Underpass NWC Macon Street (Block 6326, Lots 1-10) CC Bill Number: 17-0094

PLEASE PRINT		TESTIFY	WHAT IS YOUR POSITION ON THIS BILL?		LOBBYIST: ARE YOU REGISTERED IN THE CITY (*)	
NAME	ADDRESS	FOR	AGAINST	YES	NO	
<b>IF YOU PLEASE CHECK HERE</b>						
th Charles Street	John Doe Johndoenbmore@yahoo.com	✓	✓	✓	✓	
<del>Matthew</del>	<del>Matthew Desantis</del>	✓	✓	✓	✓	
Matthew Desantis	Matthew.Desantis@charter.com	✓	✓	✓	✓	
pc1 Est+ATE	Monique.Sampson@balteq.gov	✓	✓	✓	✓	
T/R/w	DAVID.F.KAMME@balteq.gov	✓	✓	✓	✓	







## **BALTIMORE CITY COUNCIL TAXATION, FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE**

### **Mission Statement**

*On behalf of the Citizens of Baltimore City, the mission of the Taxation, Finance and Economic Development Committee of the Baltimore City Council is to legislate policy that will deter unnecessary tax burdens while seeking and supporting projects and initiatives that will generate and increase our tax base. Reviewing and considering financing tools that impact the retention and sustainability of our economic base is essential. Introducing and enhancing legislation that perpetuates equal access to economic development for African Americans/Minorities/Women and other members of our community that will result in an improved quality of life for all citizens of Baltimore is a critical component of Baltimore's success.*

**The Honorable Sharon Green Middleton  
Chairwoman**

### **PUBLIC HEARING**

**Thursday, October 19, 2017**

**10:00 AM**

**CLARENCE "DU" BURNS COUNCIL CHAMBERS**

**Bill 17-0094**

**Sale of Property - NS Eastern Avenue Underpass  
NWC Macon Street (Block 6326, Lots 1-10)**

## CITY COUNCIL COMMITTEES

### BUDGET AND APPROPRIATIONS

Eric Costello – Chair  
Leon Pinkett – Vice Chair  
Bill Henry  
Sharon Green Middleton  
Brandon M. Scott  
Isaac “Yitzy” Schleifer  
Shannon Sneed  
*Staff: Marguerite Currin*

### EDUCATION AND YOUTH

Zeke Cohen – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Kristerfer Burnett  
Ryan Dorsey  
*Staff: D’Paul Nibber*

### EXECUTIVE APPOINTMENTS

Robert Stokes – Chair  
Kristerfer Burnett – Vice Chair  
Mary Pat Clarke  
Zeke Cohen  
Isaac “Yitzy” Schleifer  
*Staff: Marguerite Currin*

### HOUSING AND URBAN AFFAIRS

John Bullock – Chair  
Isaac “Yitzy” Schleifer – Vice Chair  
Kristerfer Burnett  
Bill Henry  
Shannon Sneed  
Zeke Cohen  
Ryan Dorsey  
*Staff: Richard Krummerich*

### JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Leon Pinkett  
Edward Reisinger  
Brandon Scott  
Robert Stokes  
*Staff: D’Paul Nibber*

### LABOR

Shannon Sneed – Chair  
Robert Stokes – Vice Chair  
Eric Costello  
Bill Henry  
Mary Pat Clarke  
*Staff: Marguerite Currin*

### LAND USE AND TRANSPORTATION

Edward Reisinger – Chair  
Sharon Green Middleton – Vice Chair  
Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Leon Pinkett  
Robert Stokes  
*Staff: Jennifer Coates*

### PUBLIC SAFETY

Brandon Scott – Chair  
Ryan Dorsey – Vice Chair  
Kristerfer Burnett  
Shannon Sneed  
Zeke Cohen  
Leon Pinkett  
Isaac “Yitzy” Schleifer  
*Staff: Richard Krummerich*

### TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair  
Leon Pinkett – Vice Chair  
Eric Costello  
Edward Reisinger  
Robert Stokes  
*Staff: Jennifer Coates*  
*- Larry Greene (pension only)*

**CITY OF BALTIMORE**

CATHERINE E. PUGH, Mayor



**OFFICE OF COUNCIL SERVICES**

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

**BILL SYNOPSIS**

**Committee: Taxation, Finance and Economic Development**

**Bill 17-0094**

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**Sale of Property - NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10)**

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**Sponsor: President Young (Administration) - Department of Real Estate**

**Introduced: July 17, 2017**

**Purpose:**

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all of its interest in certain property known as NS Eastern Avenue Underpass NEC Macon Street (Block 6326, Lots 1-10) and no longer needed for public use; and providing for a special effective date.

**Effective: Date of Enactment**

**Hearing Date/Time/Location: October 19, 2017/10:00 a.m. /Clarence "Du" Burns Chambers**

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**Agency Reports**

City Solicitor	Favorable
Planning Commission	No Objection
Department of Transportation	Favorable
Department of Real Estate	Favorable
Department of Finance	No Objection
Board of Estimates	*

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## **ANALYSIS**

### **Current Law**

Article V – Comptroller; Section 5(b); Baltimore City Charter; (1996 Edition)

### **Background**

If enacted, Bill 17-0094 would authorize the sale of City property known as NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10). If approved the property would be declared no longer needed for public use. The property lies in the Greektown neighborhood and is zoned C-1. It is bordered by on the east by Macon Street, on the north by Portugal Street and on the South by Eastern Avenue. The triangular-shaped parcel is paved and is currently being used as a parking lot to accommodate approximately 12-15 cars.

Mr. Antonios Minadakis, who owns a restaurant at 422 – 426 Macon Street, leased the property for decades from the City for use as a parking lot. He recently solicited the City to purchase the land. City agencies have expressed no interest in retaining the property.

Public utilities exist under the site and an easement will have to be established and memorialized in the deed and contract of sale. An easement will also have to be established for an ingress/egress to a pedestrian stairway from Eastern Avenue along the western portion of the lot.

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### **Additional Information**

**Fiscal Note:** Not Available

**Information Source(s):** Department of Real Estate, Planning Commission

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Analysis by: Jennifer L. Coates  
Analysis Date: October 12, 2017

Direct Inquiries to: (410) 396-1260

**CITY OF BALTIMORE  
COUNCIL BILL 17-0094  
(First Reader)**

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Introduced by: The Council President

At the request of: The Comptroller (Department of Real Estate)

Introduced and read first time: July 17, 2017

Assigned to: Taxation, Finance and Economic Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Transportation, Department of Real Estate, Department of Finance, Board of Estimates

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Sale of Property – NS Eastern Avenue Underpass**  
3 **NWC Macon Street (Block 6326, Lots 1-10)**

4 FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public  
5 or private sale, all of its interest in certain property known as NS Eastern Avenue Underpass  
6 NEC Macon Street (Block 6326, Lots 1-10) and no longer needed for public use; and  
7 providing for a special effective date.

8 BY authority of  
9 Article V - Comptroller  
10 Section 5(b)  
11 Baltimore City Charter  
12 (1996 Edition)

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That, in  
14 accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either  
15 public or private sale, all the interest of the Mayor and City Council of Baltimore in the property  
16 known as NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10), and more  
17 particularly described as follows:

18 The subject parcel (Block 6326, Lots 1-10) is a paved parking lot located on the  
19 corner of S. Macon Street and Portugal Street,

20 containing 5,241 square feet, more or less, this property being no longer needed for public use.

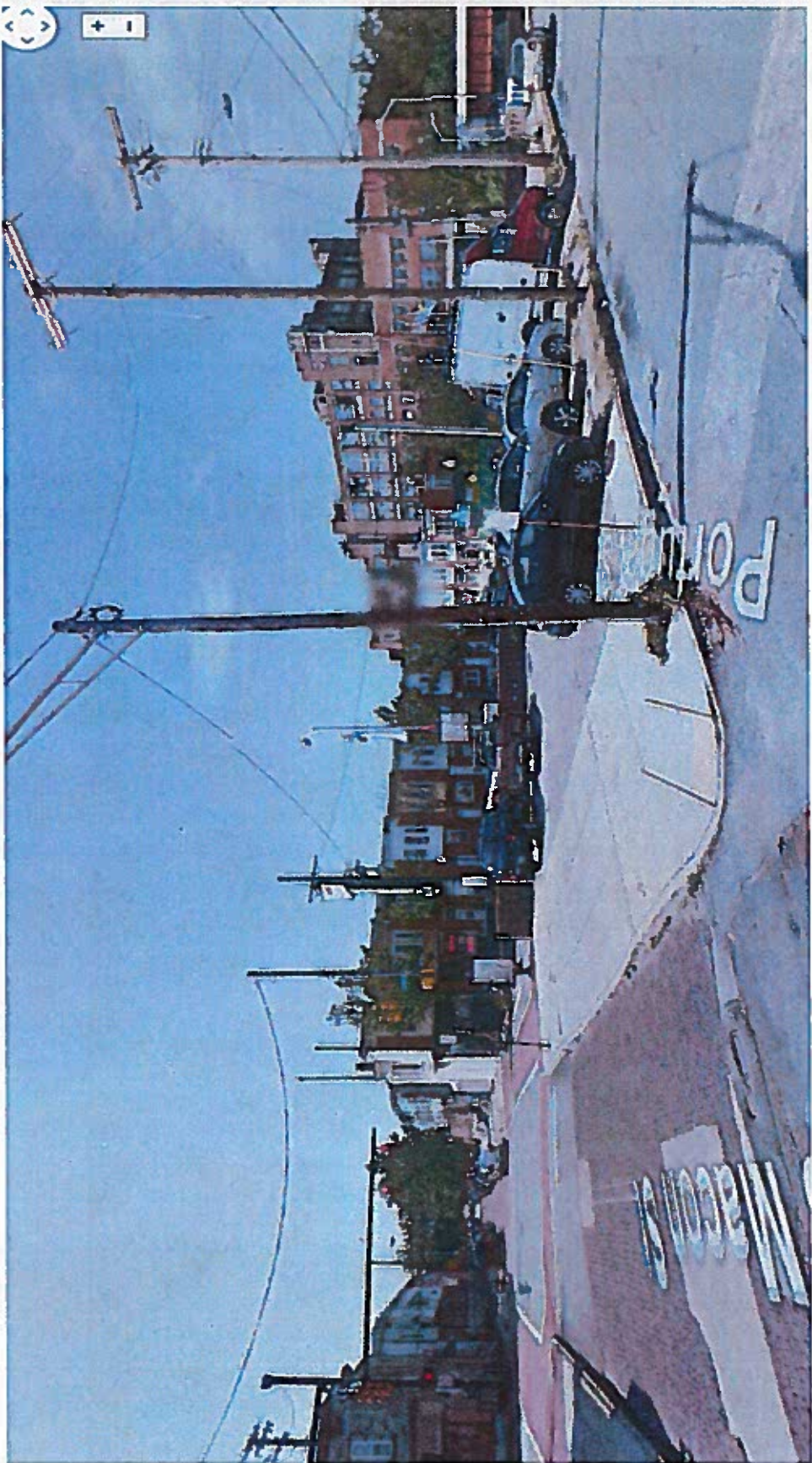
21 **SECTION 2. AND BE IT FURTHER ORDAINED**, That no deed may pass under this Ordinance  
22 unless the deed has been approved by the City Solicitor.

23 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is  
24 enacted.

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









**TAXATION, FINANCE &  
ECONOMIC DEVELOPMENT  
COMMITTEE**

**AGENCY  
REPORTS**

**CITY OF BALTIMORE**

CATHERINE E. PUGH, Mayor



**DEPARTMENT OF LAW**

ANDRE M. DAVIS, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

October 10, 2017

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

**Re: City Council Bill 17-0094 - Sale of Property— NS Eastern Avenue  
Underpass NWC Macon Street (Block 6326, Lots 1-10)**

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0094 for form and legal sufficiency. The bill would allow the Mayor and City Council of Baltimore to sell all interest in a certain property known as NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10), declaring it no longer needed for public use. The bill also provides for a special effective date.


Article V, Section 5 (b) of the Baltimore City Charter grants the Department of Real Estate in the Comptroller's Office the power to arrange for the disposition of any building or parcel of land no longer needed by the City for public use, if that sale is approved by the Board of Estimates. Assuming the agency reports reveal that the property is no longer needed for public use, this is the appropriate ordinance to authorize disposition of the subject property. Therefore, the Law Department approves the bill for form and legal sufficiency.

Sincerely,

Jennifer Landis  
Assistant Solicitor

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Kyron Banks, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Victor Tervalva, Chief Solicitor

TJA

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0094/SALE OF PROPERTY NS EASTERN AVENUE UNDERPASS NWC MACON ST.		

DATE:

**TO**

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

September 28, 2017

The Department of Planning has been asked to review and consider City Council Bill #17-0094, for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all of its interest in certain property known as NS Eastern Avenue Underpass NEC Macon Street (Block 6326, Lots 1-10) and no longer needed for public use; and providing for a special effective date.

This bill was introduced at the request of the Department of Real Estate to surplus and sale the city-owned property comprising Block 6326, Lots 1-10. The lots create one, triangular-shaped parcel boarded by S. Macon Street to the east, Portugal Street to the north and the NS Eastern Avenue underpass to the south. Currently, the property is improved as a surface parking lot.

The City was solicited by Mr. Antonios Minadakis to purchase the land after decades of leasing the parcel from the City for use as a parking lot for his restaurant at 422-426 Macon Street. Upon receipt of the purchase request, the Department of Real Estate notified the Parking Authority, who indicated that they have no objection to the sale of property. Subsequently, the Department of Transportation, Public Works, and Recreation and Parks have also indicated that they have no interest in retaining the property. If purchased by Mr. Minadakis, he will continue to use the property as a parking lot.

A Public Utility Easement will be established and memorialized in the deed and contract of sale for existing water and sanitary mains, water and sanitary services, existing storm drains, conduit duct system and for future maintenance work. Additionally, a perpetual right of way and easement for ingress and egress to a pedestrian stairway from Eastern Ave along the western portion of the lot will also be established.

It is the City's general policy not to allow any private structures to be built over public utility systems. For this reason, a parking lot is one of the few viable development opportunities for the site. Built structures are restricted unless the purchaser, subject to approval of DOT, agrees to re-locate the conduit at their own expense.

If improved as a parking lot, the site must meet all site plan and landscape guidelines. Per Sec 14-331 of the Zoning Code, the "parking lot must be screened from public view in accordance with the requirements of the Baltimore City Landscape Manual." The parking lot will also be subject to review by the Site Plan Review Committee.

In consideration of the historical use of the site as a parking lot and the site's limited development opportunities, Department of Planning finds that this property is no longer needed for public purpose and can be surplused and sold. The Department of Planning has no objection to the approval of City Council Bill #17-0094.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

**Attachment**

cc: Mr. Pete Hammen, Chief Operating Officer  
Mr. Jim Smith, Chief of Strategic Alliances  
Ms. Karen Stokes, Mayor's Office  
Mr. Kyron Banks, Mayor's Office  
Mr. Colin Tarbert, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. David Tanner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Sharon Daboin, DHCD  
Mr. Patrick Fleming, DOT  
Ms. Elena DiPietro, Law Dept.  
Ms. Natawna Austin, Council Services  
Mr. Francis Burnszynski, PABC  
Mr. Walter Horton, Dept. of Real Estate

FROM

David Framm, Real Estate Agent Supervisor  
Right of Way Services Division, Department of Transportation  
204 Abel Wolman Municipal Building  
Report on City Council Bill 17-0094

CITY OF BALTIMORE  
MEMO



TO Mr. Kyron Banks  
Office of the Mayor  
2<sup>nd</sup> floor, City Hall



DATE: September 15, 2017

RE: Comments on City Council Bill 17-0094/Sale of Property – NS (north side) Eastern Avenue Underpass NWC (north west corner) Macon Street (Block 6326, Lots 1-10)

This office has reviewed the request contained in the above mentioned bill, and upon review have determined that Sale of Property - NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10) does not affect the interest of this office and therefore we are in support of City Council Bill 17-0094.

Sincerely,

*David Framm*  
David Framm

<b>F R O M</b>	 <b>Name &amp; Title</b> Walter J. Horton, Real Estate Officer	CITY OF BALTIMORE  <b>MEMO</b>	
	<b>Agency Name &amp; Address</b> Department of Real Estate Room 304 City Hall Baltimore, MD 21202		
	<b>Subject</b> City Council Bill # 17-0094 Sale of Property NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10)		

**DATE: July 19, 2017**

**TO: The Honorable President and Members  
 Of the Baltimore City Council  
 ATTN: Natawana Austin, Executive Secretary  
 Room 409 City Hall  
 100 N. Holliday Street  
 Baltimore, MD 21202**

The Department of Real Estate has reviewed City Council Bill 17-0094 for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as NS Eastern Avenue Underpass NWC Macon Street, and no longer needed for public use and providing for a special effective date.

The property (zoned C-1) is located in the Greektown section of East Baltimore and is bordered on the east by South Macon St., on the north by Portugal St. and on the south by Eastern Ave. Consisting of approximately 5,025 square feet, the property is paved, triangular shaped and currently used as a parking lot able to accommodate approximately 12-15 cars.

A Public Utility Easement will be established and memorialized in the deed and contract of sale for existing water and sanitary mains, water and sanitary services, existing storm drains, conduit duct system and for future maintenance work on same.

Additionally it is the City's general policy not to allow any private structures to be built over public utility systems. Further, due to the location of conduit on the lot, building will be restricted unless and until a Closure Agreement is completed and approved by DOT, Conduit Section.

There is a pedestrian entrance via a stairway from Eastern Ave along the western portion of the lot, a perpetual right of way and easement for ingress and egress will be established and memorialized in the deed and contract of sale.

The Department of Real Estate supports the passage of City Council Bill 17-0094.

*DRAG*, Deputy for:

<b>FROM</b>	NAME & TITLE	Andrew Kleine, Chief	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432. City Hall (410) 396-4941		
	SUBJECT	City Council Bill #17-0094		

DATE:

TO

The Honorable President and  
Members of the City Council  
Room 400, City Hall

August 16<sup>th</sup>, 2018

City Council Bill #17-0094 was created for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as the NS Eastern Avenue Underpass NEC Macon Street (Block 06326, Lots 1-10) and no longer needed for public use; and providing for a special effective date.

The property is described as a paved parking lot located on the corner of South Macon Street and Portugal Street, containing 5,241 square feet.

Since this property is no longer needed for public use, and there were no objections from various city agencies to declare the property as surplus, and since there is not a significant fiscal impact, the Department of Finance has no objection to the passage of Council Bill 17-0094.

cc: Henry Raymond  
Kyron Banks





**CITY OF BALTIMORE  
COUNCIL BILL 17-0094  
(First Reader)**

---

Introduced by: The Council President

At the request of: The Comptroller (Department of Real Estate)

Introduced and read first time: July 17, 2017

Assigned to: Taxation, Finance and Economic Development Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Transportation, Department of Real Estate, Department of Finance, Board of Estimates

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Sale of Property – NS Eastern Avenue Underpass**  
3 **NWC Macon Street (Block 6326, Lots 1-10)**

4 FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public  
5 or private sale, all of its interest in certain property known as NS Eastern Avenue Underpass  
6 NEC Macon Street (Block 6326, Lots 1-10) and no longer needed for public use; and  
7 providing for a special effective date.

8 BY authority of  
9 Article V - Comptroller  
10 Section 5(b)  
11 Baltimore City Charter  
12 (1996 Edition)

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in**  
14 **accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either**  
15 **public or private sale, all the interest of the Mayor and City Council of Baltimore in the property**  
16 **known as NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10), and more**  
17 **particularly described as follows:**

18 The subject parcel (Block 6326, Lots 1-10) is a paved parking lot located on the  
19 corner of S. Macon Street and Portugal Street,

20 containing 5,241 square feet, more or less, this property being no longer needed for public use.

21 **SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance**  
22 **unless the deed has been approved by the City Solicitor.**

23 **SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is**  
24 **enacted.**

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



**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**

APPROVED FOR STYLE, AND TEXTUAL ACCURACY  6-16-17  DEPT LEGISLATIVE REFERENCE
--

---

Introduced by: The Council President  
At the request of: The Comptroller (Department of Real Estate)

---

A BILL ENTITLED

AN ORDINANCE concerning

**Sale of Property – NS Eastern Avenue Underpass  
NWC Macon Street (Block 6326, Lots 1-10)**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all of its interest in certain property known as NS Eastern Avenue Underpass NEC Macon Street (Block 6326, Lots 1-10) and no longer needed for public use; and providing for a special effective date.

BY authority of  
Article V - Comptroller  
Section 5(b)  
Baltimore City Charter  
(1996 Edition)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property known as NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10), and more particularly described as follows:

The subject parcel (Block 6326, Lots 1-10) is a paved parking lot located on the corner of S. Macon Street and Portugal Street,

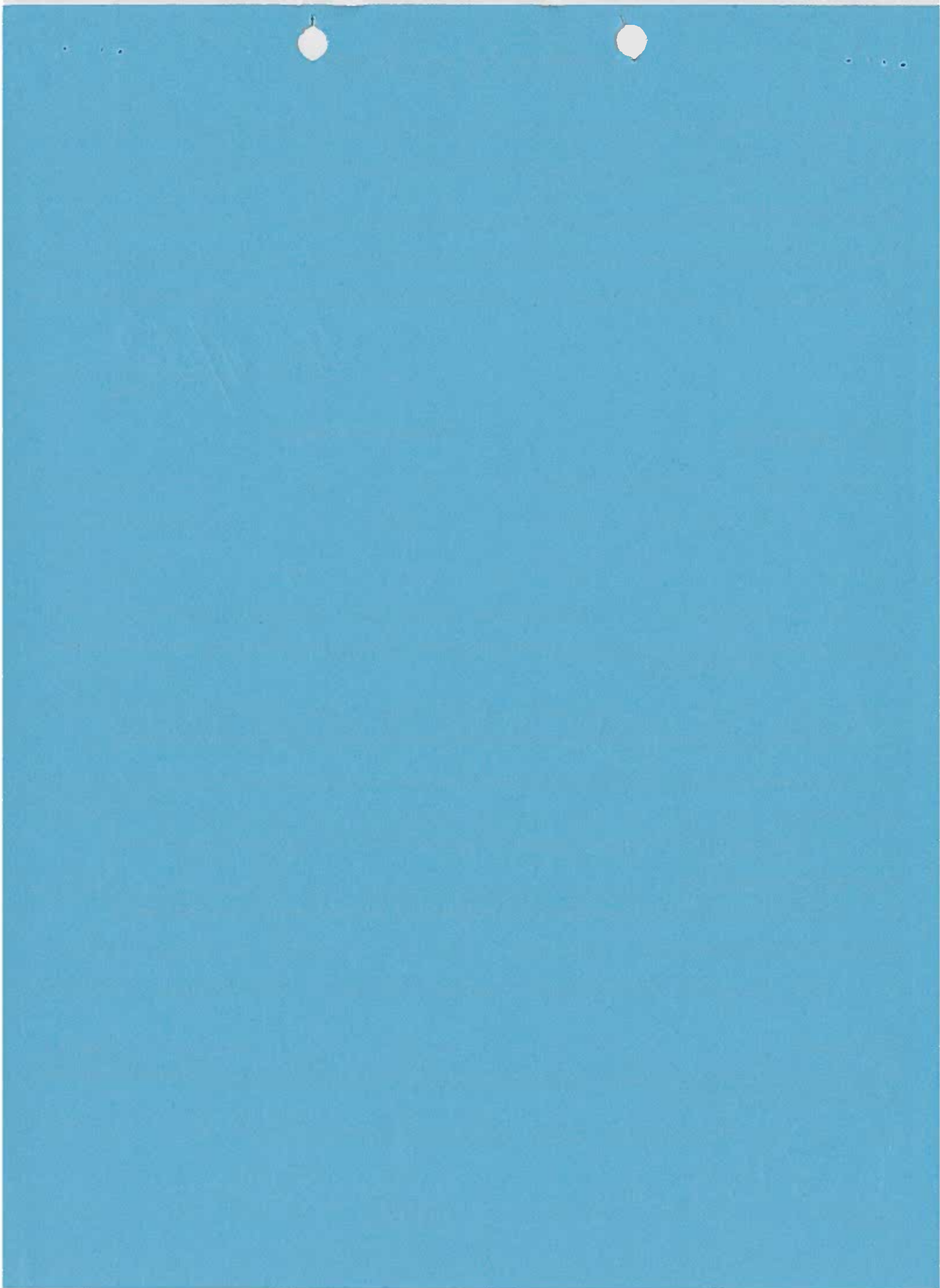
containing 5,241 square feet, more or less, this property being no longer needed for public use.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.





ACTION BY THE CITY COUNCIL

JUL 17 2017  
20

FIRST READING (INTRODUCTION) \_\_\_\_\_

PUBLIC HEARING HELD ON October 19, 20 17

COMMITTEE REPORT AS OF October 30, 20 17

FAVORABLE \_\_\_\_\_ UNFAVORABLE \_\_\_\_\_ FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

*Shirley M. [Signature]*  
Chair

COMMITTEE MEMBERS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMITTEE MEMBERS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

OCT 30 2017  
20

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING \_\_\_\_\_ NOV 13 2017  
20

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_ 20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

*[Signature]*  
President

*[Signature]*  
Chief Clerk

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

October 10, 2017

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, MD 21202

Re: City Council Bill 17-0094 - Sale of Property— NS Eastern Avenue  
Underpass NWC Macon Street (Block 6326, Lots 1-10)

Dear President and City Council Members:

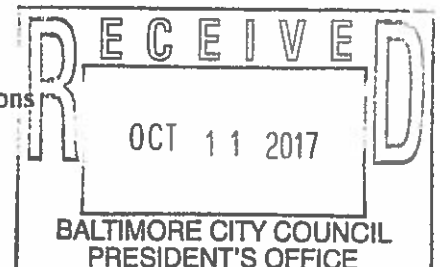
The Law Department has reviewed City Council Bill 17-0094 for form and legal sufficiency. The bill would allow the Mayor and City Council of Baltimore to sell all interest in a certain property known as NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10), declaring it no longer needed for public use. The bill also provides for a special effective date.

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Sincerely,


Jennifer Landis  
Assistant Solicitor

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Kyron Banks, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Victor Tervalá, Chief Solicitor



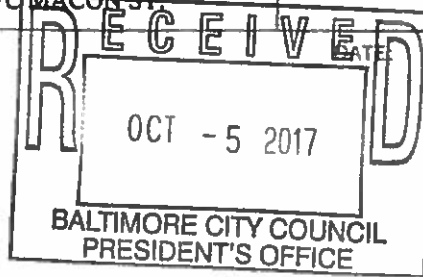




<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0094/SALE OF PROPERTY NS EASTERN AVENUE UNDERPASS NWC MACON ST.		

**TO**

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street



September 28, 2017

The Department of Planning has been asked to review and consider City Council Bill #17-0094, for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all of its interest in certain property known as NS Eastern Avenue Underpass NEC Macon Street (Block 6326, Lots 1-10) and no longer needed for public use; and providing for a special effective date.

This bill was introduced at the request of the Department of Real Estate to surplus and sale the city-owned property comprising Block 6326, Lots 1-10. The lots create one, triangular-shaped parcel boarded by S. Macon Street to the east, Portugal Street to the north and the NS Eastern Avenue underpass to the south. Currently, the property is improved as a surface parking lot.

The City was solicited by Mr. Antonios Minadakis to purchase the land after decades of leasing the parcel from the City for use as a parking lot for his restaurant at 422-426 Macon Street. Upon receipt of the purchase request, the Department of Real Estate notified the Parking Authority, who indicated that they have no objection to the sale of property. Subsequently, the Department of Transportation, Public Works, and Recreation and Parks have also indicated that they have no interest in retaining the property. If purchased by Mr. Minadakis, he will continue to use the property as a parking lot.

A Public Utility Easement will be established and memorialized in the deed and contract of sale for existing water and sanitary mains, water and sanitary services, existing storm drains, conduit duct system and for future maintenance work. Additionally, a perpetual right of way and easement for ingress and egress to a pedestrian stairway from Eastern Ave along the western portion of the lot will also be established.

It is the City's general policy not to allow any private structures to be built over public utility systems. For this reason, a parking lot is one of the few viable development opportunities for the site. Built structures are restricted unless the purchaser, subject to approval of DOT, agrees to re-locate the conduit at their own expense.

If improved as a parking lot, the site must meet all site plan and landscape guidelines. Per Sec 14-331 of the Zoning Code, the "parking lot must be screened from public view in accordance with the requirements of the Baltimore City Landscape Manual." The parking lot will also be subject to review by the Site Plan Review Committee.

*No obj*



In consideration of the historical use of the site as a parking lot and the site's limited development opportunities, Department of Planning finds that this property is no longer needed for public purpose and can be surplus and sold. The Department of Planning has no objection to the approval of City Council Bill #17-0094.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer  
Mr. Jim Smith, Chief of Strategic Alliances  
Ms. Karen Stokes, Mayor's Office  
Mr. Kyron Banks, Mayor's Office  
Mr. Colin Tarbert, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. David Tanner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Sharon Daboin, DHCD  
Mr. Patrick Fleming, DOT  
Ms. Elena DiPietro, Law Dept.  
Ms. Natawna Austin, Council Services  
Mr. Francis Burnszynski, PABC  
Mr. Walter Horton, Dept. of Real Estate



**FROM**

**NAME & TITLE** David Framm, Real Estate Agent Supervisor  
**AGENCY NAME & ADDRESS** Right of Way Services Division, Department of Transportation  
204 Abel Wolman Municipal Building  
**SUBJECT** Report on City Council Bill 17-0094

CITY of  
BALTIMORE  
**MEMO**



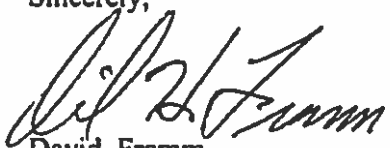
**TO** Mr. Kyron Banks  
Office of the Mayor  
2<sup>nd</sup> floor, City Hall

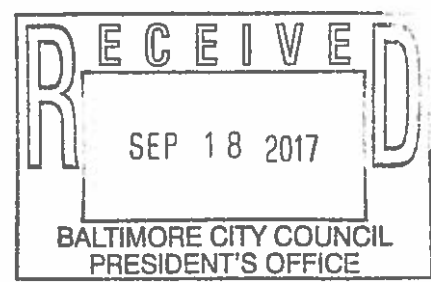
**DATE:** September 15, 2017

**RE:** Comments on City Council Bill 17-0094/Sale of Property – NS (north side) Eastern Avenue Underpass NWC (north west corner) Macon Street (Block 6326, Lots 1-10)

This office has reviewed the request contained in the above mentioned bill, and upon review have determined that Sale of Property - NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10) does not affect the interest of this office and therefore we are in support of City Council Bill 17-0094.


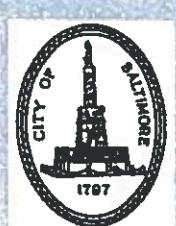
Sincerely,

  
David Framm

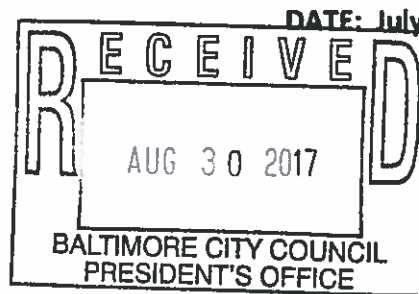


*A*



<b>F R O M</b>	 <b>Name &amp; Title</b> Walter J. Horton, Real Estate Officer	CITY OF BALTIMORE  <b>MEMO</b>	
	<b>Agency Name &amp; Address</b> Department of Real Estate Room 304 City Hall Baltimore, MD 21202		
	<b>Subject</b> City Council Bill # 17-0094 Sale of Property NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10)		

**TO:** The Honorable President and Members  
 Of the Baltimore City Council  
 ATTN: Natawana Austin, Executive Secretary  
 Room 409 City Hall  
 100 N. Holliday Street  
 Baltimore, MD 21202



The Department of Real Estate has reviewed City Council Bill 17-0094 for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as NS Eastern Avenue Underpass NWC Macon Street, and no longer needed for public use and providing for a special effective date.

The property (zoned C-1) is located in the Greektown section of East Baltimore and is bordered on the east by South Macon St., on the north by Portugal St. and on the south by Eastern Ave. Consisting of approximately 5,025 square feet, the property is paved, triangular shaped and currently used as a parking lot able to accommodate approximately 12-15 cars.

A Public Utility Easement will be established and memorialized in the deed and contract of sale for existing water and sanitary mains, water and sanitary services, existing storm drains, conduit duct system and for future maintenance work on same.

Additionally it is the City's general policy not to allow any private structures to be built over public utility systems. Further, due to the location of conduit on the lot, building will be restricted unless and until a Closure Agreement is completed and approved by DOT, Conduit Section.

There is a pedestrian entrance via a stairway from Eastern Ave along the western portion of the lot, a perpetual right of way and easement for ingress and egress will be established and memorialized in the deed and contract of sale.


The Department of Real Estate supports the passage of City Council Bill 17-0094.

F





*AKC*, Deputy, for:

<b>FROM</b>	NAME & TITLE	Andrew Kleine, Chief	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill #17-0094		

DATE:

TO

The Honorable President and  
Members of the City Council  
Room 400, City Hall

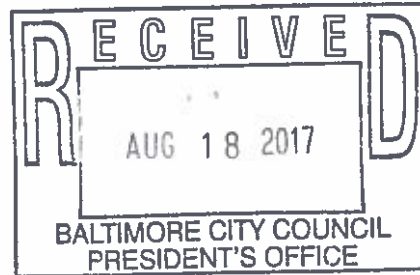
August 16<sup>th</sup>, 2018

City Council Bill #17-0094 was created for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as the NS Eastern Avenue Underpass NEC Macon Street (Block 06326, Lots 1-10) and no longer needed for public use; and providing for a special effective date.

The property is described as a paved parking lot located on the corner of South Macon Street and Portugal Street, containing 5,241 square feet.

Since this property is no longer needed for public use, and there were no objections from various city agencies to declare the property as surplus, and since there is not a significant fiscal impact, the Department of Finance has no objection to the passage of Council Bill 17-0094.

cc: Henry Raymond  
Kyron Banks



*No obj*



**CITY OF BALTIMORE  
COUNCIL BILL 17-0094  
(First Reader)**

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Introduced by: The Council President

At the request of: The Comptroller (Department of Real Estate)

Introduced and read first time: July 17, 2017

Assigned to: Taxation, Finance and Economic Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Transportation, Department of Real Estate, Department of Finance, Board of Estimates

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Sale of Property – NS Eastern Avenue Underpass**  
3 **NWC Macon Street (Block 6326, Lots 1-10)**

4 FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public  
5 or private sale, all of its interest in certain property known as NS Eastern Avenue Underpass  
6 NEC Macon Street (Block 6326, Lots 1-10) and no longer needed for public use; and  
7 providing for a special effective date.

8 BY authority of  
9 Article V - Comptroller  
10 Section 5(b)  
11 Baltimore City Charter  
12 (1996 Edition)

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That, in  
14 accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either  
15 public or private sale, all the interest of the Mayor and City Council of Baltimore in the property  
16 known as NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10), and more  
17 particularly described as follows:

18 The subject parcel (Block 6326, Lots 1-10) is a paved parking lot located on the  
19 corner of S. Macon Street and Portugal Street,

20 containing 5,241 square feet, more or less, this property being no longer needed for public use.

21 **SECTION 2. AND BE IT FURTHER ORDAINED**, That no deed may pass under this Ordinance  
22 unless the deed has been approved by the City Solicitor.

23 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is  
24 enacted.

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



INTRODUCTORY\*

CITY OF BALTIMORE  
COUNCIL BILL 17-0094

APPROVED BY THE  
STYLE, AND TEXTUAL AGENCY  
6-16-17  
DEPT LEGISLATIVE REFERENCE

Introduced by: The Council President  
At the request of: The Comptroller (Department of Real Estate)

A BILL ENTITLED

AN ORDINANCE concerning

Sale of Property – NS Eastern Avenue Underpass  
NWC Macon Street (Block 6326, Lots 1-10)

TFED  
Law  
Planning Dept  
DOT, Real E.  
Financ  
BOE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all of its interest in certain property known as NS Eastern Avenue Underpass NEC Macon Street (Block 6326, Lots 1-10) and no longer needed for public use; and providing for a special effective date.

BY authority of  
Article V - Comptroller  
Section 5(b)  
Baltimore City Charter  
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property known as NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10), and more particularly described as follows:

The subject parcel (Block 6326, Lots 1-10) is a paved parking lot located on the corner of S. Macon Street and Portugal Street,

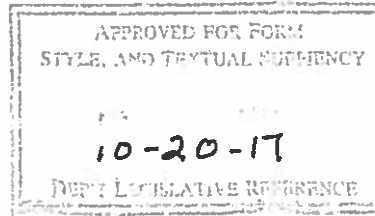
containing 5,241 square feet, more or less, this property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.





**AMENDMENTS TO COUNCIL BILL 17-0094  
(1<sup>st</sup> Reader Copy)**

By: Councilmember Middleton  
{To be offered on the Council Floor}

**Amendment No. 1**

On page 1, in line 6, strike “NEC” and substitute “NWC”.





**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 17-0094**

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Introduced by: The Council President  
At the request of: The Comptroller (Department of Real Estate)  
Introduced and read first time: July 17, 2017  
Assigned to: Taxation, Finance and Economic Development Committee  
Committee Report: Favorable with an amendment  
Council action: Adopted  
Read second time: October 30, 2017

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**AN ORDINANCE CONCERNING**

**Sale of Property – NS Eastern Avenue Underpass  
NWC Macon Street (Block 6326, Lots 1-10)**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all of its interest in certain property known as NS Eastern Avenue Underpass NEE NWC Macon Street (Block 6326, Lots 1-10) and no longer needed for public use; and providing for a special effective date.

BY authority of  
Article V - Comptroller  
Section 5(b)  
Baltimore City Charter  
(1996 Edition)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property known as NS Eastern Avenue Underpass NWC Macon Street (Block 6326, Lots 1-10), and more particularly described as follows:

The subject parcel (Block 6326, Lots 1-10) is a paved parking lot located on the corner of S. Macon Street and Portugal Street,

containing 5,241 square feet, more or less, this property being no longer needed for public use.

**SECTION 2. AND BE IT FURTHER ORDAINED**, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

**SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is enacted.

**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 17-0094**

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