

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 10-0512

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: May 17, 2010
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable
Council action: Adopted
Read second time: August 9, 2010

AN ORDINANCE CONCERNING

**City Streets – Closing –
McElderry Street**

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3 FOR the purpose of condemning and closing McElderry Street, extending from the west side of
4 Dean Street, Westerly 592.5 feet, more or less, to the east side of a 15-foot alley, laid out in
5 the rear of the properties known as Nos. 401 through 645 N. Highland Avenue, as shown on
6 Plat 212-A-18A in the Office of the Department of General Services; and providing for a
7 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 General Services shall proceed to condemn and close McElderry Street,
18 extending from the west side of Dean Street, Westerly 592.5 feet, more or less, to the east side of
19 a 15-foot alley, laid out in the rear of the properties known as Nos. 401 through 645 N. Highland
20 Avenue, and more particularly described as follows:

21 Beginning for Parcel No. 1 at the point formed by the intersection of the north
22 side of McElderry Street, 50 feet wide, and the west side of Dean Street, 50 feet
23 wide, and running thence binding on the west side of said Dean Street, Southerly
24 50.00 feet to intersect the south side of said McElderry Street; thence binding on
25 the south side of said McElderry Street, Westerly 592.5 feet, more or less, to
26 intersect the east side of a 15-foot alley, laid out in the rear of the properties
27 known as Nos. 401 through 645 N. Highland Avenue; thence binding on the east
28 side of said 15-foot alley, Northerly 50.00 feet to intersect the north side of said

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 10-0512

1 McElderry Street, and thence binding on the north side of said McElderry Street,
2 Easterly 592.5 feet, more or less, to the place of beginning.

3 As delineated on Plat 212-A-18A, prepared by the Survey Control Section and filed on March 5,
4 2009, in the Office of the Department of General Services.

5 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
6 closing of McElderry Street and the rights of all interested parties shall be regulated by and in
7 accordance with all applicable provisions of state and local law and with all applicable rules and
8 regulations adopted by the Director of General Services 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
12 Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their
13 use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or
14 interfere with them, that person must first obtain permission from the Mayor and City Council
15 and, in the application for this permission, must agree to pay all costs and expenses, of every
16 kind, arising 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 Public
23 Works 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 on the date it
35 is enacted.

Council Bill 10-0512

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