

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 05-0240**

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: August 15, 2005
Assigned to: Highways and Franchises Subcommittee
Committee Report: Favorable
Council action: Adopted
Read second time: October 17, 2005

AN ORDINANCE CONCERNING

1 **City Streets – Closing –**
2 **A Portion of Wells Street**

3 FOR the purpose of condemning and closing a portion of Wells Street, contiguous to the south
4 side thereof, extending from Light Street Easterly 697.7 feet, more or less, to the former bed
5 of Johnson Street, as shown on Plat 346-A-55A in the Office of the Department of Public
6 Works; and providing for a special effective date.

7 By authority of
8 Article I - General Provisions
9 Section 4
10 and
11 Article II - General Powers
12 Sections 2, 34, 35
13 Baltimore City Charter
14 (1996 Edition)

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
16 Department of Public Works shall proceed to condemn and close a portion of Wells Street,
17 contiguous to the south side thereof, extending from Light Street Easterly 697.7 feet, more or
18 less, to the former bed of Johnson Street, and more particularly described as follows:

19 Beginning for Parcel No. 1 at the point formed by the intersection of the south
20 side of Wells Street, 100 feet wide, and the east side of Light Street, varying in
21 width, and running thence binding on the east side of said Light Street Northerly
22 39.5 feet to intersect a line drawn parallel with and distant 39.5 feet northerly
23 measured at a right angle to the south side of said Wells Street; thence binding on
24 said line, so drawn, Easterly 697.7 feet, more or less, to intersect the west side of
25 Johnson Street, 66 feet wide; thence binding in part on the west side of said
26 Johnson Street, in part on the west side of the former bed of Johnson Street, as

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.

1 condemned and closed under Ordinance No. 1330, approved July 16, 1962, and in
2 all, Southerly 39.5 feet to intersect the south side of said Wells Street, and thence
3 binding on the south side of said Wells Street Westerly 697.7 feet, more or less, to
4 the place of beginning.

5 As delineated on Plat 346-A-55A, prepared by the Survey Control Section and filed on June 13,
6 2005, in the Office of the Department of Public Works.

7 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
8 closing of a portion of Wells Street and the rights of all interested parties shall be regulated by
9 and in accordance with all applicable provisions of state and local law and with all applicable
10 rules and regulations adopted by the Director of Public Works and filed with the Department of
11 Legislative Reference.

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

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

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

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

36 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
37 is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City