

**CITY OF BALTIMORE
COUNCIL BILL 07-0734
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: July 16, 2007
Assigned to: Highways and Franchises Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: Planning Commission, Department of Housing and Community Development, Department of Public Works, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **A 10-Foot Alley**

4 FOR the purpose of condemning and closing a 10-foot alley laid out in the rear of the properties
5 known as 5926 and 5928 York Road, extending from the south side of Howil Terrace
6 southerly to Hutchins Avenue, as shown on Plat 114-A-24 in the Office of the Department of
7 Public Works; and providing for a special effective date.

8 By authority of
9 Article I - General Provisions
10 Section 4
11 and
12 Article II - General Powers
13 Sections 2, 34, 35
14 Baltimore City Charter
15 (1996 Edition)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Department of Public Works shall proceed to condemn and close a 10-foot alley laid out in the
18 rear of the properties known as 5926 and 5928 York Road, extending from the south side of
19 Howil Terrace southerly to Hutchins Avenue, and more particularly described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of the south
21 side of Howil Terrace, 15 feet wide, and the east side of a 10-foot alley, laid out
22 in the rear of the properties known as Nos. 5926 and 5928 York Road, said point
23 of beginning being distant Westerly 141.3 feet, more or less, measured along the
24 south side of said Howil Terrace from the west side of York Road, 80 feet wide,
25 and running thence binding on the east side of said 10-foot alley, Southerly 77.5
26 feet, more or less, to intersect the north side of Hutchins Avenue, 25 feet wide;
27 thence binding on the north side of said Hutchins Avenue, Westerly 10.1 feet,
28 more or less, to intersect the west side of said 10-foot alley; thence binding on the
29 west side of said 10-foot alley, Northerly 77.5 feet, more or less, to intersect the

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

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1 south side of said Howil Terrace, and thence binding on the south side of said
2 Howil Terrace, Easterly 10.1 feet, more or less, to the place of beginning.

3 As delineated on Plat 114-A-24, prepared by the Survey Control Section and filed on June 6,
4 2007, in the Office of the Department of Public Works.

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

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

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

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

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

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