

**CITY OF BALTIMORE
COUNCIL BILL 11-0652
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: February 28, 2011
Assigned to: Urban Affairs and Aging Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Public Works, Baltimore Development Corporation, Department of Transportation, Baltimore City Parking Authority Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Middle East –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Middle East to reauthorize the
5 acquisition of properties within the Project Area and to correct and clarify certain language;
6 waiving certain content and procedural requirements; making the provisions of this
7 Ordinance severable; providing for the application of this Ordinance in conjunction with
8 certain other ordinances; and providing for a special effective date.

9 BY authority of

10 Article 13 - Housing and Urban Renewal
11 Section 2-6
12 Baltimore City Code
13 (Edition 2000)

14 **Recitals**

15 The Urban Renewal Plan for Middle East was originally approved by the Mayor and City
16 Council of Baltimore by Ordinance 79-1202 and last amended by Ordinance 05-124.

17 An amendment to the Urban Renewal Plan for Middle East is necessary to reauthorize the
18 Plan's powers of acquisition and condemnation so that these actions may legally continue, in
19 compliance with § 12-105.1 of the Real Property Article of the Annotated Code of Maryland,
20 and to correct and clarify certain language.

21 Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in
22 any approved renewal plan unless the change is approved in the same manner as that required for
23 the approval of a renewal plan.

24 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
25 following changes in the Urban Renewal Plan for Middle East are approved:

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

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1 (1) In the Plan, amend C.1.a. to read as follows:

2 C. Techniques Used to Achieve Plan Objectives

3 1. Acquisition

4 a. Purposes for Acquiring Properties Within the Project Area

5 Properties designated for acquisition on the Property Acquisition Map,
6 Exhibit 2, will be acquired BY PURCHASE OR BY CONDEMNATION either for
7 clearance and redevelopment, for rehabilitation, or for public facilities.
8

9 (2) In the Plan, add C.1.e. to read as follows:

10 C. Techniques Used to Achieve Plan Objectives

11 1. Acquisition

12

13 E. THE AUTHORITY TO ACQUIRE THE PROPERTIES WITHIN THE PROJECT AREA
14 IS EXPRESSLY CONFIRMED AND REAUTHORIZED THROUGH AND INCLUDING
15 DECEMBER 31, 2014.

16 (3) In the Plan, amend the first paragraph of Appendix A to read as follows:

17 Appendix A

18 Properties for Acquisition and Disposition for Rehabilitation

19 In addition to those groups of properties to be acquired and disposed of for
20 redevelopment (designated with Disposition Lot numbers on Exhibit 3), the
21 following properties are also being acquired and disposed of for rehabilitation.
22 Certain properties listed below may be used, in whole or in part, as rear or side
23 yard space for adjacent property, AS SHOWN LYING WITHIN THE PERIMETER OF THE
24 PROPERTY DISPOSITION MAP.

25 (4) In the Plan, amend the first paragraph of Appendix C to read as follows:

26 Appendix C

27 Properties for Acquisition and Disposition
28 for Rehabilitation or Redevelopment

29 In addition to those groups of properties to be acquired and disposed of for
30 redevelopment (designated with Disposition Lot numbers on Exhibit 3 and in
31 Appendix A), the following properties are also being acquired and disposed of for
32 rehabilitation or redevelopment. Certain properties listed below may be used, in
33 whole or in part, as rear or side yard space for adjacent property. The acquisition
34 of properties adjacent to or abutting streets and alleys being closed will also
35 include all rights, title and interest or any private rights of use in and to the
36 adjacent streets, rights of way or alleys AS SHOWN LYING WITHIN THE PERIMETER
37 OF THE PROPERTY DISPOSITION MAP.

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1 (5) In the Plan, amend the first paragraph of Appendix D to read as follows:

2 Appendix D

3 Properties for Acquisition and Disposition
4 for Rehabilitation or Redevelopment

5 In addition to those groups of properties to be acquired and disposed of for
6 redevelopment (designated with Disposition Lot numbers on Exhibit 3, in
7 Appendix A and in Appendix C), the following properties are also being acquired
8 and disposed of for rehabilitation or redevelopment. Certain properties listed
9 below may be used in whole or in part, as rear or side yard space for adjacent
10 property. The acquisition of properties adjacent to or abutting streets and alleys
11 being closed will also include all rights, title, and interest or any private rights of
12 use in and to the adjacent streets, rights-of-way, or alleys, AS SHOWN LYING
13 WITHIN THE PERIMETER OF THE PROPERTY DISPOSITION MAP.

14 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Middle East,
15 as amended by this Ordinance and identified as “Urban Renewal Plan, Middle East, revised to
16 include Amendment __, dated February 28, 2011”, is approved. The Department of Planning
17 shall file a copy of the amended Urban Renewal Plan with the Department of Legislative
18 Reference as a permanent public record, available for public inspection and information.

19 **SECTION 3. AND BE IT FURTHER ORDAINED**, That if the amended Urban Renewal Plan
20 approved by this Ordinance in any way fails to meet the statutory requirements for the content of
21 a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal
22 plan, those requirements are waived and the amended Urban Renewal Plan approved by this
23 Ordinance is exempted from them.

24 **SECTION 4. AND BE IT FURTHER ORDAINED**, That if any provision of this Ordinance or the
25 application of this Ordinance to any person or circumstance is held invalid for any reason, the
26 invalidity does not affect any other provision or any other application of this Ordinance, and for
27 this purpose the provisions of this Ordinance are declared severable.

28 **SECTION 5. AND BE IT FURTHER ORDAINED**, That if a provision of this Ordinance concerns
29 the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or
30 safety law or regulation, the applicable provisions shall be construed to give effect to each.
31 However, if the provisions are found to be in irreconcilable conflict, the one that establishes the
32 higher standard for the protection of the public health and safety prevails. If a provision of this
33 Ordinance is found to be in conflict with an existing provision of any other law or regulation that
34 establishes a lower standard for the protection of the public health and safety, the provision of
35 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
36 conflict.

37 **SECTION 6. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it
38 is enacted.