



**BALTIMORE CITY COUNCIL
ECONOMIC AND COMMUNITY DEVELOPMENT
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

The Honorable Sharon Green Middleton

PUBLIC HEARING

July 9, 2024

2:00 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

23-0391

City Streets - Closing - A Portion of Boston Street

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BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 23-0391

Title: Air Rights – Closing – A Portion of Boston Street

Sponsor: Administration – City Council

Introduced: June 12, 2023

Purpose: FOR the purpose of condemning and closing a portion of Boston Street, bounded by the east side of Haven Street, the southernmost property line of 1201 South Haven, LLC, the west side of Canton Railroad Right-of-Way, and the north side of Boston Street, as shown on a plat numbered 307-A-22A, dated March 17, 2022, and filed in the Department of Transportation; and providing for a special effective date.

Effective: On the day it is enacted

Agency Reports

City Solicitor	Approve for from & sufficiency
Dept of Planning	Favorable
Dept of Transportation	Favorable
Dept of Housing & Community Development	Favorable
Baltimore Development Corporation	Favorable
Office of Equity and Civil Rights	Defers to DOT

Analysis

Background

City Law

Article 1 Section 4 Baltimore City Charter Condemnation Interest

This section of the City Charter requires when the City condemns property it does so in a specific manner to eliminate other claims on the property.

Article 2 Section 2 Baltimore City Charter Condemnation

This section of the City Charter describes the City's power to condemn property and to acquire and sell near or adjoining properties. It also includes a subsection regarding the acquisition of property via purchase or condemnation property that has been owned by sports franchises.

Article 2 Section 34 Baltimore City Charter Streets, bridges, and tunnels

This section of the City Charter describes the City's power to construct, improve, or close streets, bridges, tunnels or other public ways. The section also provides for the City to regulate their use as well as the naming and number of these public ways, the trees, poles, wires, and conduits that run with them.

Article 2 Section 35 Baltimore City Charter Streets, lanes, alleys, etc..

This section of the City Charter allows for the City to regulate the construction and installation of streets, lanes, and alleys both public and private which are used by or intended to be used by the public. It includes provisions for preventing encroachments and obstructions, closing or gating an alley, & towing vehicles that block access.

Bill Analysis

This bill if enacted would close and condemn a portion of Boston street. Bound on the east by South Haven Street and on the West by the Canton Railroad right of way. The closing and condemnation would begin at the southernmost property line of 1201 S. Haven Street.

According to agency reports, this bill accompanied 23-0392 (in the Ways and Means Committee) which authorizes the sale of this property for private use. If enacted this bill would allow for continued redevelopment in the area as it transitions from industrial to commercial and residential use.

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency Reports, 23-0391 1st reader, Baltimore City Charter,

Analysis by: Anthony Leva

Direct Inquiries to: 410-396-1091

Analysis Date: July 8, 2024

**CITY OF BALTIMORE
COUNCIL BILL 23-0391
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: June 12, 2023

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community Development, Department of Planning, Baltimore Development Corporation, Department of Transportation, Office of Equity and Civil Rights

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing – A Portion of Boston Street**

3 FOR the purpose of condemning and closing a portion of Boston Street, bounded by the east side
4 of Haven Street, the southernmost property line of 1201 South Haven, LLC, the west side of
5 Canton Railroad Right-of-Way, and the north side of Boston Street, as shown on a plat
6 numbered 307-A-22A, dated March 17, 2022, and filed in the Department of Transportation;
7 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 Transportation shall proceed to condemn and close a portion of Boston Street,
18 bounded by the east side of Haven Street, the southernmost property line of 1201 South Haven,
19 LLC, the west side of Canton Railroad Right-of-Way, and the north side of Boston Street, and
20 more particularly described as follows:

FORMAT ONLY

13JUN23

DEP'T OF LEGISLATIVE REFERENCE

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

Council Bill 23-0391

1 Beginning for Parcel 1 at the point formed by the intersection of the north side of
2 Boston Street, 70 feet wide, and the east side of Haven Street, 60 feet wide, said
3 point of beginning being distant Easterly 1,339.8 feet, more or less, measured
4 along the north side of said Boston Street from the intersection of the east side of
5 South Conkling Street and the north side of said Boston Street; thence binding on
6 the east side of said Haven Street, Northwesterly 107.4 feet, more or less, to the
7 southernmost property line of 1201 S. Haven, LLC, formerly the Lands of Exxon
8 Corporation; thence binding on the southernmost property line of said 1201 S.
9 Haven LLC, Northeasterly 181.3 feet to intersect the west side of Canton Railroad
10 Right-of-Way, Southeasterly 108.1 feet, more or less, to intersect the north side of
11 said Boston Street and thence binding on the north side of said Boston Street
12 Southwesterly 181.3 feet, more or less, to the point of beginning.

13 Containing 19,535 square feet or 0.448 acres of land, more or less.

14 As delineated on a plat numbered 307-A-22A, prepared by the Survey Control
15 Section and filed on March 17, 2022 in the Office of the Department of Transportation.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
17 closing of a portion of Boston Street, bounded by the east side of Haven Street, the southernmost
18 property line of 1201 South Haven, LLC, the west side of Canton Railroad Right-of-Way, and
19 the north side of Boston Street, and the rights of all interested parties shall be regulated by and in
20 accordance with all applicable provisions of state and local law and with all applicable rules and
21 regulations.

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

29 **SECTION 4. AND BE IT FURTHER ORDAINED,** That no building or structure of any kind
30 (including but not limited to railroad tracks) may be constructed or erected in or on any part of
31 the street closed under this Ordinance until all subsurface structures and appurtenances owned by
32 the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council
33 or, at the expense of the person seeking to erect the building or structure, have been removed and
34 relaid in accordance with the specifications and under the direction of the Director of
35 Transportation of Baltimore City.

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

Council Bill 23-0391

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


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

Economic and Community Development Committee

22-0303

**City Streets - Closing - A Portion of Boston
Street**

Agency Reports

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #23-0391/ CITY STREETS – CLOSING – A PORTION OF BOSTON STREET		

TO

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

DATE: October 16, 2023

The Department of Planning is in receipt of City Council Bill #23-0391, which is for the purpose of condemning and closing a portion of Boston Street, bounded by the east side of Haven Street, the southernmost property line of 1201 South Haven, LLC, the west side of Canton Railroad Right-of-Way, and the north side of Boston Street, as shown on a plat numbered 307-A-22A, dated March 17, 2022, and filed in the Department of Transportation; and providing for a special effective date.

The Department of Planning recommends **approval** of City Council Bill #23-0391, as this would provide for redevelopment of the adjacent parcel with new commercial investment. The closure will also align the northern edge of the Boston Street right-of-way with adjacent blocks to the east and west.


If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

cc: Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Alice Kennedy, Housing Commissioner 
DATE	March 28, 2024
SUBJECT	23-0391 - City Streets - Closing - A Portion of Boston Street

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

3/28/24

Position: Favorable

Introduction

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 23-0391 City Streets - Closing - A Portion of Boston Street for the purpose of condemning and closing a portion of Boston Street, bounded by the east side of Haven Street, the southernmost property line of 1201 South Haven, LLC, the west side of Canton Railroad Right-of-Way, and the north side of Boston Street, as shown on a plat numbered 307-A-22A, dated March 17, 2022, and filed in the Department of Transportation; and providing for a special effective date.


If approved by the City Council, this ordinance would condemn and close a segment of Boston Street, bounded by the east side of Haven Street, the southernmost property line of 1201 South Haven, LLC, the west side of Canton Railroad Right-of-Way, and the north side of Boston Street. This ordinance would become effective the day it is enacted.

DHCD Analysis

DHCD recognizes that the closure and condemnation of this segment of Boston Street would provide for the redevelopment of the adjacent parcel with new commercial investment and align the northern edge of the Boston Street right-of-way with adjacent blocks. This legislation is accompanied by companion Bill 23-0392 *Sale of Property - A Portion of Boston Street*, which authorizes the sale of this property for private use. The street segment to be closed does not lie within any of DHCD's Impact Investment Areas, Community Development Zones or Streamlined Code Enforcement Areas. This bill is unlikely to have an operational or fiscal impact on DHCD.

Conclusion

DHCD respectfully requests a **favorable** report on the passage of City Council Bill 23-0391.

F R O M	NAME & TITLE	Corren Johnson, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	Council Bill 23-0391		

DATE: 3/27/2024

TO: Mayor Brandon Scott
TO: Economic and Community Development Committee
FROM: Department of Transportation
POSITION: **Support**
SUBJECT: Council Bill 23-0391

INTRODUCTION - City Streets - Closing - A Portion of Boston Street

PURPOSE/PLANS - For the purpose of condemning and closing a portion of Boston Street, bounded by the east side of Haven Street, the southernmost property line of 1201 South Haven, LLC, the west side of Canton Railroad Right-of-Way, and the north side of Boston Street, as shown on a plat numbered 307-A-22A, dated March 17, 2022, and filed in the Department of Transportation; and providing for a special effective date.

COMMENTS – Council Bill 23-0391 looks to formally close a northern portion of Boston Street public right-of-way immediately east of Haven Street. The Council Bill 23-0391 is companion legislation to Council Bill 23-0392 “Sale of Property - A Portion of Boston Street”. The portion of Boston Street to be closed has been redeveloped into a commercial retail shopping center that includes three (3) retail establishments. The redeveloped parcel follows the ongoing transformation of the Boston Street and Haven Street corridor that had evolved from industrial to commercial and residential uses in recent years. It is worth noting that this location is within proximity of the revived Red Line transit project.

AGENCY/DEPARTMENT POSTION – Baltimore City Department of Transportation foresees no direct operational or fiscal impact resulting from the adoption of the legislation and **supports** the advancement of Council Bill 23-0391.

If you have any questions, please do not hesitate to contact Liam Davis at Liam.Davis@baltimorecity.gov or at 410-545-3207

Sincerely,

Corren Johnson,
Director

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY THOMPSON
ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

January 29, 2024

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

Re: City Council Bill 23-0391 – City Streets – Closing – A Portion of Boston Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0391 for form and legal sufficiency. The bill would allow the City to condemn and close a portion of Boston Street, bounded by the east side of Haven Street, the southernmost property line of 1202 South Haven, LLC, the west side of Canton Railroad Right-of-Way, and the north side of Boston Street, as shown on a plat numbered 307-A-22A. The bill provides for a special effective date.

Article I, Section 4, and Article II, Sections 2, 34(a) and 35 of the City Charter grants the Mayor and City Council the power to condemn and “construct, open, extend, widen, straighten or close streets, bridges, tunnels or approaches to them and other public ways of every kind within the bounds of the City.” Section 116(b)(2) of Article VII of the City Charter requires the Department of Transportation to prepare all ordinances for the opening and closing of streets. Thus, this is the appropriate bill to effectuate the condemnation and closing of portions of Boston Street as enumerated above and therefore, as this bill conforms to the applicable sections of the Charter, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,

Teresa Epps Cummings

cc: Ebony Thompson, Acting City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Chief Solicitor
Jeffrey Hochstetler, Chief Solicitor
Michelle Toth, Assistant Solicitor

Brandon M. Scott
Mayor, City of Baltimore



Dana Petersen Moore
Director
Chief Equity Officer

June 29, 2023

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna Auston
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 23-0391 City Streets – Closing – A Portion of Boston Street

Dear President and City Council Members:

The Office of Equity and Civil Rights (OECR) has reviewed City Council Bill 23-0391 and is deferring its recommendation on the legislation to that of the report and recommendation of the Department of Transportation.

Sincerely,

Dana Petersen Moore
Director
Office of Equity and Civil Rights

Please direct inquiries related to this matter to OECR's Legislative Liaison:

Ty'lor Schnella at (443) 401-8460 or (Tylor.schnella@baltimorecity.gov)



MEMORANDUM

DATE: July 14, 2023
TO: Economic and Community Development Committee
FROM: Colin Tarbert, President and CEO
POSITION: Favorable
SUBJECT: City Council Bill No. 23-0391
City Streets - Closing - A Portion of Boston Street

A handwritten signature in black ink, appearing to read "Colin Tarbert".

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill No. 23-0391 introduced by the Council President.

PURPOSE

The purpose of this bill is to condemn and close a portion of the north side of Boston Street between Haven Street and the Canton Railroad right-of-way.

BRIEF HISTORY

The portion of Boston Street to be closed is currently unimproved and is located along a busy commercial and industrial corridor. The street rights will be made available to the adjacent property owner to support a private development project. This legislation is accompanied by Council Bill No. 23-0392, which authorizes the sale of this property for private use.

FISCAL IMPACT

None

AGENCY POSITION

The Baltimore Development Corporation respectfully submits a **favorable** response to City Council Bill No. 23-0391. If you have any questions, please contact Kim Clark at 410-837-9305 or KClark@baltimoredevelopment.com.

cc: Nina Themelis, Mayor's Office of Government Relations
Sophia Gebrehiwot, Mayor's Office of Government Relations

[AW]