

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 11-0753

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: August 15, 2011
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: October 17, 2011

AN ORDINANCE CONCERNING

1 City Streets – Closing – Certain Streets and Alleys in the Area Bounded by
2 Ensor Street, Monument Street, Aisquith Street, and Orleans Street

3 FOR the purpose of condemning and closing certain streets and alleys in the area bounded by
4 Ensor Street, Monument Street, Aisquith Street, and Orleans Street and lying within the
5 Oldtown Urban Renewal Project, as shown on Plat 314-A-1E in the Office of the Department
6 of General Services; 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 certain streets and alleys in the
17 area bounded by Ensor Street, Monument Street, Aisquith Street, and Orleans Street and lying
18 within the Oldtown Urban Renewal Project, and more particularly described as follows:

19 Beginning for Parcel No. 1 at the point formed by the intersection of the
20 southwest side of Forrest Street, 45 feet wide, and the east side of Ensor Street, 80
21 feet wide, and running thence binding on the east side of said Ensor Street
22 Northeasterly by a line curving to the left with a radius of 327.00 feet the distance
23 of 52.0 feet, more or less, to intersect the northeast side of said Forrest Street;
24 thence binding on the northeast side of said Forrest Street Southeasterly 158.3
25 feet, more or less, to the southeasternmost extremity of said Forrest Street, there
26 situate; thence binding on the southeasternmost extremity of said Forrest Street
27 Southwesterly 45.0 feet to intersect the southwest side of said Forrest Street, and

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 11-0753

1 thence binding on the southwest side of said Forrest Street Northwesterly 134.1
2 feet, more or less, to the place of beginning.

3 Beginning for Parcel No. 2 at the point formed by the intersection of the northeast
4 side of East Street, 60 feet wide, and the northwest side of an alley, varying in
5 width, laid out in the rear of the properties known as Nos. 426 through 450
6 Oldtown Mall, said point of beginning being distant Southeasterly 24.1 feet, more
7 or less, measured along the northeast side of said East Street from the southeast
8 side of Ensor Street, 80 feet wide, and running thence binding on the northwest
9 and north sides of said varying in width alley the two following courses and
10 distances; namely, Northeasterly 181.0 feet, more or less, and Northerly by a line
11 curving to the left with a radius of 25.00 feet the distance of 35.1 feet, more or
12 less, to intersect the southwest side of Forrest Street, 45 feet wide; thence binding
13 on the southwest side of said Forrest Street Southeasterly 69.9 feet, more or less,
14 to intersect the southeast side of said varying in width alley; thence binding on the
15 southeast side of said varying in width alley the seven following courses and
16 distances; namely, Southwesterly 43.2 feet, more or less, Northwesterly 22.8 feet,
17 more or less, Southwesterly 52.4 feet, more or less, Southeasterly 4.4 feet, more
18 or less, Southwesterly 61.8 feet, more or less, Southeasterly 9.7 feet, more or less,
19 and Southwesterly 43.2 feet, more or less, to intersect the northeast side of said
20 East Street, and thence binding on the northeast side of said East Street
21 Northwesterly 26.8 feet, more or less, to the place of beginning.

22 Beginning for Parcel No. 3 at the point formed by the intersection of the
23 southwest side of East Street, 60 feet wide, and the southeast side of Ensor Street,
24 80 feet wide, and running thence binding on the southeast side of said Ensor
25 Street Northeasterly 65.5 feet, more or less, to intersect the northeast side of said
26 East Street; thence binding on the northeast side of said East Street Southeasterly
27 64.3 feet, more or less, to the southeasternmost extremity of said East Street;
28 thence binding on the southeasternmost extremity of said East Street
29 Southwesterly 60.8 feet, more or less, to intersect the southwest side of said East
30 Street, and thence binding on the southwest side of said East Street Northwesterly
31 38.6 feet, more or less, to the place of beginning.

32 Beginning for Parcel No. 4 at the point formed by the intersection of the north
33 side of Orleans Street, varying in width, and the northwest side of Forrest Street,
34 varying in width, and running thence binding on the northwest, west, south and
35 southwest sides of said Forrest Street the four following courses and distances;
36 namely, Northeasterly 14.2 feet, more or less, Northerly 37.6 feet, more or less,
37 Westerly 69.7 feet, more or less, and Northwesterly 231.9 feet, more or less, to
38 intersect the line of the northwest side of an alley, varying in width, laid out in the
39 rear of the properties known as Nos. 449/457 through 469 Oldtown Mall, if
40 projected northeasterly; thence binding on said line, so projected, Northeasterly
41 45.0 feet to intersect the northeast side of said Forrest Street; thence binding on
42 the northeast and northwest sides of said Forrest Street, the three following
43 courses and distances; namely, Southeasterly 213.6 feet, more or less,
44 Northeasterly 60.7 feet, more or less, and Northwesterly 172.4 feet, more or less,
45 to the northwesternmost extremity of said Forrest Street, there situate; thence
46 binding on the northwesternmost extremity of said Forrest Street Northeasterly
47 60.6 feet, more or less, to intersect the northeast side of said Forrest Street; thence
48 binding on the northeast and east sides of said Forrest Street, the two following

Council Bill 11-0753

1 courses and distances; namely, Southeasterly 198.6 feet, more or less, and
2 Southerly 139.4 feet, more or less, to intersect the north side of said Orleans
3 Street, and thence binding on the north side of said Orleans Street Westerly 71.2
4 feet, more or less, to the place of beginning.

5 Beginning for Parcel No. 5 at the point formed by the intersection of the northeast
6 side of East Street, 50 feet wide, and the northwest side of an alley, varying in
7 width, laid out in the rear of the properties known as Nos. 449/457 through 469
8 Oldtown Mall, said point of beginning being distant Southeasterly 114.0 feet,
9 more or less, measured along northeast side of said East Street from the southeast
10 side of Oldtown Mall, varying in width, and running thence binding on the
11 northeast and northwest sides of said varying in width alley the five following
12 courses and distances; namely, Northeasterly 89.8 feet, more or less,
13 Northwesterly 34.4 feet, more or less, Northeasterly 7.4 feet, more or less,
14 Northwesterly 5.7 feet, more or less, and Northeasterly 97.1 feet, more or less, to
15 intersect the southwest side of Forrest Street, 45 feet wide: thence binding on the
16 southwest side of said Forrest Street Southeasterly 92.7 feet, more or less, to
17 intersect the southeast side of said varying in width alley; thence binding on the
18 southeast side of said varying in width alley the two following courses and
19 distances; namely, Westerly by a line curving to the left with a radius of 30.00
20 feet the distance of 51.3 feet, more or less, and Southwesterly 163.8 feet, more or
21 less, to intersect the northeast side of said East Street, and thence binding on the
22 northeast side of said East Street Northwesterly 21.6 feet, more or less, to the
23 place of beginning.

24 Beginning for Parcel No. 6 at the point formed by the intersection of the north
25 side of Orleans Street, varying in width, and the west side of East Street, 50 feet
26 wide, and running thence binding on the west and southwest sides of said East
27 Street the two following courses and distances; namely, Northerly 71.5 feet, more
28 or less, and Northwesterly 44.5 feet, more or less, to the northwesternmost
29 extremity of said East Street, there situate; thence binding on the
30 northwesternmost extremity of said East Street Northeasterly 51.0 feet, more or
31 less, to intersect the northeast side of said East Street; thence binding on the
32 northeast and east sides of said East Street the four following courses and
33 distances; namely, Southeasterly 52.6 feet, more or less, Southeasterly 21.6 feet,
34 more or less, Southerly 60.2 feet, more or less, and Southeasterly 14.9 feet, more
35 or less, to intersect the north side of said Orleans Street, and thence binding on the
36 north side of said Orleans Street the two following courses and distances; namely,
37 Westerly by a line curving to the left with a radius of 1341.25 feet the distance of
38 35.1 feet, more or less, and Westerly by a line curving to the left with a radius of
39 1321.25 feet the distance of 26.5 feet, more or less, to the place of beginning.

40 Beginning for Parcel No. 7 at the point formed by the intersection of the southeast
41 side of McElderry Street, 60 feet wide, and the northeast side of Forrest Street, 60
42 feet wide, and running thence binding on the northeast side of said Forrest Street
43 Northwesterly 60.6 feet, more or less, to intersect the northwest side of said
44 McElderry Street; thence binding on the northwest side of said McElderry Street
45 Northeasterly ~~158.4~~ 170.4 feet, more or less, to intersect the line of the northeast
46 outline of the property known as No. ~~515/517~~ 519 Oldtown Mall, if projected
47 southeasterly; thence binding on said line, so projected, Southeasterly 60.0 feet to
48 intersect the southeast side of said McElderry Street, and thence binding on the

Council Bill 11-0753

1 southeast side of said McElderry Street Southwesterly ~~166.7~~ 178.7 feet, more or
2 less, to the place of beginning.

3 Beginning for Parcel No. 8 at the point formed by the intersection of the north
4 side of Orleans Street, varying in width, and the west side of East Street, 50 feet
5 wide, and running thence by a straight line through the bed of said Orleans Street
6 Westerly 108.6 feet, more or less, to intersect the northwest side of said Orleans
7 Street; thence binding on the northwest side of said Orleans Street Northeasterly
8 141.2 feet, more or less, to intersect the southwest side of said East Street, and
9 thence binding on the southwest and west sides of said East Street the two
10 following courses and distances; namely, Southeasterly 5.5 feet, more or less, and
11 Southerly 71.5 feet, more or less, to the place of beginning.

12 Beginning for Parcel No. 9 at the point formed by the intersection of the southeast
13 side of a 4-foot alley laid out through the property known as No. 449/457
14 Oldtown Mall and the southwest side of an alley, varying in width, laid out in the
15 rear of the properties known as Nos. 449/457 through 469 Oldtown Mall, said
16 point of beginning being distant northeasterly 89.8 feet, more or less, and
17 northwesterly 30.4 feet, more or less, measured along the northwest and
18 southwest sides of said varying in width alley from the northeast side of East
19 Street, 50 feet wide, to the place of beginning, and running thence binding on the
20 southeast side of said 4-foot alley Southwesterly 28.5 feet, more or less, to the
21 southwesternmost extremity of said 4-foot alley, there situate; thence binding on
22 the southwesternmost extremity of said 4-foot alley Northwesterly 4.0 feet to
23 intersect the northwest side of said 4-foot alley; thence binding on the northwest
24 side of said 4-foot alley Northeasterly 29.1 feet, more or less, to intersect the
25 southwest side of said varying in width alley, and thence binding on the southwest
26 side of said varying in width alley Southeasterly 4.0 feet, more or less, to the
27 place of beginning.

28 As delineated on Plat 314-A-1E, prepared by the Survey Control Section and filed on July 1,
29 2011, in the Office of the Department of General Services.

30 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
31 closing of certain streets and alleys and the rights of all interested parties shall be regulated by
32 and in accordance with all applicable provisions of state and local law and with all applicable
33 rules and regulations adopted by the Director of General Services and filed with the Department
34 of Legislative Reference.

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

42 **SECTION 4. AND BE IT FURTHER ORDAINED,** That no building or structure of any kind
43 (including but not limited to railroad tracks) may be constructed or erected in or on any part of
44 the street closed under this Ordinance until all subsurface structures and appurtenances owned by
45 the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council

Council Bill 11-0753

1 or, at the expense of the person seeking to erect the building or structure, have been removed and
2 relaid in accordance with the specifications and under the direction of the Director of General
3 Services of Baltimore City.

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

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

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

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