

**CITY OF BALTIMORE
COUNCIL BILL 12-0158
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: November 19, 2012
Assigned to: Housing and Community Development Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**City Streets – Closing –**
3 style="text-align:center">**Warner Street and a 5-Foot Portion of Eutaw Street**

4 FOR the purpose of condemning and closing (i) Warner Street, extending from Worcester Street
5 Southeasterly 478.9 feet, more or less, to Bayard Street and (ii) a 5-foot wide portion of
6 Eutaw Street, extending from Oler Street Northeasterly 273.8 feet, more or less, to Worcester
7 Street, as shown on Plat 102-D-60A in the Office of the Department of General Services; and
8 providing for a special effective date.

9 BY authority of
10 Article I - General Provisions
11 Section 4
12 and
13 Article II - General Powers
14 Sections 2, 34, 35
15 Baltimore City Charter
16 (1996 Edition)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
18 Department of General Services shall proceed to condemn and close (i) Warner Street, extending
19 from Worcester Street Southeasterly 478.9 feet, more or less, to Bayard Street and (ii) a 5-foot
20 wide portion of Eutaw Street, extending from Oler Street Northeasterly 273.8 feet, more or less,
21 to Worcester Street, and more particularly described as follows:

22 Beginning for Parcel No. 1 at the point formed by the intersection of the northwest
23 side of Worcester Street, 66 feet wide, and the southwest side of Warner Street, 66
24 feet wide, and running thence binding on the southeast side of said Warner Street,
25 Southwesterly 478.9 feet, more or less, to intersect the line of the northeast side of
26 Bayard Street, 66 feet wide, if projected southeasterly; thence binding reversely on
27 said line, so projected, Northwesterly 66.0 feet to intersect the northwest side of
28 said Warner Street; thence binding on the northwest side of said Warner Street,
29 Northeasterly 478.9 feet, more or less, to intersect the southwest side of said

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

Council Bill 12-0158

1 Worcester Street, and thence binding on the southwest side of said Worcester
2 Street, Southeasterly 66.0 feet, more or less, to the place of beginning.
3

4 Beginning for Parcel No. 2 at the point formed by the intersection of the southeast
5 side of Oler Street, 50 feet wide, and the northwest side of a 5-foot wide portion
6 of Eutaw Street, the remaining 45-foot wide portion of Eutaw Street having been
7 condemned and closed in accordance with Ordinance 11-432 approved April 12,
8 2011 by the Mayor and City Council of Baltimore as shown on a plat numbered
9 327-A-7B and filed in the Plats and Records Section of the Department of General
10 Services of Baltimore City, and running thence binding on the northwest side of
11 said Eutaw Street Northeasterly 273.8 feet, more or less, to intersect the southwest
12 side of Worcester Street; thence binding on the southwest side of said Worcester
13 Street, Southeasterly 5.0 feet to intersect the southeast side of the 5-foot wide
14 portion of said Eutaw Street, which is also the northwest side of the 45-foot wide
15 portion of said Eutaw Street, as closed under Ordinance 11-432, there situate;
16 thence binding on the southeast and northwest sides of said Eutaw Street,
17 Southwesterly 273.8 feet, more or less, to intersect the southeast side of said Oler
18 Street; and thence binding on the southeast side of said Oler Street Northwesterly
19 5.0 feet to the place of beginning.

20 As delineated on Plat 102-D-60A, prepared by the Survey Control Section and filed on October
21 12, 2012, in the Office of the Department of General Services.

22 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
23 closing of Warner Street and a 5-foot wide portion of Eutaw Street and the rights of all interested
24 parties shall be regulated by and in accordance with all applicable provisions of state and local
25 law and with all applicable rules and regulations adopted by the Director of General Services and
26 filed with the Department of Legislative Reference.

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

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

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

Council Bill 12-0158

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.