

**CITY OF BALTIMORE  
COUNCIL BILL 13-0216  
(First Reader)**

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Introduced by: The Council President  
At the request of: The Administration (Department of General Services)  
Introduced and read first time: April 22, 2013  
Assigned to: Housing and Community Development Committee

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

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**  
3 **Howil Terrace**

4 FOR the purpose of condemning and closing Howil Terrace, laid out contiguous to the north  
5 outline of the property known as 5928 York Road and extending from York Road Westerly  
6 138.0 feet, more or less, to a 10-foot alley laid out in the rear of the properties known as 5926  
7 and 5928 York Road, as shown on Plat 133-A-70A in the Office of the Department of  
8 General Services; and 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 Howil Terrace, laid out  
19 contiguous to the north outline of the property known as 5928 York Road and extending from  
20 York Road Westerly 138.0 feet, more or less, to a 10-foot alley laid out in the rear of the  
21 properties known as 5926 and 5928 York Road, and more particularly described as follows:

22 Beginning for Parcel No. 1 at the point formed by the intersection of the west side  
23 of York Road, 80 feet wide, and the south side of Howil Terrace, 15 feet wide,  
24 and running thence binding on the south side of said Howil Terrace,  
25 Southwesterly 138.0 feet, more or less, to the east side of the former bed a 10-foot  
26 alley, laid out in the rear of the properties known as Nos. 5926 and 5928 York  
27 Road, as condemned and closed under Ordinance No. 07-581 approved on  
28 November 27, 2007 by the Mayor and City Council of Baltimore; thence by a  
29 straight line, Northerly 17.0 feet, more or less, to intersect the point formed by the

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

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1 intersection of the north side of said Howil Terrace and the east side of a  
2 Vehicular Turn-Around as described in a deed dated September 26, 2006 between  
3 the Mayor and City Council of Baltimore (Department of Real Estate) and  
4 Pergusa Enterprises, Inc., T/A Jerry's Belvedere Tavern, and recorded among the  
5 Land Records of Baltimore City in Liber F.M.C. No. 8438, Folio 056, there  
6 situate; thence binding on the north side of said Howil Terrace, Easterly 132.6  
7 feet, more or less, to intersect the west side of said York Road, and thence binding  
8 on the west of said York Road, Southerly 15.0 feet, more or less, to the place of  
9 beginning.

10 As delineated on Plat 133-A-70A, prepared by the Survey Control Section and filed on  
11 November 15, 2012, in the Office of the Department of General Services.

12 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and  
13 closing of Howil Terrace and the rights of all interested parties shall be regulated by and in  
14 accordance with all applicable provisions of state and local law and with all applicable rules and  
15 regulations adopted by the Director of General Services and filed with the Department of  
16 Legislative Reference.

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

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

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

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

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