

**CITY OF BALTIMORE
COUNCIL BILL 23-0395
(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 **Air Rights – Closing – A Portion of Newkirk Street**

3 FOR the purpose of condemning and closing the air rights area, extending over a portion of the
4 public right of way of Newkirk Street, as shown on a plat numbered 337-A-29A, dated
5 February 25, 2022, and filed in the Department of Transportation; and providing for a special
6 effective date.

7 BY authority of

8 Article I - General Provisions

9 Section 4

10 and

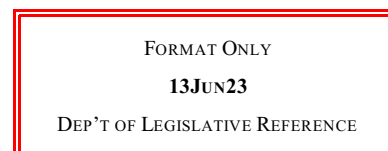
11 Article II - General Powers

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 Transportation shall proceed to condemn and close the air rights area extending
17 over a portion of the public right of way of Newkirk Street and more particularly described as
18 follows:



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

Council Bill 23-0395

1 Beginning for the same at a point on the west side of Newkirk Street, 60 feet
2 wide, said point being Southerly 833 feet, more or less, from the south side of
3 Boston Street, 70 feet wide, said point also being in a horizontal plane having an
4 elevation 49.0 feet, more or less, and ascending to an elevation of unlimited
5 height, as referenced to the Baltimore City Vertical Datum, running thence the
6 four following courses and distances, crossing said Newkirk Street Easterly 60.0
7 feet, more or less, to intersect the east side of said Newkirk Street, thence binding
8 on the east side of said Newkirk Street Southerly 22.17 feet, more or less, thence
9 crossing said Newkirk Street Westerly 60.0 feet, more or less, to intersect the west
10 side of Newkirk Street and thence Northerly 22.17 feet, more or less, to the place
11 of beginning.

12 Containing 1330.2 square feet or 0.0305 acres more or less.

13 As delineated on a plat numbered 337-A-29A prepared by the Survey Control Section and
14 filed on February 25, 2022 in the Office of the Department of Transportation.

15 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
16 closing of the air rights area over a portion of the public right of way of Newkirk Street and the
17 rights of all interested parties shall be regulated by and in accordance with all applicable
18 provisions of state and local law and with all applicable rules and regulations.

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

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

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

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

Council Bill 23-0395

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