

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 07-0614

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: March 19, 2007
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable
Council action: Adopted
Read second time: October 29, 2007

AN ORDINANCE CONCERNING

**City Streets – Closing –
Two 10-Foot Alleys and a 25-Foot Alley**

FOR the purpose of condemning and closing a 10-foot alley laid out in the rear of the property known as 4 East 32nd Street, a 10-foot alley laid out in the rear of the property known as 3 East 33rd Street, and a 25-foot alley laid out in the rear of the properties known as 3204 through 3222 St. Paul Street, as shown on Plat 114-A-19 in the Office of the Department of Public Works; and providing for a special effective date.

By authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close a 10-foot alley laid out in the rear of the property known as 4 East 32nd Street, a 10-foot alley laid out in the rear of the property known as 3 East 33rd Street, and a 25-foot alley laid out in the rear of the properties known as 3204 through 3222 St. Paul Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of a 10-foot alley laid out in the rear of the property known as No. 4 E. 32nd Street, and the east side of Lovegrove Street, 20 feet wide, said point of beginning being distant northerly 50.0 feet, more or less, measured along the east side of said Lovegrove Street from the north side of 32nd Street, 66 feet wide, and running thence binding on the east side of said Lovegrove Street, Northerly 10.0 feet to intersect the north side of said 10-foot alley; thence binding on the north side of said 10-foot alley, Easterly 42.0 feet, more or less, to intersect the west

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.

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1 side of a 25-foot alley laid out in the rear of the properties known as Nos. 3204
2 through 3222 St. Paul Street; thence binding on the west side of said 25-foot
3 alley, Southerly 10.0 feet to intersect the south side of said 10-foot alley, and
4 thence binding on the south side of said 10-foot alley, Westerly 42.0 feet, more
5 less, to the place of beginning.

6 Beginning for Parcel No. 2 at the point formed by the intersection of the east side
7 of Lovegrove Street, 20 feet wide, and the north side of a 10-foot alley laid out in
8 the rear of the property known as No. 3 E. 33rd Street, said point of beginning
9 being distant southerly 100.0 feet, more or less, measured along the east side of
10 said Lovegrove Street from the south side of 33rd Street, 120 feet wide, and
11 running thence binding on the north side of said 10-foot alley, Easterly 42.0 feet,
12 more or less, to intersect the west side of a 25-foot alley laid out in the rear of the
13 properties known as Nos. 3204 through 3222 St. Paul Street; thence binding on
14 the west side of said 25-foot alley, Southerly 10.0 feet to intersect the south side
15 of said 10-foot alley; thence binding on the south side of said 10-foot alley,
16 Westerly 42.0 feet, more or less, to intersect the east side of said Lovegrove
17 Street, and thence binding on the east side of said Lovegrove Street, Northerly
18 10.0 feet to the place of beginning.

19 Beginning for Parcel No. 3 at the point formed by the intersection of the south
20 side of a 10-foot alley laid out in the rear of the property known as No. 4 E. 32nd
21 Street, and the west side of a 25-foot alley laid out in the rear of the properties
22 known as Nos. 3204 through 3222 St. Paul Street, said point of beginning being
23 distant easterly 42.0 feet, more or less, measured along the south side of said 10-
24 foot alley from the east side of Lovegrove Street, 20 feet wide, and running
25 thence binding on the west side of said 25-foot alley, Northerly 199.4 feet, more
26 or less, to the northernmost extremity of said 25-foot alley, there situate; thence
27 binding on the northernmost extremity of said 25-foot alley, Easterly 25.0 feet to
28 intersect the east side of said 25-foot alley; thence binding of the east side of said
29 25-foot alley, Southerly 199.4 feet, more or less, to intersect the line of the south
30 side of said 10-foot alley, mentioned firstly herein, if projected easterly, and
31 thence binding reversely on the line of the south side of said 10-foot alley, so
32 projected, Westerly 25.0 feet to the place of beginning.

33 As delineated on Plat 114-A-19, prepared by the Survey Control Section and filed on February
34 26, 2007, in the Office of the Department of Public Works.

35 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
36 closing of the alleys and the rights of all interested parties shall be regulated by and in
37 accordance with all applicable provisions of state and local law and with all applicable rules and
38 regulations adopted by the Director of Public Works and filed with the Department of
39 Legislative Reference.

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

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

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

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

18 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
19 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