

**CITY OF BALTIMORE
COUNCIL BILL 11-0648
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: January 31, 2011
Assigned to: Urban Affairs and Aging Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Public Works, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Poppleton –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Poppleton to reauthorize the
5 acquisition of properties within the Project Area and to correct and clarify certain language;
6 waiving certain content and procedural requirements; making the provisions of this
7 Ordinance severable; providing for the application of this Ordinance in conjunction with
8 certain other ordinances; and providing for a special effective date.

9 BY authority of
10 Article 13 - Housing and Urban Renewal
11 Section 2-6
12 Baltimore City Code
13 (Edition 2000)

14 **Recitals**

15 The Urban Renewal Plan for Poppleton was originally approved by the Mayor and City
16 Council of Baltimore by Ordinance 75-837 and last amended by Ordinance 07-416.

17 An amendment to the Urban Renewal Plan for Poppleton is necessary to reauthorize the
18 Plan's powers of acquisition and condemnation so that these actions may legally continue, in
19 compliance with § 12-105.1 of the Real Property Article of the Annotated Code of Maryland,
20 and to correct and clarify certain language.

21 Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in
22 any approved renewal plan unless the change is approved in the same manner as that required for
23 the approval of a renewal plan.

24 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
25 following changes in the Urban Renewal Plan for Poppleton are approved:

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

Council Bill 11-0648

1 (1) In the Plan, amend C.1.a. to read as follows:

2 C. Techniques Used to Achieve Plan Objectives

3 1. Acquisition

4 a. Purposes for Acquiring Properties within the Project Area

5 Properties designated for acquisition on the Property Acquisition Map,
6 Exhibit 2, including parts thereof or interests therein, will be acquired BY
7 PURCHASE OR BY CONDEMNATION either for clearance and redevelopment,
8 for rehabilitation, or for public facilities. Those properties [which] THAT
9 are being acquired for rehabilitation, which have not been designated
10 collectively with a disposition lot number, are listed in Appendix A; those
11 properties for clearance and redevelopment, which have not been
12 designated collectively with a disposition lot number, are listed in
13 Appendix C.

14 (2) In the Plan, add new C.1.d. to read as follows:

15 C. Techniques Used to Achieve Plan Objectives

16 1. Acquisition

17

18 D. THE AUTHORITY TO ACQUIRE THE PROPERTIES WITHIN THE PROJECT AREA
19 IS EXPRESSLY CONFIRMED AND REAUTHORIZED THROUGH AND INCLUDING
20 DECEMBER 31, 2014.

21 (3) In the Plan, amend the first paragraph of Appendix A to read as follows:

22 Appendix A

23 Properties for Acquisition and Disposition for Rehabilitation

24 In addition to those groups of properties to be acquired and disposed of for
25 rehabilitation (designated with disposition lot numbers on Exhibit 3), the
26 following properties are also being acquired and disposed of for rehabilitation.
27 Certain of these properties may be consolidated with abutting footway alleys or
28 used in whole or in part as rear or side yard space for adjacent properties. THE
29 ACQUISITION PROPERTIES ADJACENT TO OR ABUTTING STREETS AND ALLEYS BEING
30 CLOSED WILL ALSO INCLUDE ALL RIGHTS, TITLE AND INTEREST, OR ANY PRIVATE
31 RIGHTS OF USE IN AND TO THE ADJACENT STREETS, RIGHTS-OF-WAY, OR ALLEYS
32 SHOWN LYING WITHIN THE PERIMETER OF THE DISPOSITION MAP.

33 (4) In the Plan, amend the first paragraph of Appendix C to read as follows:

34 Appendix C

35 Properties for Acquisition and Disposition for Clearance and Redevelopment

Council Bill 11-0648

1 In addition to those groups of properties to be acquired and disposed of for
2 clearance (designated with disposition lot numbers on Exhibit 3), the following
3 properties are also being acquired and disposed of for clearance and
4 redevelopment. CERTAIN PROPERTIES LISTED BELOW MAY BE USED IN WHOLE OR
5 IN PART, AS REAR OR SIDE YARD SPACE FOR ADJACENT PROPERTY. THE
6 ACQUISITION PROPERTIES ADJACENT TO OR ABUTTING STREETS AND ALLEYS BEING
7 CLOSED WILL ALSO INCLUDE ALL RIGHTS, TITLE AND INTEREST, OR ANY PRIVATE
8 RIGHTS OF USE IN AND TO THE ADJACENT STREETS, RIGHTS-OF-WAY, OR ALLEYS
9 SHOWN LYING WITHIN THE PERIMETER OF THE DISPOSITION MAP.

10 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Poppleton, as
11 amended by this Ordinance and identified as “Urban Renewal Plan, Poppleton, revised to
12 include Amendment __, dated January 31, 2011”, is approved. The Department of Planning shall
13 file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as
14 a permanent public record, available for public inspection and information.

15 **SECTION 3. AND BE IT FURTHER ORDAINED,** That if the amended Urban Renewal Plan
16 approved by this Ordinance in any way fails to meet the statutory requirements for the content of
17 a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal
18 plan, those requirements are waived and the amended Urban Renewal Plan approved by this
19 Ordinance is exempted from them.

20 **SECTION 4. AND BE IT FURTHER ORDAINED,** That if any provision of this Ordinance or the
21 application of this Ordinance to any person or circumstance is held invalid for any reason, the
22 invalidity does not affect any other provision or any other application of this Ordinance, and for
23 this purpose the provisions of this Ordinance are declared severable.

24 **SECTION 5. AND BE IT FURTHER ORDAINED,** That if a provision of this Ordinance concerns
25 the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or
26 safety law or regulation, the applicable provisions shall be construed to give effect to each.
27 However, if the provisions are found to be in irreconcilable conflict, the one that establishes the
28 higher standard for the protection of the public health and safety prevails. If a provision of this
29 Ordinance is found to be in conflict with an existing provision of any other law or regulation that
30 establishes a lower standard for the protection of the public health and safety, the provision of
31 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
32 conflict.

33 **SECTION 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
34 is enacted.