

**CITY OF BALTIMORE
COUNCIL BILL 11-0646
(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 – Oliver –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Oliver to reauthorize the acquisition
5 of properties within the Project Area, to correct and clarify certain language, and to extend
6 the life of the Plan; waiving certain content and procedural requirements; making the
7 provisions of this Ordinance severable; providing for the application of this Ordinance in
8 conjunction with 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 Oliver was originally approved by the Mayor and City Council
16 of Baltimore by Ordinance 71-1067 and last amended by Ordinance 02-458.

17 An amendment to the Urban Renewal Plan for Oliver is necessary to reauthorize the Plan's
18 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, to
20 correct and clarify certain language, and to extend the life of the Plan.

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 Oliver are approved:

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

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1 (1) In the Plan, amend the first paragraph of C.1. to read as follows:

2 C. Techniques Used to Achieve Plan Objectives

3 1. Acquisition

4 Properties to be acquired BY PURCHASE OR BY CONDEMNATION are identified
5 on Exhibit 2, Property Acquisition.

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

7 C. Techniques Used to Achieve Plan Objectives

8 1. Acquisition

9
10 C. THE AUTHORITY TO ACQUIRE THE PROPERTIES WITHIN THE PROJECT AREA
11 IS EXPRESSLY CONFIRMED AND REAUTHORIZED THROUGH AND INCLUDING
12 DECEMBER 31, 2014.

13 (3) In the Plan, amend D. to read as follows:

14 D. Duration of Provisions and Requirements

15 The Oliver Renewal Plan, as [it may be] amended from time to time, [shall be] IS
16 in full force and effect for a period of [forty 40] 50 years following the date of
17 original adoption of this Plan by ordinance of the Mayor and City Council of
18 Baltimore.

19
20 (4) In the Plan, amend the first paragraph of Exhibit B to read as follows:

21 Exhibit B: Properties for Acquisition and Disposition
22 for Rehabilitation

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

32 (5) In the Plan, amend the first paragraph of Exhibit C to read as follows:

33 Exhibit C: Properties for Acquisition and Disposition for
34 Rehabilitation or Redevelopment

35 In addition to those groups of properties to be acquired and disposed of for
36 redevelopment (designated with Disposition Lot numbers on Exhibit 3 and in
37 Exhibit B), the following properties are also being acquired and disposed of for

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1 rehabilitation or redevelopment. Certain properties listed below may be used in
2 whole or in part, as rear or side yard space for adjacent property. The acquisition
3 of properties adjacent to or abutting streets and alleys being closed will also
4 include all rights, title[,] and interest, or any private rights of use in and to the
5 adjacent streets, rights-of-way, or alleys AS SHOWN LYING WITHIN THE PERIMETER
6 OF THE DISPOSITION MAP.

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

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

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

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

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