

CITY OF BALTIMORE
ORDINANCE **20.452**
Council Bill 20-0578

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: August 17, 2020
Assigned to: Housing and Urban Affairs Committee

Committee Report: Favorable
Council action: Adopted
Read second time: November 16, 2020

AN ORDINANCE CONCERNING

City Streets – Closing –
10-Foot Alley

FOR the purpose of condemning and closing a 10-foot alley bounded by Etting Street, a variable width alley, West Lafayette Avenue, and West Lanvale Street, as shown on Plat 326-A-32A in the Office of the Department of Transportation; 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 Transportation shall proceed to condemn and close a 10-foot alley bounded by Etting Street, a variable width alley, West Lafayette Avenue, and West Lanvale Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the southwest side of Etting Street, 20 feet wide, and the northwest side of a 10-foot alley, the point of beginning being distant Southeasterly 109 feet, more or less, measured along the southwest side of Etting Street from the southeast side of West Lafayette Avenue, 66 feet wide; thence binding on the southeast side of Etting Street, Southeasterly 10 feet, more or less, to the southeast corner of the 10-foot alley; thence binding on the east side of the 10-foot alley, Southwesterly 60 feet, more or less, to the intersection of the northeast side of a variable width alley; thence binding on the variable width alley, Northwesterly 10 feet, more or

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.

Council Bill 20-0578

1 less, to the southwest corner of the 10-foot alley; and thence binding on the west
2 side of the 10-foot alley, Northeasterly 60 feet, more or less, to the place of
3 beginning.

4 Containing 600 square feet or 0.0138 acres, more or less.

5 As delineated on Plat 326-A-32A, prepared by the Survey Section and filed on July 22, 2020, in
6 the Office of the Department of Transportation.

7 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
8 closing of the 10-foot alley and the rights of all interested parties shall be regulated by and in
9 accordance with all applicable provisions of state and local law and with all applicable rules and
10 regulations adopted by the Director of Transportation and filed with the Department of
11 Legislative Reference.

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

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

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

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

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

Council Bill 20-0578

Certified as duly passed this 16 day of November, 2020

Brandon M. Scott

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 16 day of November, 2020

Katarina B. Austin

Chief Clerk

Approved this 2nd day of Dec., 2020

Paul J. Street

Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 2nd day of December, 2020.

Elena DiPietro

Chief Solicitor