

**Introduced by:** The Council President

**At the request of:** The Administration (Department of Transportation)

**Prepared by:** Department of Legislative Reference

**Date:** April 18, 2019

**Referred to:** HOUSING AND URBAN AFFAIRS Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0383

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Closing – Bauernschmidt Alley and 2 10-Foot Alleys Bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street**

FOR the purpose of condemning and closing Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street, as shown on Plat 309-A-29A 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)

**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

**Agencies**

_____	Baltimore City Public School System
_____	Baltimore Development Corporation
_____	City Solicitor
_____	Comptroller's Office
_____	Department of Audits
_____	Department of Finance
_____	Department of General Services
_____	Department of Housing and Community Development
_____	Department of Human Resources
_____	Department of Planning
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Department of Public Works
_____	Department of Real Estate
_____	Department of Recreation and Parks
_____	Department of Transportation
_____	Fire Department
_____	Health Department
_____	Mayor's Office of Employment Development
_____	Mayor's Office of Human Services
_____	Mayor's Office of Information Technology
_____	Office of the Mayor
_____	Police Department
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Environmental Control Board
_____	Fire & Police Employees' Retirement System
_____	Labor Commissioner
_____	Parking Authority Board
_____	Planning Commission
_____	Wage Commission
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Board of Estimates
_____	Board of Ethics
_____	Board of Municipal and Zoning Appeals
_____	Comm. for Historical and Architectural Preservation
_____	Commission on Sustainability
_____	Employees' Retirement System
_____	Other: _____
_____	Other: _____
_____	Other: _____

**Boards and Commissions**



CITY OF BALTIMORE  
ORDINANCE **20-343**  
Council Bill 19-0383

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: April 29, 2019  
Assigned to: Housing and Urban Affairs Committee

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Committee Report: Favorable  
Council action: Adopted  
Read second time: January 27, 2020

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AN ORDINANCE CONCERNING

1           **City Streets – Closing – Bauernschmidt Alley and 2 10-Foot Alleys Bounded by**  
2           **North Gay Street, East Oliver Street, North Washington Street, and Federal Street**

3           FOR the purpose of condemning and closing Bauernschmidt Alley and 2 10-foot alleys bounded  
4           by North Gay Street, East Oliver Street, North Washington Street, and Federal Street, as  
5           shown on Plat 309-A-29A in the Office of the Department of Transportation; and providing  
6           for a special 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 Bauernschmidt Alley and 2  
17          10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and  
18          Federal Street, and more particularly described as follows:

19               Beginning for Parcel No. 1 at the point formed by the intersection of the south  
20               side of Federal Street 66 feet wide and the west side of a 10-foot alley, the point  
21               of beginning being distant Easterly 75 feet, more or less, measured along the south  
22               side of Federal Street from the east side of North Washington Street 70 feet wide;  
23               thence binding on the south side of Federal Street Easterly 10 feet, more or less, to  
24               the east side of the 10-foot alley; thence binding on the east side of the 10-foot  
25               alley Southerly 131.9 feet, more or less, to intersect the northeast side of  
26               Bauernschmidt Alley 15 feet wide; thence binding on the northwest side of  
27               Bauernschmidt Alley Southwesterly 11.2 feet, more or less, to the west side of the

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 19-0383**

1 10-foot alley and thence binding on the west side of the 10-foot alley Northerly  
2 137 feet, more or less, to the place of beginning.

3 Containing 1344.55 square feet or 0.03 acres, more or less.

4 Beginning for parcel No. 2 at the point formed by the intersection of the south  
5 side of Federal Street 66 feet wide and the west side of Bauernschmidt Alley 15  
6 feet wide, the point of beginning being distant Easterly 220.4 feet, more or less,  
7 measured along the south side of Federal Street from the east side of North  
8 Washington Street 70 feet wide; thence binding on the south side of Federal Street  
9 Easterly 21.5 feet, more or less, to the southeast side of Bauernschmidt Alley;  
10 thence along the southeast side of Bauernschmidt Alley Southwesterly 224.2 feet,  
11 more or less, to the east side of a 10-foot alley; thence crossing the 10-foot alley  
12 Southwesterly 16.6 feet, more or less; thence binding on the south side of  
13 Bauernschmidt Alley Westerly 67 feet, more or less, to intersect the east side of  
14 North Washington Street; thence binding on the east side of North Washington  
15 Street Northerly 15 feet, more or less, to the north side of Bauernschmidt Alley;  
16 thence with the north and northwest side of the alley, the following 4 courses and  
17 distances Easterly 66 feet; thence Northeasterly 15.8 feet; thence Northeasterly  
18 11.2 feet and thence Northeasterly 189.0 feet, more or less, to the place of  
19 beginning.

20 Containing 4449.66 square feet or 0.102 acres, more or less.

21 Beginning for Parcel No. 3 at the point formed by the intersection of the south  
22 side of Bauernschmidt Alley 15 feet wide and the west side of a 10-foot alley, the  
23 point of beginning being distant Easterly 67 feet, more or less, measured along the  
24 south side of Bauernschmidt Alley from the east side of North Washington Street  
25 70 feet wide; thence leaving the west side of the 10-foot alley Northeasterly 16.6  
26 feet, more or less, to the east side of the 10-foot alley; thence binding on the east  
27 side of the 10-foot alley Southwesterly 108.9 feet, more or less to a point on the  
28 southwest side of the 10-foot alley there situate; thence binding on the southwest  
29 side of the 10-foot alley Southwesterly 7.3 feet, more or less, to the south side of  
30 the 10-foot alley; thence binding on the south side of the 10-foot alley Westerly  
31 33.5 feet, more or less, to intersect the east side of North Washington Street;  
32 thence binding on the east side of North Washington Street Northerly 10 feet,  
33 more or less, to the north side of the 10-foot alley; thence Easterly 32.0 feet, more  
34 or less, to the west side of the 10-foot alley; thence Northeasterly 92.4 feet, more  
35 or less, to the place of beginning.

36 Containing 1369.14 square feet or 0.031 acres, more or less.

37 As delineated on Plat 309-A-29A, prepared by the Survey Section and filed on October 17, 2018,  
38 in the Office of the Department of Transportation.

39 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and  
40 closing of Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver  
41 Street, North Washington Street, and Federal Street and the rights of all interested parties shall be  
42 regulated by and in accordance with all applicable provisions of state and local law and with all



**Council Bill 19-0383**

1 applicable rules and regulations adopted by the Transportation and filed with the Department of  
2 Legislative Reference.

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

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

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


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

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



Council Bill 19-0383

Certified as duly passed this 10 day of Feb, 20 20

  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 10 day of Feb, 20 20

  
\_\_\_\_\_  
Chief Clerk

Approved this 19 day of Feb, 20 20

  
\_\_\_\_\_  
Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 19<sup>th</sup> Day of February 2020.

  
\_\_\_\_\_  
Chief Solicitor

**BALTIMORE CITY COUNCIL**  
**Housing and Urban Affairs Committee**  
**VOTING RECORD**

DATE: 1-14-20

**BILL#: 19 0383**

**BILL TITLE: Ordinance – City Streets – Closing – Bauernschmidt Alley and 2  
 10-Foot Alleys Bounded by North Gay Street, East Oliver Street, North  
 Washington Street, and Federal Street**

**MOTION BY: Henry      SECONDED BY: SNEED**

- FAVORABLE                       FAVORABLE WITH AMENDMENTS  
 UNFAVORABLE                       WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Bullock, J. Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schleiffer, I. Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Burnett, K.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cohen, Z.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sneed, S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<b>TOTALS</b>	<b>11</b>	<b>0</b>		

**CHAIRPERSON:** [Signature]  
**COMMITTEE STAFF:** Richard G. Krummerich, Initials: RKS





**CITY OF BALTIMORE**

**BERNARD C. "JACK" YOUNG**  
Mayor



**DEPARTMENT OF LAW**  
ANDRE M. DAVIS, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

January 14, 2020

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 19-0383- City Streets – Closing – Bauernschmidt Alley and 2  
10-Foot Alleys Bounded by North Gay Street, East Oliver Street, North  
Washington Street, and Federal Street

Dear President and City Council Members:

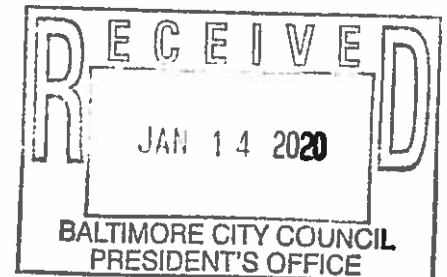
The Law Department has reviewed City Council Bill 19-0383 for form and legal sufficiency. The bill proposes to condemn and close Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street. The bill also provides for a special effective date.

Section (34)(a) of Article II of the City Charter grants the Mayor and City Council the power to "construct, open, extend, widen, straighten or close streets, bridges, tunnels or approaches to them and other public ways of every kind within the bounds of the City." Section 116(b)(2) of Article VII of the City Charter requires the Department of Transportation to prepare all ordinances for the opening and closing of streets. As this bill conforms to the applicable sections of the Charter, the Law Department approves it for form and legal sufficiency.

Sincerely,

  
Victor K. Tervala  
Chief Solicitor

cc: Andre M. Davis, City Solicitor  
Nicholas Blendy, MOGR  
Matt Stegman, Mayor's Legislative Liaison  
Caylin Young, President's Legislative Director  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Assistant Solicitor



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# Baltimore

Development Corporation

## MEMORANDUM

DATE: May 20, 2019  
TO: Housing and Urban Affairs Committee  
FROM: Kimberly A. Clark, Interim President & CEO *K. Clark*  
POSITION: Support  
SUBJECT: Council Bill 19-0383 – City Streets Closing – Bauernschmidt Alley and 2 10-foot Alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street

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### INTRODUCTION

The Baltimore Development Corporation (BDC) has been asked to review and respond to City Council Bill 19-0383 introduced by the Council President.

### PURPOSE

The purpose of this bill is to condemn and close Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street, as shown on Plat 309-A-29A in the Office of the Department of Transportation; and providing for a special effective date.

### BRIEF HISTORY

The Southern Baptist Church wishes to develop the site located at 1502 N. Chester as multi-family housing; the alleys bisect the site and closing them is a necessary land entitlement for the development of the parcel. The parcel is a key development in the East Baltimore Revitalization Plan that was approved by the Planning Commission in September 2018. This project will help to activate Gay Street and support the larger revitalization effort.

### FISCAL IMPACT

NONE

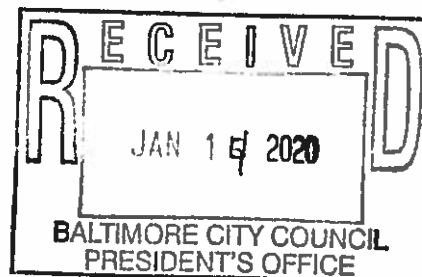
### AGENCY POSITION

BDC is in support of City Council Bill #19-0383.

If you have any questions, please do not hesitate to contact Kimberly Clark at 410-837-9305 or at [bdckimc@gmail.com](mailto:bdckimc@gmail.com).

[sec]

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BALTIMORE CITY  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner

*MB*

Date: December 19, 2019

Re: **City Council Bill 19-0383 City Streets – Closing – Bauernschmidt Alley and 2 10-Foot Alleys Bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street**

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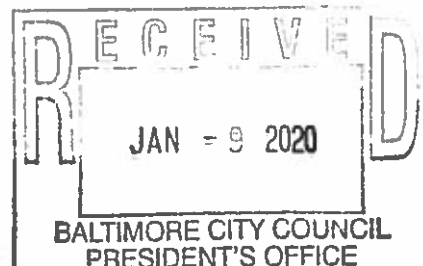
The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0383, for the purpose of condemning and closing Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street, as shown on Plat 309-A-29A in the Office of the Department of Transportation; and providing for a special effective date.

If enacted, this bill will close Bauernschmidt Alley as well as two 10-foot alleys bounded by North Gay Street to the East, East Oliver Street to the South, North Washington Street to the West and East Federal Street to the North. The alley closing will support the redevelopment of this block in the Broadway East Neighborhood. DHCD's Development Division has gained title to the majority of the properties on this block and looks forward the consolidation of the adjacent properties to make way for the proposed Southern View Apartments.

DHCD supports the passage of City Council Bill 19-0383.


MB:sm

cc: Mr. Blendy, Nicholas, *Mayor's Office of Government Relations*







<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0383/ CITY STREETS - CLOSING - BAUERNSCHMIDT ALLEY AND 2 10-FOOT ALLEYS etc.		

**TO**

The Honorable President and  
 Members of the City Council  
 City Hall, Room 400  
 100 North Holliday Street

DATE: September 26, 2019

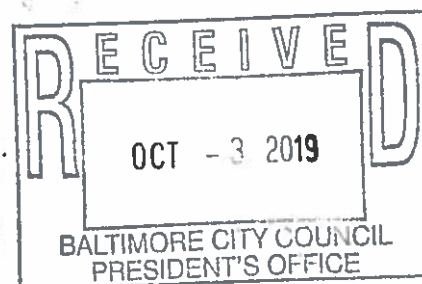
The Department of Planning is in receipt of City Council Bill #19-0383, which is for the purpose of condemning and closing Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street, as shown on Plat 309-A-29A in the Office of the Department of Transportation; and providing for a special effective date.

The Department of Planning recommends approval of City Council Bill #19-0383. The alleys to be closed are not needed by the public as do not serve any other properties, and this closure will support the redevelopment of this block bringing a vacant lot back into productive use.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.


CR/ewt

- cc: Mr. Nicholas Blendy, Mayor's Office  
 Mr. Matthew Stegman, Mayor's Office  
 Ms. Nina Themelis, Mayor's Office  
 The Honorable Edward Reisinger, Council Rep. to Planning Commission  
 Mr. Colin Tarbert, BDC  
 Mr. Derek Baumgardner, BMZA  
 Mr. Geoffrey Veale, Zoning Administration  
 Mr. Bob Pipik, DHCD  
 Ms. Elena DiPietro, Law Dept.  
 Mr. Francis Burnszynski, PABC  
 Mr. Liam Davis, DOT  
 Ms. Natawna Austin, Council Services  
 Mr. Dominic McAlily, Council Services



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FROM	NAME & TITLE	Steve Sharkey, Acting Director	CITY of BALTIMORE  MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0383		

TO: Mayor Bernard C. "Jack" Young  
TO: Housing & Urban Affairs Committee  
FROM: Department of Transportation  
POSITION: Support  
RE: Council Bill - 19-0383

DATE: 8/6/19

**INTRODUCTION** – City Streets - Closing - Bauernschmidt Alley and 2 10-Foot Alleys Bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street

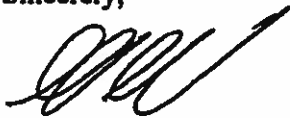
**PURPOSE/PLANS** – For the purpose of condemning and closing Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street, as shown on Plat 309-A-29A in the Office of the Department of Transportation; and providing for a special effective date.

**COMMENTS** – City Council Bill 19-0383 looks to formally close Bauernschmidt Alley as well as two 10-Foot Alleys Bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street. The alley closings will allow for the consolidation of the adjacent properties to make way for the proposed Southern View Apartments.

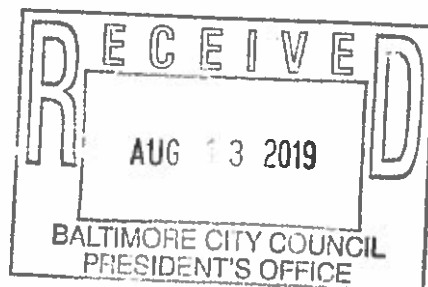
**AGENCY/DEPARTMENT POSITION** – The Department of Transportation supports the passage of City Council Bill 19-0383.

If you have any questions, please do not hesitate to contact Liam Davis via email at [Liam.Davis@baltimorecity.gov](mailto:Liam.Davis@baltimorecity.gov) or by phone (410) 545-3207.

Sincerely,



Steve Sharkey  
Acting Director



Supports





**CALL TO ORDER**

**INTRODUCTIONS**

**ATTENDANCE**

**Present** 7 - Member John T. Bullock, Member Isaac "Yitzy" Schleifer, Member Kristerfer Burnett, Member Zeke Cohen, Member Ryan Dorsey, Member Bill Henry, and Member Shannon Sneed

**ITEMS SCHEDULED FOR PUBLIC HEARING**

19-0383

**City Streets - Closing - Bauernschmidt Alley and 2 10-Foot Alleys Bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street**

For the purpose of condemning and closing Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street, as shown on Plat 309-A-29A in the Office of the Department of Transportation; and providing for a special effective date.

**Sponsors:** City Council President (Administration)

**A motion was made by Member Henry, seconded by Member Sneed, that this Ordinance be Recommended Favorably. The motion carried by the following vote:**

**Yes:** 7 - Member Bullock, Member "Yitzy" Schleifer, Member Burnett, Member Cohen, Member Dorsey, Member Henry, and Member Sneed

**ADJOURNMENT**





CITY OF BALTIMORE  
BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES  
LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

**HEARING NOTES**

**Bill: CC 19-0383**

**Ordinance – City Streets – Closing – Bauernschmidt Alley and 2 10 Foot Alleys Bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street**

**Committee:** Housing and Urban Affairs  
**Chaired By:** John Bullock

**Hearing Date:** January 14, 2020  
**Time (Beginning):** 3:06 PM  
**Time (Ending):** 3:09 PM  
**Location:** Clarence "Du" Burns Chamber  
**Total Attendance:** 24  
**Committee Members in Attendance:**  
John Bullock Bill Henry Sharon Sneed  
Isaac "Yitzy" Schleifer  
Kristerfer Burnett  
Zeke Cohen  
Ryan Dorsey

Bill Synopsis in the file? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Video or audio-digitally recorded? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file? .....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Evidence of notification to property owners? .....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Final vote taken at this hearing? .....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by: .....	Councilmember Henry		
Seconded by: .....	Councilmember Sneed		
Final Vote: .....	Favorable		

**Major Speakers**  
*(This is not an attendance record.)*

- Liam Davis - Department of Transportation
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## Baltimore City Council Committee Hearing Attendance Record

<b>Subject:</b> Ordinance – City Street Closing – Bauernschmidt Alley and 2-Foot Alleys Bounded by North Gay Street, East Oliver Street, North Washington Street, and East Federal Street	<b>Bill #:</b> CC 19-0383
<b>Committee:</b> Housing and Urban Affairs	<b>Chair:</b> John Bullock
<b>Date:</b> Tuesday, January 14, 2020	<b>Time:</b> 3:00 PM
<b>Location:</b> Clarence "Du" Burns Council Chamber	

PLEASE PRINT CLEARLY

CHECK HERE TO TESTIFY



First Name	Last Name	Address / Organization / Email	Testify	What is your position on this bill?		Lobbyist: Are you registered in the City?*	
				For	Against	Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
JASON	WHITTINGTON	7464 NEW RIDGE RD. HANDVER, MD 21076 COMMERCIAL DEVELOPMENT JASON.W@COMMERCIAL-6GROUP.COM		✓			
Bill	CURRINGTON	54 W 21st St 21211	✓				
Mica	Feltz	BDC mfeltz@baltimoredevelopment.com					
Adam	Baker	Room 111 / 11001 Greenbank 25 S. CHARLES ST.		✓			

\*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730



## Baltimore City Council Committee Hearing Attendance Record

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\*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730

# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland 21202

## Meeting Agenda - Final

### Housing and Urban Affairs Committee

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Tuesday, January 14, 2020

3:00 PM

Du Burns Council Chamber, 4th floor, City Hall

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19-0383

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

#### **ITEMS SCHEDULED FOR PUBLIC HEARING**

19-0383

**City Streets - Closing - Bauernschmidt Alley and 2 10-Foot Alleys Bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street**

For the purpose of condemning and closing Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street, as shown on Plat 309-A-29A in the Office of the Department of Transportation; and providing for a special effective date.

#### **ADJOURNMENT**

**THIS MEETING IS OPEN TO THE PUBLIC**





CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

## BILL SYNOPSIS

Committee: Housing and Urban Affairs

Bill CC 19-0383

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**Ordinance – City Streets – Closing – Bauernschmidt Alley and 2 10-Foot Alleys Bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street**

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**Sponsor:** *President Scott (The Administration) \**  
**Introduced:** *April 29, 2019*

**Purpose:**

For the purpose of condemning and closing Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street, as shown on Plat 309-A-29A in the Office of the Department of Transportation; and providing for a special effective date.

**Effective:** Upon enactment

**Hearing Date/Time/Location:** January 14, 2020 at 3PM in the Council Chambers

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### Agency Reports

Planning Commission	Favorable
Department of Transportation	Favorable
Department of Law	
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	

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1-11



## Analysis

### Current Law

Article 2, Sections 34-35 establishes a process for closing municipal streets, the final step in the process is enactment of an Ordinance of the Mayor and City Council.

### Background

CC 19-0383 Is part of a package of legislation to transfer three tiny parcels no longer needed by the city to a private developer for the purpose of building an apartment complex in the Oliver community of East Baltimore.

The properties are:

1. An approximately 1/33<sup>rd</sup> of an acre portion of Bauernschmidt alley between Federal Street and Washington Street.
2. An approximately 1/10<sup>th</sup> of an acre portion of a 10-foot alley 224 feet to the east of and parallel to parcel 1.
3. An approximately 1/33<sup>rd</sup> of an acre portion of a 10-foot alley 67 feet to the west of parcel 1.

Transfer Will be made by separate Ordinance.

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### Additional Information

**Fiscal Note:** Not Available

**Information Source(s):** Bill File

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Analysis by: Richard G. Krummerich *RK* Direct Inquiries to: 410-396-1266  
Analysis Date: 1-10-20





**CITY OF BALTIMORE  
COUNCIL BILL 19-0383  
(First Reader)**

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Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: April 29, 2019

Assigned to: Housing and Urban Affairs Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Transportation, Baltimore Development Corporation

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing – Bauernschmidt Alley and 2 10-Foot Alleys Bounded by**  
3 **North Gay Street, East Oliver Street, North Washington Street, and Federal Street**

4 FOR the purpose of condemning and closing Bauernschmidt Alley and 2 10-foot alleys bounded  
5 by North Gay Street, East Oliver Street, North Washington Street, and Federal Street, as  
6 shown on Plat 309-A-29A in the Office of the Department of Transportation; and providing  
7 for a special effective date.

8 BY authority of

9 Article I - General Provisions

10 Section 4

11 and

12 Article II - General Powers

13 Sections 2, 34, 35

14 Baltimore City Charter

15 (1996 Edition)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
17 Department of Transportation shall proceed to condemn and close Bauernschmidt Alley and 2  
18 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and  
19 Federal Street, and more particularly described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of the south  
21 side of Federal Street 66 feet wide and the west side of a 10-foot alley, the point  
22 of beginning being distant Easterly 75 feet, more or less, measured along the south  
23 side of Federal Street from the east side of North Washington Street 70 feet wide;  
24 thence binding on the south side of Federal Street Easterly 10 feet, more or less, to  
25 the east side of the 10-foot alley; thence binding on the east side of the 10-foot  
26 alley Southerly 131.9 feet, more or less, to intersect the northeast side of  
27 Bauernschmidt Alley 15 feet wide; thence binding on the northwest side of  
28 Bauernschmidt Alley Southwesterly 11.2 feet, more or less, to the west side of the

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

**Council Bill 19-0383**

1 10-foot alley and thence binding on the west side of the 10-foot alley Northerly  
2 137 feet, more or less, to the place of beginning.

3 Containing 1344.55 square feet or 0.03 acres, more or less.

4 Beginning for parcel No. 2 at the point formed by the intersection of the south  
5 side of Federal Street 66 feet wide and the west side of Bauernschmidt Alley 15  
6 feet wide, the point of beginning being distant Easterly 220.4 feet, more or less,  
7 measured along the south side of Federal Street from the east side of North  
8 Washington Street 70 feet wide; thence binding on the south side of Federal Street  
9 Easterly 21.5 feet, more or less, to the southeast side of Bauernschmidt Alley;  
10 thence along the southeast side of Bauernschmidt Alley Southwesterly 224.2 feet,  
11 more or less, to the east side of a 10-foot alley; thence crossing the 10-foot alley  
12 Southwesterly 16.6 feet, more or less; thence binding on the south side of  
13 Bauernschmidt Alley Westerly 67 feet, more or less, to intersect the east side of  
14 North Washington Street; thence binding on the east side of North Washington  
15 Street Northerly 15 feet, more or less, to the north side of Bauernschmidt Alley;  
16 thence with the north and northwest side of the alley, the following 4 courses and  
17 distances Easterly 66 feet; thence Northeasterly 15.8 feet; thence Northeasterly  
18 11.2 feet and thence Northeasterly 189.0 feet, more or less, to the place of  
19 beginning.

20 Containing 4449.66 square feet or 0.102 acres, more or less.

21 Beginning for Parcel No. 3 at the point formed by the intersection of the south  
22 side of Bauernschmidt Alley 15 feet wide and the west side of a 10-foot alley, the  
23 point of beginning being distant Easterly 67 feet, more or less, measured along the  
24 south side of Bauernschmidt Alley from the east side of North Washington Street  
25 70 feet wide; thence leaving the west side of the 10-foot alley Northeasterly 16.6  
26 feet, more or less, to the east side of the 10-foot alley; thence binding on the east  
27 side of the 10-foot alley Southwesterly 108.9 feet, more or less to a point on the  
28 southwest side of the 10-foot alley there situate; thence binding on the southwest  
29 side of the 10-foot alley Southwesterly 7.3 feet, more or less, to the south side of  
30 the 10-foot alley; thence binding on the south side of the 10-foot alley Westerly  
31 33.5 feet, more or less, to intersect the east side of North Washington Street;  
32 thence binding on the east side of North Washington Street Northerly 10 feet,  
33 more or less, to the north side of the 10-foot alley; thence Easterly 32.0 feet, more  
34 or less, to the west side of the 10-foot alley; thence Northeasterly 92.4 feet, more  
35 or less, to the place of beginning.

36 Containing 1369.14 square feet or 0.031 acres, more or less.

37 As delineated on Plat 309-A-29A, prepared by the Survey Section and filed on October 17, 2018,  
38 in the Office of the Department of Transportation.

39 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and  
40 closing of Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver  
41 Street, North Washington Street, and Federal Street and the rights of all interested parties shall be  
42 regulated by and in accordance with all applicable provisions of state and local law and with all

**Council Bill 19-0383**

1 applicable rules and regulations adopted by the Transportation and filed with the Department of  
2 Legislative Reference.

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

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

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

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

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



**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**

APPROVED FOR FORM STYLE, AND TEXTUAL SUFFICIENCY
4-18-19
DEPT LEGISLATIVE REFERENCE

Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Closing – Bauernschmidt Alley and 2 10-Foot Alleys Bounded by  
North Gay Street, East Oliver Street, North Washington Street, and Federal Street**

FOR the purpose of condemning and closing Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street, as shown on Plat 309-A-29A 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 Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Federal Street 66 feet wide and the west side of a 10-foot alley, the point of beginning being distant Easterly 75 feet, more or less, measured along the south side of Federal Street from the east side of North Washington Street 70 feet wide; thence binding on the south side of Federal Street Easterly 10 feet, more or less, to the east side of the 10-foot alley; thence binding on the east side of the 10-foot alley Southerly 131.9 feet, more or less, to intersect the northeast side of Bauernschmidt Alley 15 feet wide; thence binding on the northwest side of Bauernschmidt Alley Southwesterly 11.2 feet, more or less, to the west side of the 10-foot alley and thence binding on the west side of the 10-foot alley Northerly 137 feet, more or less, to the place of beginning.

Containing 1344.55 square feet or 0.03 acres, more or less.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.



Beginning for parcel No. 2 at the point formed by the intersection of the south side of Federal Street 66 feet wide and the west side of Bauernschmidt Alley 15 feet wide, the point of beginning being distant Easterly 220.4 feet, more or less, measured along the south side of Federal Street from the east side of North Washington Street 70 feet wide; thence binding on the south side of Federal Street Easterly 21.5 feet, more or less, to the southeast side of Bauernschmidt Alley; thence along the southeast side of Bauernschmidt Alley Southwesterly 224.2 feet, more or less, to the east side of a 10-foot alley; thence crossing the 10-foot alley Southwesterly 16.6 feet, more or less; thence binding on the south side of Bauernschmidt Alley Westerly 67 feet, more or less, to intersect the east side of North Washington Street; thence binding on the east side of North Washington Street Northerly 15 feet, more or less, to the north side of Bauernschmidt Alley; thence with the north and northwest side of the alley, the following 4 courses and distances Easterly 66 feet; thence Northeasterly 15.8 feet; thence Northeasterly 11.2 feet and thence Northeasterly 189.0 feet, more or less, to the place of beginning.

Containing 4449.66 square feet or 0.102 acres, more or less.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Bauernschmidt Alley 15 feet wide and the west side of a 10-foot alley, the point of beginning being distant Easterly 67 feet, more or less, measured along the south side of Bauernschmidt Alley from the east side of North Washington Street 70 feet wide; thence leaving the west side of the 10-foot alley Northeasterly 16.6 feet, more or less, to the east side of the 10-foot alley; thence binding on the east side of the 10-foot alley Southwesterly 108.9 feet, more or less to a point on the southwest side of the 10-foot alley there situate; thence binding on the southwest side of the 10-foot alley Southwesterly 7.3 feet, more or less, to the south side of the 10-foot alley; thence binding on the south side of the 10-foot alley Westerly 33.5 feet, more or less, to intersect the east side of North Washington Street; thence binding on the east side of North Washington Street Northerly 10 feet, more or less, to the north side of the 10-foot alley; thence Easterly 32.0 feet, more or less, to the west side of the 10-foot alley; thence Northeasterly 92.4 feet, more or less, to the place of beginning.

Containing 1369.14 square feet or 0.031 acres, more or less.

As delineated on Plat 309-A-29A, prepared by the Survey Section and filed on October 17, 2018, in the Office of the Department of Transportation.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and closing of Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and Federal Street and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Transportation and filed with the Department of Legislative Reference.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the

application for this permission, must agree to pay all costs and expenses, of every kind, arising out of the removal, alteration, or interference.

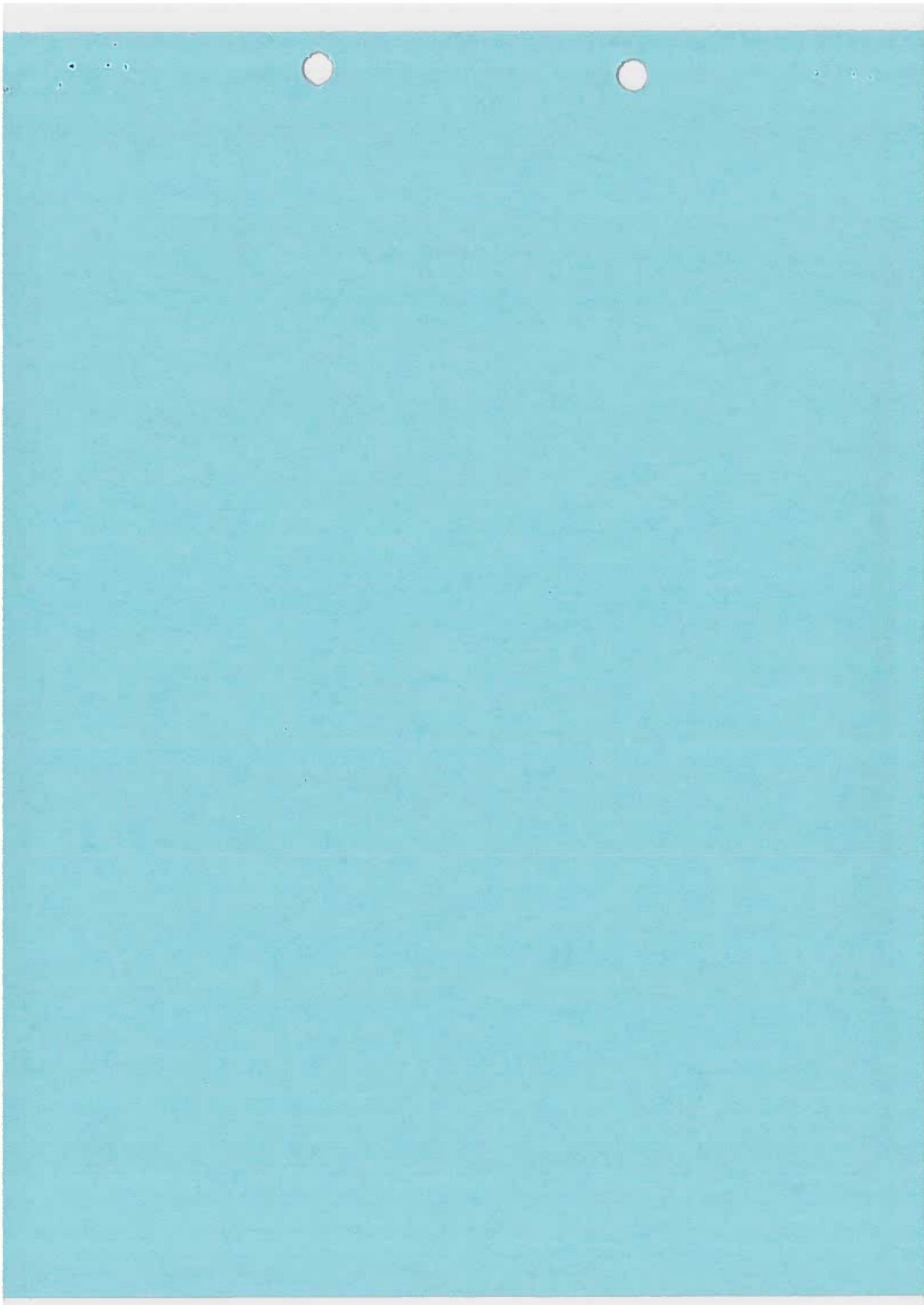
**SECTION 4. AND BE IT FURTHER ORDAINED,** That no building or structure of any kind (including but not limited to railroad tracks) may be constructed or erected in or on any part of the street closed under this Ordinance until all subsurface structures and appurtenances owned by the Mayor and City Council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

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

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

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





**ACTION BY THE CITY COUNCIL**

FIRST READING (INTRODUCTION) \_\_\_\_\_

APR 29 2019

PUBLIC HEARING HELD ON \_\_\_\_\_

1-14


20 20

COMMITTEE REPORT AS OF \_\_\_\_\_

1-27

20 20

FAVORABLE \_\_\_\_\_ UNFAVORABLE \_\_\_\_\_ FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

  
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JAN 27 2020

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING \_\_\_\_\_

Feb 10

20 20

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) \_\_\_\_\_

20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) \_\_\_\_\_

20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_

20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

\_\_\_\_\_  
President

\_\_\_\_\_  
Chief Clerk