

**CITY OF BALTIMORE
COUNCIL BILL 09-0360
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: July 13, 2009
Assigned to: Highways and Franchises Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: Planning Commission, Department of Housing and Community Development, Department of Public Works, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **Two Portions of Penn Street**

4 FOR the purpose of condemning and closing (1) a portion of Penn Street, extending from
5 Lombard Street, North 02° 49' 40" West 346.42 feet to Redwood Street and (2) a portion of
6 Penn Street at a point on the east side thereof, distant North 02° 49' 40" West 107.33 feet
7 from the north side of Lombard Street and extending North 02° 49' 40" West 239.09 feet, as
8 shown on Plat 184-A-23A in the Office of the Department of Public Works; and providing
9 for a special effective date.

10 BY authority of
11 Article I - General Provisions
12 Section 4
13 and
14 Article II - General Powers
15 Sections 2, 34, 35
16 Baltimore City Charter
17 (1996 Edition)

18 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
19 Department of Public Works shall proceed to condemn and close (1) a portion of Penn Street,
20 extending from Lombard Street, North 02° 49' 40" West 346.42 feet to Redwood Street and (2) a
21 portion of Penn Street at a point on the east side thereof, distant North 02° 49' 40" West 107.33
22 feet from the north side of Lombard Street and extending North 02° 49' 40" West 239.09 feet,
23 and more particularly described as follows:

24 Beginning for Parcel No. 1 at the point formed by the intersection of the east side
25 of Penn Street, 55 feet wide, and the north side of Lombard Street, 66 feet wide,
26 and at a horizontal plane having an elevation of 67.62 feet and extending to an
27 elevation of unlimited height, and running thence binding on the north side of said
28 Lombard Street, South 87° 10' 20" West 24.00 feet; thence by a straight line
29 parallel and distant 24.00 feet from the east side of said Penn Street, North 02°

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

Council Bill 09-0360

1 49' 40" West 346.42 feet to intersect the south side of Redwood Street, 60 feet
2 wide; thence binding on the south side of said Redwood Street, North 87° 10' 20"
3 East 9.00 feet to intersect the west side of Lot 36A of Block 630, and previously
4 closed under Ordinance No. 169, approved October 10, 1988; thence binding on
5 the west and south sides of said Lot 36A of Block 630, the two following courses
6 and distances; namely, South 02° 49' 40" East 239.09 feet and North 87° 10' 20"
7 East 15.00 feet to intersect the east side of said Penn Street, and thence binding on
8 the east side of said Penn Street, South 02° 49' 40" East 107.33 feet to the place
9 of beginning.

10 Beginning for Parcel No. 2 at a point on the east side of Penn Street, 55 feet wide,
11 distant North 02° 49' 40" West 107.33 feet measured along the east side of said
12 Penn Street from the north side of Lombard Street, 66 feet wide, and at a
13 horizontal plane having an elevation of 67.62 feet and extending to an elevation
14 of 150.00 feet, and running thence by a straight line, South 87° 10' 20" West
15 15.00 feet to intersect a line drawn parallel with and distant 15.00 feet westerly
16 measured at right angles from the east side of said Penn Street; thence binding on
17 said line so drawn, North 02° 49' 40" West 239.09 feet to intersect the south side
18 of Redwood Street, 60 feet wide; thence binding on the south side of said
19 Redwood Street, North 87° 10' 20" East 15.00 feet to intersect the east side of
20 said Penn Street, and thence binding on the east side of said Penn Street, South
21 02° 49' 40" East 239.09 feet to the place of beginning.

22 As delineated on Plat 184-A-23A, prepared by the Survey Control Section and filed on June 4,
23 2009, in the Office of the Department of Public Works.

24 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
25 closing of two portions of Penn Street and the rights of all interested parties shall be regulated by
26 and in accordance with all applicable provisions of state and local law and with all applicable
27 rules and regulations adopted by the Director of Public Works and filed with the Department of
28 Legislative Reference.

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

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

43 **SECTION 5. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all
44 subsurface structures and appurtenances owned by any person other than the Mayor and City

Council Bill 09-0360

1 Council of Baltimore shall be removed by and at the expense of their owners, promptly upon
2 notice to do so from the Director of Public Works.

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

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