

**CITY OF BALTIMORE
COUNCIL BILL 20-0501
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: February 24, 2020
Assigned to: Housing and Urban Affairs Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **Air Rights over a Portion of the Public Right of Way of Rogers Alley**

4 FOR the purpose of condemning and closing the air rights area over a portion of the public right
5 of way of Rogers Alley, as shown on Plat 313-A-23A in the Office of the Department of
6 Transportation; and providing 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 the air rights area over a
17 portion of the public right of way of Rogers alley, and more particularly described as follows:

18 Beginning for Parcel 1 from a point on the north side of Redwood Street, 66 feet
19 wide, the point being Easterly 100.0 feet, more or less, from the east side of South
20 Calvert Street, 66 feet wide, thence Northerly 55.0 feet, more or less, along the
21 west side of Rogers Alley, 9.5 feet wide, to the point of beginning, the point also
22 being in a horizontal plane having an elevation 43.5 feet, more or less, and
23 ascending to an elevation of unlimited height, as referenced to the Baltimore City
24 Vertical Datum, running thence the four following courses and distances, binding
25 on the west side of Rogers Alley Northerly 18.0 feet, more or less; thence crossing
26 Rogers Alley Easterly 9.5 feet, more or less, to intersect the east side of Rogers
27 Alley; thence binding on the east side of Rogers Alley Southerly 18.0 feet, more
28 or less; and thence crossing Rogers Alley Westerly 9.5 feet, more or less, to the
29 place of beginning.

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

Council Bill 20-0501

1 Containing 171 square feet or 0.0039 acres, more or less.

2 As delineated on Plat 313-A-23A, prepared by the Survey Section and filed on November 14,
3 2019, in the Office of the Department of Transportation.

4 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
5 closing of the air rights area over a portion of the public right of way of Rogers Alley and the
6 rights of all interested parties shall be regulated by and in accordance with all applicable
7 provisions of state and local law and with all applicable rules and regulations adopted by the
8 Director of Transportation and filed with the Department of Legislative Reference.

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

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

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

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

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