

**CITY OF BALTIMORE
COUNCIL BILL 17-0128
(First Reader)**

Introduced by: The Council President

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

Introduced and read first time: September 18, 2017

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 – Portion of a 10-Foot Alley Lying**
3 **Between North Milton Avenue and Rose Street**

4 FOR the purpose of condemning and closing a portion of a 10-foot alley lying between North
5 Milton Avenue and Rose Street, extending from North Milton Avenue easterly 107.2 feet,
6 more or less, to the west outline of the property known as 2439 North Avenue, as shown on
7 Plat 129-A-39A in the Office of the Department of Transportation; and providing for a
8 special effective date.

9 BY authority of

10 Article I - General Provisions

11 Section 4

12 and

13 Article II - General Powers

14 Sections 2, 34, 35

15 Baltimore City Charter

16 (1996 Edition)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
18 Department of Transportation shall proceed to condemn and close a portion of a 10-foot alley
19 lying between North Milton Avenue and Rose Street, extending from North Milton Avenue
20 easterly 107.2 feet, more or less, to the west outline of the property known as 2439 North
21 Avenue, and more particularly described as follows:

22 Beginning for Parcel 1 at the point formed by the intersection of the east side of
23 North Milton Avenue 100 feet wide, and the north side of a 10-foot alley the point
24 being distant Southerly 100 feet measured along the east side of North Milton
25 Avenue from the south side of North Avenue 100 feet wide; thence binding on the
26 north side of the 10-foot alley Easterly 107.2 feet, more or less, to the west outline
27 of the property known as number 2439 North Avenue; thence binding on the west
28 side outline of the property Southerly 10 feet, so projected to intersect the south
29 side of the 10-foot alley; thence binding on the south side of the 10-foot alley

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

Council Bill 17-0128

1 Westerly 107.2 feet, more or less, to intersect the east side of North Milton
2 Avenue and thence binding on the east side of North Milton Avenue Northerly 10
3 feet to the place of beginning.

4 Containing 1,072 square feet or 0.0246 acre more or less.

5 As delineated on Plat 129-A-39A, prepared by the Survey Section and filed on April 17,
6 2017, in 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 a portion of the 10-foot alley and the rights of all interested parties shall be regulated
9 by and in accordance with all applicable provisions of state and local law and with all applicable
10 rules and 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.