

**CITY OF BALTIMORE
COUNCIL BILL 11-0729
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Department of General Services)

Introduced and read first time: July 18, 2011

Assigned to: Highways and Franchises Subcommittee

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

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Closing – Certain Streets and Alleys Bounded by
Hoffman Street, Proctor Street, East Preston Street, and Greenmount Avenue**

FOR the purpose of condemning and closing certain streets and alleys bounded by Hoffman Street, Proctor Street, East Preston Street, and Greenmount Avenue, as shown on Plat 321-A-32A in the Office of the Department of General Services; 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 Public Works shall proceed to condemn and close certain streets and alleys bounded by Hoffman Street, Proctor Street, East Preston Street, and Greenmount Avenue, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Hoffman Street, 66 feet wide, and the west side of Wirton Street, 38 feet wide, and running thence binding on the south side of said Hoffman Street Easterly 38.0 feet to intersect the east side of said Wirton Street; thence binding on the east side of said Wirton Street Southerly 245.1 feet, more or less, to intersect the north side of a 10-foot alley, laid out in the rear of the properties known as Nos. 700 through 724 E. Preston Street; thence binding on the north side of said 10-foot alley Westerly 38.0 feet to intersect the west side of said Wirton Street, and thence binding on the west side of said Wirton Street Northerly 245.1 feet, more or less, to the place of beginning.

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

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Beginning for Parcel No. 2 at the point formed by the intersection of the west side of a varying in width alley laid out in the rear of the properties known as Nos. 1303 through 1327 Greenmount Avenue and the south side of Hoffman Street, 66 feet wide, said point of beginning being distant Easterly 104.6 feet, more or less, measured along the south side of said Hoffman Street from the east side of Greenmount Avenue, 66 feet wide, and running thence binding on the south side of said Hoffman Street Easterly 9.8 feet, more or less, to intersect the east side of said varying in width alley; thence binding on the east side of said varying in width alley Southerly 245.1 feet, more or less, to intersect the north side of a 10-foot alley, laid out in the rear of the properties known as Nos. 700 through 716 E. Preston Street; thence binding on the north side of said 10-foot alley Westerly 10.0 feet to intersect the west side of aforesaid varying in width alley, and thence binding on the west side of aforesaid varying in width alley Northerly 245.1 feet, more or less, to the place of beginning.

As delineated on Plat 321-A-32A, prepared by the Survey Control Section and filed on June 8, 2011, in the Office of the Department of General Services.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of certain streets and alleys 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 Director of General Services 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 General Services 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,

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1 repairing, altering, relocating, or replacing any of them, without need to obtain permission from
2 or pay compensation to the owner of the property.

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