

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 05-0166**

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: May 16, 2005
Assigned to: Committee of the Whole
Committee Report: Favorable
Council action: Adopted
Read second time: August 15, 2005

AN ORDINANCE CONCERNING

**City Streets – Closing –
Air Rights over Howard Street**

FOR the purpose of condemning and closing air rights over Howard Street, extending from a point 158.82 feet south of Pratt Street southerly 29.50 feet, as shown on Plat 346-A-53A in the Office of the Department of Public Works; 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 air rights over Howard Street, extending from a point 158.82 feet south of Pratt Street southerly 29.50 feet, and more particularly described as follows:

Beginning for Parcel No. 1 at a point on the east side of Howard Street, 95 feet wide, distant South 02° 50' 20" East 158.82 feet measured along the east side of said Howard Street from the south side of Pratt Street, as now laid out 56 feet wide, and at a horizontal plane having an elevation of 50.0 feet and ascending to an elevation of unlimited height, and running thence binding on the east side of said Howard Street, South 02° 50' 20" East 29.50 feet; thence by a straight line,

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.

1 South 87° 08' 50" West 86.46 feet to intersect the eastern line of the Central Light
 2 Rail Line Franchise Area; thence binding on the eastern line of said Franchise
 3 Area, North 03° 12' 28" West 29.50 feet, and thence by a straight line, North 87°
 4 08' 50" East 86.65 feet to the place of beginning.

5 Beginning for Parcel No. 2 at a point on the west side of Howard Street, 95 feet
 6 wide, distant South 02° 50' 20" East 158.82 feet measured along the west side of
 7 said Howard Street from the south side of Pratt Street, as now laid out 56 feet
 8 wide, and at a horizontal plane having an elevation of 58.4 feet and ascending to
 9 an elevation of unlimited height, and running thence by a straight line, North 87°
 10 02' 50" East 8.35 feet to intersect the eastern line of the Central Light Rail Line
 11 Franchise Area; thence binding on the eastern line of said Franchise Area, South
 12 03° 12' 28" East 29.50 feet; thence by a straight line, South 87° 08' 50" West 8.54
 13 feet to intersect the west side of said Howard Street, and thence binding on the
 14 west side of said Howard Street, North 02° 50' 20" West 29.50 feet to the place of
 15 beginning.

16 All courses and distances in the above descriptions are referred to the true meridian as
 17 adopted by the Baltimore Survey Control System.

18 As delineated on Plat 346-A-53A, prepared by the Survey Control Section and filed on April 28,
 19 2005, in the Office of the Department of Public Works.

20 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
 21 closing of the air rights over Howard Street and the rights of all interested parties shall be
 22 regulated by and in accordance with all applicable provisions of state and local law and with all
 23 applicable rules and regulations adopted by the Director of Public Works and filed with the
 24 Department of Legislative Reference.

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

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

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

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

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

Certified as duly passed this _____ day of _____, 20__

 President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
 this _____ day of _____, 20__

 Chief Clerk

Approved this _____ day of _____, 20__

 Mayor, Baltimore City