

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 17-0138

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: September 25, 2017
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable
Council action: Adopted
Read second time: December 4, 2017

AN ORDINANCE CONCERNING

**City Streets – Closing –
A 10-Foot Alley Extending from the North Side of Esther Place**

FOR the purpose of condemning and closing a 10-foot alley extending from the north side of Esther Place 170 feet, more or less, to the south side of East Fayette Street, as shown on Plat 276-A-25A in the Office of the Department of Transportation; 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 Transportation shall proceed to condemn and close a 10-foot alley extending from the north side of Esther Place 170 feet, more or less, to the south side of East Fayette Street, and more particularly described as follows:

Beginning for Parcel No. 1 at a point formed by the intersection of the south side of East Fayette Street 70 feet wide, and the west side of a 10-foot alley, the point of beginning being distant Easterly 68 feet, more or less, measured along the south side of East Fayette Street from the point formed by the intersection of the south side of East Fayette Street and the east side of North Clinton Street 60 feet wide; thence binding on the south side of East Fayette Street, Easterly 10.0, more or less, to intersect the east side of the 10-foot alley; thence binding on the east side of the 10-foot alley, Southerly 170.3 feet, more or less, to intersect the north side of Esther Place 60 feet wide; thence binding on the north side of Esther Place, Westerly 10.0, more or less, to intersect the west side of the 10-foot alley; and

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.

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1 thence binding on the west side of the 10-foot alley Northerly 170.3 feet, more or
2 less, to the point of beginning.

3 Containing 1,703 square feet or 0.039 acres of land, more or less.

4 As delineated on Plat 276-A-25A, prepared by the Survey Section and filed on March 17, 2017,
5 in the Office of the Department of Transportation.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
7 closing of the alley and the rights of all interested parties shall be regulated by and in accordance
8 with all applicable provisions of state and local law and with all applicable rules and regulations
9 adopted by the Director of Transportation and filed with the Department of Legislative
10 Reference.

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

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

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

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

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

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

President, Baltimore City Council

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

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City