

**CITY OF BALTIMORE
COUNCIL BILL 17-0125
(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 style="text-align:center">**City Streets – Closing –**
3 style="text-align:center">**4-Foot Alley Extending from West Eager Street**

4 FOR the purpose of condemning and closing a 4-foot alley, extending from West Eager Street
5 southerly 75 feet, more or less, to the outline of the property known as 917 Cathedral Street,
6 as shown on Plat 158-A-78A in the Office of the Department of Transportation; and
7 providing for a special effective date.

8 BY authority of
9 Article I - General Provisions
10 Section 4
11 and
12 Article II - General Powers
13 Sections 2, 34, 35
14 Baltimore City Charter
15 (1996 Edition)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Department of Transportation shall proceed to condemn and close a 4-foot alley, extending from
18 West Eager Street southerly 75 feet, more or less, to the outline of the property known as 917
19 Cathedral Street, and more particularly described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of the south
21 side of West Eager Street 66 feet wide, and the east side of a 4-foot alley, the
22 point of beginning being distant Westerly 116.0 feet, more or less, measured along
23 the south side of West Eager Street from the point formed by the intersection of
24 the south side of West Eager Street and the west side of Morton Street 20 feet
25 wide; thence departing from the south side of West Eager Street and binding on
26 the east side of 4-foot alley, Southerly 71.0 feet, more or less, to the southernmost
27 end thereof; thence crossing the southernmost end of the 4-foot alley,
28 Southwesterly 6.0 feet, more or less, to the southernmost end of the west side of
29 the 4-foot alley; thence binding on the west side of the 4-foot alley, Northerly 75.5

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

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1 feet, more or less, to intersect the south side of West Eager Street; and thence
2 binding on the south side of West Eager Street, Easterly 4.0 feet, more or less, to
3 the point of beginning.

4 Containing 293 square feet or 0.007 acres of land, more or less.

5 As delineated on Plat 158-A-78A, prepared by the Survey Section and filed on May 11, 2017,
6 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 the 4-foot alley and the rights of all interested parties shall be regulated by and in
9 accordance with all applicable provisions of state and local law and with all applicable rules and
10 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.