

**CITY OF BALTIMORE  
COUNCIL BILL 12-0059  
(First Reader)**

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Introduced by: The Council President  
At the request of: The Administration (Department of General Services)  
Introduced and read first time: April 16, 2012  
Assigned to: Housing and Community Development Committee

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

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**  
3 **Toone Street**

4 FOR the purpose of condemning and closing Toone Street, extending from Ponca Street easterly  
5 to the Right of Way Line of Interstate Route No. 895 (Baltimore Harbor Tunnel), as shown  
6 on Plat 92-A-32A in the Office of the Department of General Services; and providing for a  
7 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 General Services shall proceed to condemn and close Toone Street, extending  
18 from Ponca Street easterly to the Right of Way Line of Interstate Route No. 895 (Baltimore  
19 Harbor Tunnel), 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 Toone Street, 70 feet wide, and the east side of Ponca Street, 70 feet wide,  
22 and running thence binding on the east side of said Ponca Street, Northerly 70.0  
23 feet to intersect the north side of said Toone Street; thence binding on the north  
24 side of said Toone Street, Easterly 180.4 feet, more or less, to intersect the  
25 western Right of Way Line of Through Highway of Interstate Route No. 895

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

**Council Bill 12-0059**

1 (Baltimore Harbor Tunnel), there situate; thence binding on the western Right of  
2 Way Line of Through Highway of said Interstate Route No. 895, Southerly 70.0  
3 feet to intersect the south side of said Toone Street, and thence binding on the  
4 south side of said Toone Street, Westerly 180.4 feet, more or less, to the place of  
5 beginning.

6 As delineated on Plat 92-A-32A, prepared by the Survey Control Section and filed on January 24,  
7 2012, in the Office of the Department of General Services.

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

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

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

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

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

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