

**CITY OF BALTIMORE
COUNCIL BILL 13-0183
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: January 28, 2013
Assigned to: Housing and Community Development Committee

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

1 AN ORDINANCE concerning

2 style="text-align:center">**City Streets – Closing –**
3 style="text-align:center">**Maine Avenue and a 10-Foot Alley**

4 FOR the purpose of condemning and closing (1) Maine Avenue, extending from Hillsdale Road
5 northwesterly 236.0 feet, more or less, to Gwynn Oak Avenue and (2) a 10-foot alley laid out
6 in the rear of the properties known as 4600 through 4612 Maine Avenue, and extending from
7 Hillsdale Road northwesterly 195.7 feet, more or less, to Gwynn Oak Avenue, as shown on
8 Plat 106-B-32A in the Office of the Department of General Services; and providing for a
9 special effective date.

10 BY authority of
11 Article I - General Provisions
12 Section 4
13 and
14 Article II - General Powers
15 Sections 2, 34, 35
16 Baltimore City Charter
17 (1996 Edition)

18 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
19 Department of General Services shall proceed to condemn and close (1) Maine Avenue,
20 extending from Hillsdale Road northwesterly 236.0 feet, more or less, to Gwynn Oak Avenue
21 and (2) a 10-foot alley laid out in the rear of the properties known as 4600 through 4612 Maine
22 Avenue, and extending from Hillsdale Road northwesterly 195.7 feet, more or less, to Gwynn
23 Oak Avenue, and more particularly described as follows:

24 Beginning for Parcel No. 1 at the point formed by the intersection of the northeast
25 side of Maine Avenue, 50 feet wide, and the northwest side of Hillsdale Road, 60
26 feet wide, and running thence binding on the northwest side of said Hillsdale
27 Road, Southwesterly 50.0 feet to intersect the southwest side of said Maine
28 Avenue; thence binding on the southwest side of said Maine Avenue, the two
29 following courses and distances; namely, Northwesterly 314.8 feet, more or less,

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

Council Bill 13-0183

1 and Northwesterly 173.3 feet, more or less, to intersect the southeast side of
2 Gwynn Oak Avenue, 85 feet wide; thence binding on the southeast side of said
3 Gwynn Oak Avenue, Northeasterly by a line curving to the left with a radius of
4 477.1 feet the distance of 50.1 feet, more or less, to intersect the northeast side of
5 said Maine Avenue, and thence binding on the northeast side of said Maine
6 Avenue, the two following courses and distance; namely, Southeasterly 155.9 feet,
7 more or less, and Southeasterly 300.0 feet, more or less, to the place of beginning.

8 Beginning for Parcel No. 2 at the point formed by the intersection of the northeast
9 side of a 10-foot alley, laid out in the rear of the properties known as Nos. 4600
10 through 4612 Maine Avenue and the northwest side of Hillsdale Road, 60 feet
11 wide, said point of beginning being distant southwesterly 150.0 feet, more or less,
12 measured along the northwest side of said Hillsdale Road from the southwest side
13 of Liberty Heights Avenue, 66 feet wide, and running thence binding on the
14 northwest side of said Hillsdale Road, Southwesterly 10.0 feet to intersect the
15 southwest side of said 10-foot alley; thence binding on the southwest side of said
16 10-foot alley, the two following courses and distances; namely, Northwesterly
17 315.7 feet, more or less, and Northwesterly 77.8 feet, more or less, to intersect the
18 southeast side of Gwynn Oak Avenue, 85 feet wide; thence binding on the
19 southeast side of said Gwynn Oak Avenue, Northeasterly by a line curving to the
20 left with a radius of 477.1 feet the distance of 10.1 feet, more or less, to intersect
21 the northeast side of said 10-foot alley, and thence binding on the northeast side of
22 said 10-foot Alley, the two following courses and distances; namely,
23 Southeasterly 75.2 feet, more or less, and Southeasterly 314.0 feet, more or less,
24 to the place of beginning.

25 As delineated on Plat 106-B-32A, prepared by the Survey Control Section and filed on
26 September 27, 2012, in the Office of the Department of General Services.

27 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
28 closing of Maine Avenue and the 10-foot alley and the rights of all interested parties shall be
29 regulated by and in accordance with all applicable provisions of state and local law and with all
30 applicable rules and regulations adopted by the Director of General Services and filed with the
31 Department of Legislative Reference.

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

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

Council Bill 13-0183

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

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

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