

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 19-0458

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: October 28, 2019
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable with an amendment
Council action: Adopted
Read second time: November 16, 2020

AN ORDINANCE CONCERNING

**Franchise – Light Pole Base Within the Right-of-Way of
Quad Avenue at Interstate 95**

FOR the purpose of granting a franchise to the State of Maryland, for the use of the Maryland Transportation Authority, to construct and maintain a private light pole base within the right-of-way of Quad Avenue, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

Recitals

The Maryland Transportation Authority (MdTA) proposes to construct a light pole base to install a light pole on the north side of Quad Avenue to provide safe lighting on the I-95 Interstate Highway.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to the State of Maryland, its tenants, successors, and assigns (collectively, the “Grantee”), for the use of the Maryland Transportation Authority, to construct and maintain, at Grantee’s own cost and expense, and subject to the terms and conditions of this Ordinance, a light pole base within the right-of-way of Quad Avenue, located in the area described as follows:

Beginning for the same at a point on the north side of Quad Avenue 80 feet wide, known as station 626+73.68 and 7.24 feet to the left; thence binding on the north side of Quad Avenue by a line curving to the left having a radius of 1800.00 feet for a distance of 20.00 feet, the curve being subtended by a chord bearing South 77° 08’ 02” East 20.00 feet to a point known as station 626+69.45 and 12.30 feet to the right; thence leaving the point South 12° 51’ 58” West 15 feet to a point

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 known as station 626+54.80 and 9.15 feet to the right; thence leaving the point
2 North 77° 08' 02" West 20.00 feet to a point known as station 626+59 and 10.41
3 feet to the left; thence leaving the point North 12° 51' 58" East 15.00 feet to the
4 place of beginning.

5 As referenced on State Highway Administration plat no. 59909.

6 Containing 300 square feet or 0.007 acres, more or less.

7 **SECTION 2. AND BE IT FURTHER ORDAINED**, That to become effective, the franchise or right
8 granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within
9 6 months after the effective date of this Ordinance.

10 **SECTION 3. AND BE IT FURTHER ORDAINED**, That as compensation for the Franchise, the
11 Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$ 0.00 a year,
12 subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise charge
13 must be paid annually, at least 30 days before the initial and each renewal term of the Franchise.

14 **SECTION 4. AND BE IT FURTHER ORDAINED**, That:

15 (a) The initial term of the Franchise is 1 year, commencing on the effective date of this
16 Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will
17 automatically renew, without any action by either the Mayor and City Council of Baltimore or
18 the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this
19 Ordinance, each renewal term will be on the same terms and conditions as the initial term. The
20 maximum duration for which the Franchise may operate, including the initial and all renewal
21 terms, is 25 years.

22 (b) Either the Mayor and City Council of Baltimore, acting by and through the Director of
23 Transportation, or the Grantee may cancel the Franchise as at the end of the initial or any renewal
24 term by giving written notice of cancellation to the other at least 90 days before the end of that
25 term.

26 **SECTION 5. AND BE IT FURTHER ORDAINED**, That the Mayor and City Council of Baltimore,
27 acting by and through the Board of Estimates, may increase or decrease the annual franchise
28 charge by giving written notice of the increase or decrease to the Grantee at least 150 days before
29 the end of the original or renewal term immediately preceding the renewal term to which the
30 increase or decrease will first apply. The new franchise charge will apply to all subsequent
31 annual renewal terms, unless again increased or decreased in accordance with this section.

32 **SECTION 6. AND BE IT FURTHER ORDAINED**, That the Mayor and City Council of Baltimore
33 expressly reserves the right at all times to exercise, in the interest of the public, full municipal
34 superintendence, regulation, and control over and in respect to all matters connected with the
35 Franchise and not inconsistent with the terms of this Ordinance.

36 **SECTION 7. AND BE IT FURTHER ORDAINED**, That the Grantee, at its own cost and expense,
37 shall maintain in good condition and in compliance with all applicable laws and regulations of
38 Baltimore City, all structures for which the Franchise is granted. The maintenance of these
39 structures shall be at all times subject to the regulation and control of the Commissioner of
40 Housing and Community Development and the Director of Transportation. If any structure for

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1 which the Franchise is granted must be readjusted, relocated, protected, or supported to
2 accommodate a public improvement, the Grantee shall pay all costs and expenses in connection
3 with the readjustment, relocation, protection, or support.

4 **SECTION 8. AND BE IT FURTHER ORDAINED,** That at the option of the Mayor and City
5 Council of Baltimore, acting by and through the Director of Transportation, the Grantee's failure
6 to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise.
7 Immediately on written notice to the Grantee of the exercise of this option, the Franchise
8 terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore
9 may waive the forfeiture or otherwise reinstate the Franchise.

10 **SECTION 9. AND BE IT FURTHER ORDAINED,** That at any time and without prior notice, the
11 Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public
12 interest, welfare, safety, or convenience so requires. Immediately on written notice to the
13 Grantee of the exercise of this right, the Franchise terminates.

14 **SECTION 10. AND BE IT FURTHER ORDAINED,** That on cancellation, expiration, forfeiture,
15 revocation, or other termination of the Franchise for any reason, the Grantee shall remove all
16 structures for which the Franchise is granted. The removal of these structures shall be
17 (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor
18 and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of
19 Housing and Community Development and the Director of Transportation, and (iii) completed
20 within the time specified in writing by the Director of Transportation.

21 **SECTION 11. AND BE IT FURTHER ORDAINED,** That the Grantee is liable for and shall
22 indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses,
23 costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any
24 time subjected on account of, or in any way resulting from, (i) the presence, construction, use,
25 operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures
26 for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or
27 agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this
28 Ordinance.

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

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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