

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 09-0362

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: July 13, 2009
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: October 19, 2009

AN ORDINANCE CONCERNING

1 City Streets – Closing – Certain Streets Lying Within the Uplands
2 Apartment Complex and Bounded by Edmondson Avenue, Athol Avenue,
3 Pen-Lucy Road, and Uplands Parkway

4 FOR the purpose of condemning and closing certain streets lying within the Uplands Apartment
5 Complex and bounded by Edmondson Avenue, Athol Avenue, Pen-Lucy Road, and Uplands
6 Parkway, as shown on Plat 342-A-13A in the Office of the Department of ~~Public Works~~
7 General Services; and 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 ~~Public Works~~ General Services shall proceed to condemn and close certain streets
18 lying within the Uplands Apartment Complex and bounded by Edmondson Avenue, Athol
19 Avenue, Pen-Lucy Road, and Uplands Parkway, and more particularly described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of the
21 southwest side of Old Frederick Road, 60 feet wide, and the south side of
22 Edmondson Avenue, 150 feet wide, and running thence binding on the south side
23 of said Edmondson Avenue, North 82° 24' 01" East 98.53 feet to intersect the
24 northeast side of said Old Frederick Road; thence binding on the northeast side of
25 said Old Frederick Road, the two following courses and distances; namely, South
26 60° 05' 15" East 402.32 feet and South 42° 07' 40" East 305.27 feet to intersect
27 the west side of Swann Avenue, 100 feet wide; thence binding on the west side of
28 said Swann Avenue, South 35° 20' 36" West 61.46 feet to intersect the southwest

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.

Council Bill 09-0362

1 side of said Old Frederick Road, and thence binding on the southwest side of said
2 Old Frederick Road, the two following courses and distances; namely, North 42°
3 07' 40" West 309.12 feet and North 60° 05' 15" West 471.00 feet to the place of
4 beginning.

5 Beginning for Parcel No. 2 at the point formed by the intersection of the east side
6 of Glen Allen Drive, 60 feet wide, and the north side of Lawnpark Road, 50 feet
7 wide, and running thence binding on the north side of said Lawnpark Road, the
8 four following courses and distances; namely, South 87° 54' 00" East 47.72 feet,
9 by a tangent arc curving to the right with a radius of 350.00 feet the distance of
10 138.06 feet which arc is subtended by a chord bearing South 76° 36' 00" East
11 137.16 feet, South 65° 18' 00" East 198.42 feet and by a tangent arc curving to
12 the left with a radius of 378.44 feet the distance of 203.65 feet which arc is
13 subtended by a chord bearing South 80° 43' 00" East 201.21 feet to intersect the
14 west side of Swann Avenue, varying in width; thence binding on the west side of
15 said Swann Avenue, South 01° 49' 15" West 50.43 feet to intersect the south side
16 of said Lawnpark Road; thence binding on the south side of said Lawnpark Road,
17 the four following courses and distances; namely, by a non-tangent arc curving to
18 the right with a radius of 428.44 feet the distance of 223.59 feet which arc is
19 subtended by a chord bearing North 80° 15' 00" West 221.06 feet, North 65° 18'
20 00" West 198.42 feet, by a tangent arc curving to the left with a radius of 300.00
21 feet the distance of 118.34 feet which arc is subtended by a chord bearing North
22 76° 36' 00" West 117.57 feet and North 87° 54' 00" West 47.72 feet to intersect
23 the east side of said Glen Allen Drive, and thence binding on the east side of said
24 Glen Allen Drive, North 02° 06' 33" East 50.00 feet to the place of beginning.

25 Beginning for Parcel No. 3 at the point formed by the intersection of the north
26 side of Lawnpark Road, 50 feet wide, and the east side of Manordene Road, 60
27 feet wide, and running thence binding on the east, northeast, and northwest sides
28 of said Manordene Road, the six following courses and distances; namely, South
29 02° 06' 33" West 50.00 feet, by a line curving to the left with a radius of 750.00
30 feet the distance of 112.78 feet which arc is subtended by a chord bearing South
31 04° 07' 03" East 112.67 feet, South 08° 25' 30" East 73.38 feet, by a tangent arc
32 curving to the left with a radius of 270.00 feet the distance of 194.36 feet which
33 arc is subtended by a chord bearing South 29° 02' 50" East 190.19 feet, by a line
34 curving to the left with a radius of 570.00 feet the distance of 344.53 feet which
35 arc is subtended by a chord bearing South 66° 59' 05" East 339.31 feet, and by a
36 line curving to the left with a radius of 140.00 feet the distance of 203.17 feet
37 which arc is subtended by a chord bearing North 54° 07' 17" East 185.81 feet to
38 intersect the line of the northeast side of Manordene Road, 50 feet wide, if
39 projected northwesterly; thence binding reversely on said line, so projected, South
40 67° 09' 46" East 60.69 feet to intersect the southeast side of said Manordene
41 Road, mentioned firstly herein; thence binding on the southeast, southwest, and
42 west sides of said Manordene Road, mentioned firstly herein, the seven following
43 courses and distances; namely, South 22° 50' 47" West 50.00 feet, by a line
44 curving to the right with a radius of 200.00 feet the distance of 229.30 feet which
45 arc is subtended by a chord bearing South 62° 51' 25" West 216.94 feet, by a line
46 curving to the right with a radius of 630.00 feet the distance of 380.78 feet which
47 arc is subtended by a chord bearing North 66° 59' 05" West 375.01 feet, by a line
48 curving to the right with a radius of 330.00 feet the distance of 237.56 feet which
49 arc is subtended by a chord bearing North 29° 02' 50" West 232.46 feet, North

Council Bill 09-0362

1 08° 25' 30" West 73.38 feet, by a line curving to the right with a radius of 810.00
2 feet the distance of 34.01 feet which arc is subtended by a chord bearing North
3 07° 13' 20" West 34.01 feet and by a line curving to the left with a radius of 35.00
4 feet the distance of 81.00 feet which arc is subtended by a chord bearing North
5 72° 19' 30" West 64.10 feet to intersect the southeast side of Glen Allen Drive, 60
6 feet wide, and thence binding on the southeast side of said Glen Allen Drive,
7 North 45° 07' 25" East 167.14 feet to the place of beginning.

8 Beginning for Parcel No. 4 at the point formed by the intersection of the
9 northwest side of Swann Avenue, varying in width, and the southwest side of Old
10 Frederick Road, 60 feet wide, and running thence binding on the southwest side
11 of said Old Frederick Road, South 42° 52' 00" East 100.01 feet to intersect the
12 southeast side of said Swann Avenue; thence binding on the southeast and east
13 sides of said Swann Avenue, the four following courses and distances; namely,
14 South 47° 08' 00" West 104.70 feet, by a tangent arc curving to the left with a
15 radius of 209.14 feet the distance of 191.02 feet which arc is subtended by a chord
16 bearing South 20° 58' 00" West 184.45 feet, South 05° 12' 00" East 101.88 feet,
17 and by a tangent arc curving to the right with a radius of 200.00 feet the distance
18 of 72.80 feet which arc is subtended by a chord bearing of South 05° 13' 35"
19 West 72.40 feet to intersect the line of the northeast side of Manordene Road, 50
20 feet wide, if projected northwesterly; thence binding reversely on said line, so
21 projected, North 67° 09' 46" West 60.69 feet to intersect the west side of said
22 Swann Avenue, and thence binding on the west and northwest sides of said
23 Swann Avenue, the five following courses and distances; namely, by a non-
24 tangent arc curving to the left with a radius of 140.00 feet the distance of 43.37
25 feet which arc is subtended by a chord bearing North 03° 40' 22" East 43.19 feet,
26 North 05° 12' 00" West 183.29 feet, North 01° 49' 15" East 50.43 feet, by a
27 tangent arc curving to the right with a radius of 206.31 feet the distance of 137.88
28 feet which arc is subtended by a chord bearing of North 27° 59' 15" East 135.33
29 feet, and North 47° 08' 00" East 104.68 feet to the place of beginning.

30 Beginning for Parcel No. 5 at the point formed by the intersection of the south
31 side of Edmondson Avenue, 150 feet wide, and the west side of Glen Allen Drive,
32 60 feet wide, and running thence binding on the south side of said Edmondson
33 Avenue, the two following courses and distances; namely, North 79° 10' 13" East
34 21.66 feet and by a tangent arc curving to the right with a radius of 1946.18 feet
35 the distance of 38.68 feet which arc is subtended by a chord bearing North 79° 44'
36 23" East 38.68 feet to intersect the east side of said Glen Allen Drive; thence
37 binding on the east and southeast sides of said Glen Allen Drive, the six following
38 courses and distances; namely, South 04° 24' 45" East 42.71 feet, by a tangent arc
39 curving to the right with a radius of 420.00 feet the distance of 89.17 feet which
40 arc is subtended by a chord bearing South 01° 40' 15" West 89.00 feet, South 07°
41 45' 10" West 322.74 feet, by a tangent arc curving to the left with a radius of
42 750.00 feet the distance of 49.00 feet which arc is subtended by a chord bearing
43 South 05° 52' 53" West 48.98 feet, South 45° 07' 25" West 167.14 feet and South
44 41° 21' 30" West 90.18 feet to intersect the southwest side of Uplands Parkway;
45 thence binding on the southwest side of said Uplands Parkway, North 17° 18' 00"
46 West 58.54 feet, to intersect the northwest side of said Glen Allen Drive, and
47 thence binding on the northwest and west sides of said Glen Allen Drive, the five
48 following courses and distances; namely, North 41° 21' 30" East 125.44 feet, by a
49 tangent arc curving to the left with a radius of 270.00 feet the distance of 158.37

Council Bill 09-0362

1 feet which arc is subtended by a chord bearing North 24° 33' 20" East 156.11
2 feet, North 07° 45' 10" East 272.68 feet, by a tangent arc curving to the left with a
3 radius of 360.00 feet the distance of 76.43 feet which arc is subtended by a chord
4 bearing North 01° 40' 13" East 76.29 feet and North 04° 24' 45" West 36.35 feet
5 to the place of beginning.

6 Beginning for Parcel No. 6 at the point formed by the intersection of the northeast
7 side of Old Frederick Road, 60 feet wide, and the northwest side of Manordene
8 Road, 60 feet wide, and running thence binding on the northwest and north sides
9 of said Manordene Road, the three following courses and distances; namely,
10 North 47° 08' 00" East 210.00 feet, by a tangent arc curving to the right with a
11 radius of 337.00 feet the distance of 208.01 feet which arc is subtended by a chord
12 bearing North 64° 48' 55" East 204.72 feet, and by a line curving to the right with
13 a radius of 463.00 feet the distance of 260.07 feet, which arc is subtended by a
14 chord bearing South 81° 24' 40" East 256.67 feet; thence by a straight line South
15 24° 41' 09" West 60.00 feet to intersect the south side of said Manordene Road;
16 thence binding on the south and southeast sides of said Manordene Road, the
17 three following courses and distances; namely, by a line curving to the left with a
18 radius of 403.00 feet the distance of 226.36 feet which arc is subtended by a chord
19 bearing North 81° 24' 40" West 223.39 feet, by a line curving to the left with a
20 radius of 277.00 feet the distance of 170.98 feet which arc is subtended by a chord
21 bearing South 64° 48' 55" West 168.28 feet, and South 47° 08' 00" West 210.00
22 feet to intersect the northeast side of said Old Frederick Road, and thence binding
23 on the northeast side of said Old Frederick Road, North 42° 52' 00" West 60.00
24 feet to the place of beginning.

25 Beginning for Parcel No. 7 at the point formed by the intersection of the northeast
26 side of Old Frederick Road, 60 feet wide, and the northwest side of Edsdale Road,
27 60 feet wide, and running thence binding on the northwest, west, and southwest
28 sides of said Edsdale Road, the four following courses and distances; namely,
29 North 43° 38' 00" East 77.03 feet, by a tangent arc curving to the left with a
30 radius of 202.91 feet the distance of 113.05 feet which arc is subtended by a chord
31 bearing North 27° 40' 15" East 111.60 feet, North 11° 42' 30" East 255.00 feet,
32 and by a tangent arc curving to the left with a radius of 277.00 feet the distance of
33 372.40 feet which arc is subtended by a chord bearing North 26° 48' 20" West
34 344.98 feet; thence by a straight line North 24° 41' 09" East 60.00 feet to intersect
35 the northeast side of said Edsdale Road; thence binding on the northeast, east and
36 southeast sides of said Edsdale Road, the four following courses and distances;
37 namely, by a line curving to the right with a radius of 337.00 feet the distance of
38 453.06 feet which arc is subtended by a chord bearing South 26° 48' 20" East
39 419.70 feet, South 11° 42' 30" West 255.00 feet, by a tangent arc curving to the
40 right with a radius of 262.91 feet the distance of 146.50 feet which arc is
41 subtended by a chord bearing South 27° 40' 15" West 144.60 feet, and South 43°
42 38' 00" West 76.68 feet to intersect the northeast side of said Old Frederick Road,
43 and thence binding on the northeast side of said Old Frederick Road, the two
44 following courses and distances; namely, by a non-tangent arc curving to the right
45 with a radius of 3470.00 feet the distance of 49.00 feet which arc is subtended by
46 a chord bearing North 46° 46' 16" West 49.00 feet and North 46° 22' 00" West
47 11.00 feet to the place of beginning.

Council Bill 09-0362

1 Beginning for Parcel No. 8 at the point formed by the intersection of the north
2 side of Dunland Road, 60 feet wide, and the west side of Athol Avenue, 60 feet
3 wide, and running thence binding on the west side of said Athol Avenue, South
4 10° 00' 00" East 60.00 feet to intersect the south side of said Dunland Road;
5 thence binding on the south side of said Dunland Road, the three following
6 courses and distances; namely, South 80° 00' 00" West 84.98 feet, by a tangent
7 arc curving to the right with a radius of 265.00 feet the distance of 100.40 feet
8 which arc is subtended by a chord bearing North 89° 08' 45" West 99.80 feet, and
9 North 78° 17' 30" West 95.85 feet to intersect the east side of Edsdale Road, 60
10 feet wide; thence binding on the east side of said Edsdale Road, North 11° 42' 30"
11 East 60.00 feet to intersect the north side of said Dunland Road, and thence
12 binding on the north side of said Dunland Road, the three following courses and
13 distances; namely, South 78° 17' 30" East 95.84 feet, by a tangent arc curving to
14 the left with a radius of 205.00 feet the distance of 77.67 feet which arc is
15 subtended by a chord bearing South 89° 08' 45" East 77.21 feet, and North 80°
16 00' 00" East 84.98 feet to the place of beginning.

17 Beginning for Parcel No. 9 at the point formed by the intersection of the northeast
18 side of Old Frederick Road, 60 feet wide, and the northwest side of Dunland
19 Road, 60 feet wide, and running thence binding on the northwest and north sides
20 of said Dunland Road, the three following courses and distances; namely, North
21 47° 08' 00" East 150.51 feet, by a tangent arc curving to the right with a radius of
22 123.15 feet the distance of 117.30 feet which arc is subtended by a chord bearing
23 North 74° 25' 15" East 112.92 feet, and South 78° 17' 30" East 260.51 feet to
24 intersect the west side of Edsdale Road, 60 feet wide; thence binding on the west
25 side of said Edsdale Road, South 11° 42' 30" West 60.00 feet to intersect the
26 south side of said Dunland Road; thence binding on the south and southeast sides
27 of said Dunland Road, the three following courses and distances; namely, North
28 78° 17' 30" West 260.51 feet, by a tangent arc curving to the left with a radius of
29 63.15 feet the distance of 60.15 feet which arc is subtended by a chord bearing
30 South 74° 25' 15" West 57.90 feet, and South 47° 08' 00" West 149.88 feet to
31 intersect the northeast side of said Old Frederick Road, and thence binding on the
32 northeast side of said Old Frederick Road, the two following courses and
33 distances; namely, North 46° 22' 00" West 10.37 feet and North 42° 52' 00" West
34 49.65 feet to the place of beginning.

35 As delineated on Plat 342-A -13A, prepared by the Survey Control Section and originally filed
36 on May 22, 2009, in the Office of the Department of Public Works and now filed in the Office of
37 the Department of General Services.

38 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
39 closing of certain streets and the rights of all interested parties shall be regulated by and in
40 accordance with all applicable provisions of state and local law and with all applicable rules and
41 regulations adopted by the Director of ~~Public Works~~ General Services and filed with the
42 Department of Legislative Reference.

43 **SECTION 3. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all
44 subsurface structures and appurtenances now owned by the Mayor and City Council of
45 Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their
46 use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or
47 interfere with them, that person must first obtain permission from the Mayor and City Council

Council Bill 09-0362

1 and, in the application for this permission, must agree to pay all costs and expenses, of every
2 kind, arising out of the removal, alteration, or interference.

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

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

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

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

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