

**CITY OF BALTIMORE
COUNCIL BILL 06-0520
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: September 25, 2006
Assigned to: Highways and Franchises Subcommittee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **An 85-Foot Wide Portion of Fort Avenue**

4 FOR the purpose of condemning and closing an 85-foot wide portion of Fort Avenue, extending
5 from Fort McHenry National Monument, northwesterly 130.3 feet, as shown on Plat 346-A-
6 51A in the Office of the Department of Public Works; and providing for a special effective
7 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 shall proceed to condemn and close an 85-foot wide portion of Fort
18 Avenue, extending from Fort McHenry National Monument, northwesterly 130.3 feet, and more
19 particularly described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of the
21 southwest side of Fort Avenue, 82.5 feet wide, and the southeast side of Fort
22 Avenue, as realigned and widened to a width of 167.5 feet, said point of
23 beginning being distant 58.58 feet northwesterly measured along the southwest
24 side of Fort Avenue, 82.5 feet wide from the southeasternmost extremity thereof,
25 and running thence binding on the southeast side of Fort Avenue, 167.5 feet wide,
26 Southwesterly 85.0 feet to intersect the southwest side of last said Fort Avenue;
27 thence binding on the southwest side of last said Fort Avenue, Northwesterly
28 130.3 feet to intersect the northwest side of last said Fort Avenue; thence binding
29 on the northwest side of last said Fort Avenue, Northeasterly 85.0 feet to intersect

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

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1 the southwest side of Fort Avenue, as originally laid out 82.5 feet wide, and
2 thence binding on the southwest side of last said Fort Avenue, Southeasterly
3 130.3 feet to the place of beginning.

4 As delineated on Plat 346-A-51A, prepared by the Survey Control Section and filed on March
5 16, 2005, in the Office of the Department of Public Works.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
7 closing of a portion of Fort Avenue and the rights of all interested parties shall be regulated by
8 and in accordance with all applicable provisions of state and local law and with all applicable
9 rules and regulations adopted by the Director of Public Works and filed with the Department of
10 Legislative Reference.

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

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

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

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

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