

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 07-0832

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: October 15, 2007
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable
Council action: Adopted
Read second time: November 19, 2007

AN ORDINANCE CONCERNING

**City Streets – Closing –
Milliman Street, a 10-Foot Alley, and Portions of 2 Alleys**

FOR the purpose of condemning and closing (1) Milliman Street, extending from Broadway westerly to its westernmost extremity thereof, (2) a 10-foot alley, laid out along the north outline of the property known as No. 722 N. Broadway and extending from Broadway westerly 80.0 feet, more or less, (3) a 7.5-foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 724 through 730 N. Broadway and extending from Madison Street southerly 70.0 feet, more or less, and (4) a 7.5-foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 718 and 720 N. Broadway and distant northerly 26.0 feet, more or less, measured along the east side of said varying in width alley from the north side of Milliman Street, as shown on Plat 314-A-15G in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close (1) Milliman Street, extending from Broadway westerly to its westernmost extremity thereof, (2) a 10-foot alley, laid out along the north outline of the property known as No. 722 N. Broadway and extending from Broadway westerly 80.0 feet, more or less, (3) a 7.5-foot portion of a varying in width alley laid out in the rear of the properties known as Nos. 724 through 730 N. Broadway and extending from Madison Street southerly 70.0 feet, more or less, and (4) a 7.5-foot portion of a varying in width alley laid

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 out in the rear of the properties known as Nos. 718 and 720 N. Broadway and distant northerly
2 26.0 feet, more or less, measured along the east side of said varying in width alley from the north
3 side of Milliman Street, and more particularly described as follows:

4 Beginning for Parcel No. 1 at the point formed by the intersection of the north
5 side of Milliman Street, 40 feet wide, and the west side of Broadway, 130.6 feet
6 wide, and running thence binding on the west side of said Broadway, Southerly
7 40.0 feet to intersect the south side of said Milliman Street; thence binding on the
8 south side of said Milliman Street, Westerly 100.0 feet, more or less, to the
9 westernmost extremity of said Milliman Street; thence binding on the
10 westernmost extremity of said Milliman Street, Northerly 40.0 feet to intersect the
11 north side of said Milliman Street, and thence binding on the north side of said
12 Milliman Street, Easterly 100.0 feet, more or less, to the place of beginning.

13 Beginning for Parcel No. 2 at the point formed by the intersection of the west side
14 of Broadway, 130.6 feet wide, and the south side of a 10-foot alley, laid out along
15 the north outline of the property known as No. 722 N. Broadway, said point of
16 beginning being distant northerly 60.0 feet, more or less, measured along the west
17 side of said Broadway from the north side of Milliman Street, 40 feet wide, and
18 running thence binding on the south side of said 10 foot alley, Westerly 80.0 feet,
19 more or less; thence by a straight line drawn at a right angle to the south side of
20 said 10-foot alley, Northerly 10.0 feet to intersect the line of the north side of said
21 10-foot alley, if projected westerly; thence binding reversely on the line of the
22 north side of said 10 foot alley, so projected, on the north side of said 10-foot
23 alley, and in all, Easterly 80.0 feet to intersect the west side of said Broadway,
24 and thence binding on the west side of said Broadway, Southerly 10.0 feet to the
25 place of beginning.

26 Beginning for Parcel No. 3 at the point formed by the intersection of the south
27 side of Madison Street, 66 feet wide, and the east side of a varying in width alley
28 laid out in the rear of the properties known as Nos. 724 through 730 N.
29 Broadway, said point of beginning being distant westerly 72.5 feet, more or less,
30 measured along the south side of said Madison Street from the west side of
31 Broadway, 130.6 feet wide, and running thence binding on the east side of said
32 varying in width alley, Southerly 70.0 feet, more or less, to intersect the north side
33 of a 10-foot alley laid out along the north outline of the property known as No.
34 722 N. Broadway; thence binding on the north side of said 10-foot alley, Westerly
35 7.5 feet, to intersect a line drawn parallel with and distant 7.5 feet from the east
36 side of said varying in width alley; thence binding on said line so drawn,
37 Northerly 70.0 feet, more or less, to intersect the south side of said Madison
38 Street, and thence binding on the south side of said Madison Street, Easterly 7.5
39 feet to the place of beginning.

40 Beginning for Parcel No. 4 at a point on the east side of a varying in width alley,
41 laid out in the rear of the properties known as Nos. 718 and 720 N. Broadway,
42 and distant northerly 26.0 feet, more or less, measured along the east side of said
43 varying in width alley from the north side of Milliman Street, 40 feet wide, and
44 running thence by a straight line, Northerly 19.0 feet, more or less, to intersect the
45 north side of said varying in width alley, and thence binding on the north, east and
46 south sides of said varying in width alley, the three following courses and

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1 distances; namely, Easterly 7.5 feet, Southerly 19.0 feet, more or less, and
2 Westerly 7.5 feet to the place of beginning.

3 As delineated on Plat 314-A-15G, prepared by the Survey Control Section and filed on October
4 9, 2007, in the Office of the Department of Public Works.

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

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

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

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

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

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

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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