

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 08-0243**

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Introduced by: The Council President  
At the request of: The Administration (Department of Public Works)  
Introduced and read first time: November 24, 2008  
Assigned to: Highways and Franchises Subcommittee

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Committee Report: Favorable  
Council action: Adopted  
Read second time: June 8, 2009

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**AN ORDINANCE CONCERNING**

**1           Release of Right of Ways – (1) a 12-Foot Right of Way and (2) a Varying in Width**  
**2                     Right of Way Granted to the Mayor and City Council of Baltimore**  
**3                     Through the Property of Pompeian, Inc.**

4       FOR the purpose of authorizing the release and surrender by the Mayor and City Council  
5       of Baltimore of all of its interests in and to (1) a 12-foot wide right of way heretofore granted  
6       to the City of Baltimore through the property of Union Railroad Company of Baltimore and  
7       the Pennsylvania Railroad Company, currently owned by Pompeian, Inc., the location and  
8       course of the 12-foot wide right of way to be released being shown on Plat B.S.20-20589  
9       prepared by the Department of Public Works – Bureau of Sewers and (2) a varying in width  
10      right of way granted to the City of Baltimore through the property of Pompeian, Inc., the  
11      location and course of the varying in width right of way to be released being shown on Plat  
12      R.W.20-36189 prepared by the Survey Control Section; and providing for a special effective  
13      date.

14     BY authority of  
15       Article I - General Provisions  
16       Section 4  
17       and  
18       Article II - General Powers  
19       Section 31  
20       Baltimore City Charter  
21       (1996 Edition)

**22                     Recitals**

23       **WHEREAS**, By Agreement dated January 4, 1927, and granted unto the Mayor and City  
24       Council of Baltimore the right of way shown on a plat numbered B.S.20-20589 and dated  
25       August 27, 1926, and revised September 22, 1926, which plat is recorded with said  
26       Agreement; and

**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       **WHEREAS**, By Agreement dated September 1, 2006, and recorded among the Land Records  
2 of Baltimore City in Liber F.M.C. No. 8439, Folio 331, granted unto the Mayor and City  
3 Council of Baltimore the right of way shown on a plat numbered R.W.20-36189 and dated  
4 February 10, 2006, which plat is recorded with said Agreement; and

5       **WHEREAS**, The said right of ways hereinafter described are no longer needed for public use,  
6 the public utility that had previously been therein having been abandoned and/or relocated to  
7 another right of way that was granted unto the Mayor and City Council of Baltimore.

8       **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the  
9 Comptroller of Baltimore City be and is hereby authorized on the behalf of the Mayor and City  
10 Council of Baltimore to execute and deliver unto the owner or owners of the land within the  
11 right of ways hereinafter described, a release and surrender of all of the interest of the City of  
12 Baltimore in the right of ways described as follows:

13           Beginning for a 12-foot wide right of way to be extinguished at a point on the  
14 division line between the properties known as No. 4203 Pulaski Highway and No.  
15 200/400 N. Kresson Street said point being distant Southerly 519 feet, more or  
16 less, measured along said division line from the southeast side of Pulaski  
17 Highway, 80 feet wide, and running thence binding on said division line  
18 Southerly 12.0 feet, more or less; thence by a straight line through the property  
19 now or formerly owned by Pompeian, Inc. Westerly 221 feet, more or less, to  
20 intersect the division line between the property known as No. 4203 Pulaski  
21 Highway and the property of Norfolk Southern Railroad Company, there situate;  
22 thence binding on last said division line Northerly 12.0 feet, more or less, and  
23 thence by a straight line through said property 221 feet, more or less, to the place  
24 of beginning.

25           Beginning for a varying in width right of way at a point on the third line of the  
26 first parcel of land conveyed by Laco Corporation to Pompeian, Inc. by deed  
27 dated October 10, 1975 and recorded among the Land Records of Baltimore City  
28 in Liber R.H.B. No. 3281, Folio 226, said point of beginning being distant South  
29 02° 56' 59" East 525.69 feet, measured along the east right of way line of the  
30 Norfolk Southern Railroad Right of Way, there situate, from the southeast side of  
31 Pulaski Highway, 80 feet wide, and having a coordinate value of East 15,248.980  
32 feet and South 615.762 feet, and running thence by straight lines through the  
33 property now or formerly owned by Pompeian, Inc. the four following courses  
34 and distances; namely, North 86° 26' 31" East 168.10 feet, South 03° 33' 29" East  
35 15.00 feet, South 86° 26' 31" West 159.16 feet and South 67° 37' 26" West 9.65  
36 feet to intersect the third line of the first parcel of land described in said deed, and  
37 thence binding on the third line of the first parcel of land described in said deed  
38 and on the east right of way line of the Norfolk Southern Railroad Right of Way  
39 North 02° 56' 59" West 18.11 feet, as now surveyed, to the place of beginning.

40       Containing 2,536.92 square feet of land, more or less.

41       The use of the right of ways described hereinabove is no longer needed for public purposes.

42       **SECTION 2. AND BE IT FURTHER ORDAINED**, That no deed may pass under this Ordinance  
43 unless the deed has been approved by the City Solicitor.

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1       **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it  
2 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