

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 18-0303

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: November 19, 2018
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable
Council action: Adopted
Read second time: March 11, 2019

AN ORDINANCE CONCERNING

**City Streets – Closing –
A Portion of West Barney Street**

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3 FOR the purpose of condemning and closing a portion of West Barney Street, extending Easterly
4 208 feet, more or less, to the east side of Clarkson Street from the intersection of the south
5 side of West Barney Street east side of Race Street, as shown on Plat 128-A-36A in the
6 Office of the Department of Transportation; and providing for a special effective date.

7 BY authority of
8 Article I - General Provisions
9 Section 4
10 and
11 Article II - General Powers
12 Sections 2, 34, 35
13 Baltimore City Charter
14 (1996 Edition)

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
16 Department of Transportation shall proceed to condemn and close a portion of West Barney
17 Street, extending Easterly 208 feet, more or less, to the east side of Clarkson Street from the
18 intersection of the south side of West Barney Street east side of Race Street, and more
19 particularly described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of a point offset
21 16 feet from the south side of West Barney Street 66 feet wide, so projected, and
22 the east side of Clarkson Street 40 feet wide, so projected, the point of beginning
23 being distant Westerly 188 feet, more or less, measured along the south side of
24 West Barney Street from the point formed by the intersection of the south side of
25 West Barney Street and the west side of South Hanover Street 66 feet wide;
26 thence binding on the west side of Clarkson Street Southerly 16 feet, to the south
27 side of West Barney Street; thence binding on the south side of West Barney
28 Street Westerly 208 feet, more or less, to intersect the east side of Race Street 66

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 feet wide; thence binding on the east side of Race Street Northerly 16 feet, to a
2 point offset 16 feet from the south side of Barney Street; and thence Easterly 208
3 feet, more or less, to the place of beginning.

4 Containing 3,328 square feet or 0.076 acres, more or less.

5 As delineated on Plat 128-A-36A, prepared by the Survey Section and filed on October 30, 2018,
6 in the Office of the Department of Transportation.

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

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

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

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

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

36 **SECTION 7. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is
37 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