

CITY OF BALTIMORE
ORDINANCE 23-283
Council Bill 23-0396

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: June 12, 2023
Assigned to: Economic and Community Development Committee
Committee Report: Favorable
Council action: Adopted
Read second time: October 16, 2023

AN ORDINANCE CONCERNING

**City Streets – Closing –
A 20 Foot Alley and Two 10 Foot Alleys**

FOR the purpose of condemning and closing a 20 foot alley and two 10 foot alleys bounded by Park Heights Avenue, Woodland Avenue, Denmore Avenue, and West Garrison Avenue, as shown on a plat numbered 317-A-28A dated March 6, 2023, and filed in the Department of Transportation; 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 Transportation shall proceed to condemn and close a 20 foot alley and two 10 foot alleys bounded by Park Heights Avenue, Woodland Avenue, Denmore Avenue, and West Garrison Avenue, and more particularly described as follows:

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 23-0396

Beginning for Parcel 1 at the point formed by the intersection of the northwest side of a 20 foot alley and the southeast side of a 10 foot alley, said point of beginning being distant Southwesterly 134.8 feet, more or less, measured along the northwest side of said 20 foot alley from the west side of Park Heights Avenue, 85 feet wide; thence binding on the northwest side of said 20 foot alley Southwesterly 10 feet, more or less, to the southwest side of said 10 foot alley; thence binding on the southwest side of said 10 foot alley Northwesterly 290.3 feet, more or less, to intersect the south side of a 10 foot alley; thence binding on the south side of said 10 foot alley, the four following courses and distances namely; Westerly 10 feet; thence Northerly 10 feet; thence Easterly 8.8 feet, more or less; thence Northerly 8.9 feet, more or less, to a point formed by the intersection of the south side of the property known as 4910 Park Heights Avenue, so projected and the west side of said 10 foot alley; thence Easterly 10 feet to the east side of said 10 foot alley laid out in the rear of a property known as 4910 Park Heights Avenue and thence Southeasterly 307.3 feet, more or less, to the place of beginning.

Containing 3179.88 square feet or 0.073 acres more or less.

Beginning for Parcel 2 at the point formed by the intersection of the westerly side of Park Heights Avenue, 85 feet wide, and the south side of a 20 foot Alley, said point of beginning being distant Northwesterly 172 feet, more or less, measured along the westerly side of said Park Heights Avenue from the north side of Woodland Avenue, 60 feet wide; thence binding on the south side of said 20 foot alley, Southwesterly 153 feet, more or less, to the west side of a 10 foot alley; thence Northerly 20 feet, across a portion of the northeastern most extremity of a 30 foot alley to the north side of said 20 foot alley; thence Northeasterly 152.9 feet, more or less, to intersect the west side of said Park Heights Avenue and thence binding thereon Southerly 20 feet, more or less, to the place of beginning.

Containing 1424.41 square feet or 0.0327 acres more or less.

Beginning for Parcel 3 at the point formed by the intersection of the north side of Woodland Avenue, 60 feet wide, and the southeast side of a 10 foot alley, said point of beginning being distant Southwesterly 139 feet, more or less, measured along the northwest side of said Woodland Avenue from the southwest side of Park Heights Avenue, 85 feet wide; thence binding on the northwest side of said Woodland Avenue, so projected, Westerly 10 feet to the west side of said 10 foot alley; thence binding on the west side of said 10 foot alley Northerly 141.5 feet, more or less, to the southeast side of a 20 foot alley, thence Easterly 10 feet, more or less, along the southeast side of said 20 foot alley to the east side of said 10 foot alley and thence binding on said alley, Southerly 143.5 feet, more or less, to the place of beginning.

Containing 3057.91 square feet or 0.0702 acres more or less.

As delineated on a plat numbered 317-A-28A prepared by the Survey Control Section and filed on March 6, 2023 in the Office of the Department of Transportation.

Council Bill 23-0396

1 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
2 closing of a 20 foot alley and two 10 foot alleys bounded by Park Heights Avenue, Woodland
3 Avenue, Denmore Avenue, and West Garrison Avenue and the rights of all interested parties
4 shall be regulated by and in accordance with all applicable provisions of state and local law and
5 with all applicable rules and regulations.

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

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

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

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

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

Council Bill 23-0396

Certified as duly passed this 30 day of October, 2023



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 30 day of October, 2023



Chief Clerk

Approved this 4th day of December, 2023



Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 2nd Day of November, 2023.

Elena R. DiPietro
Chief Solicitor