

**CITY OF BALTIMORE  
COUNCIL BILL 08-0235  
(First Reader)**

---

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

---

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 **Diamond Street**

4 FOR the purpose of condemning and closing Diamond Street, extending from Fayette Street  
5 northerly 220.2 feet, more or less, to Shad Alley, as shown on Plat 347-A-63A in the Office  
6 of the Department of Public Works; 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 Public Works shall proceed to condemn and close Diamond Street, extending  
17 from Fayette Street northerly 220.2 feet, more or less, to Shad Alley, and more particularly  
18 described as follows:

19 Beginning for Parcel No. 1 at the point formed by the intersection of the north  
20 side of Fayette Street, 66 feet wide, and the east side of Diamond Street, 20 feet  
21 wide, said point of beginning being distant westerly 150.0 feet, more or less,  
22 measured along the north side of said Fayette Street from the west side of Paca  
23 Street, 82.5 feet wide, and running thence binding on the north side of said  
24 Fayette Street, Westerly 20.0 feet to intersect the west side of said Diamond  
25 Street; thence binding on the west side of said Diamond Street, Northerly 220.2  
26 feet, more or less, to intersect the line of the south side of Shad Alley, 12 feet  
27 wide, if projected easterly; thence binding on the line of the south side of said  
28 Shad Alley, so projected, and at a right angle to said Diamond Street, Easterly

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

**Council Bill 08-0235**

1           20.0 feet to intersect the east side of said Diamond Street, and thence binding on  
2           the east side of said Diamond Street, Southerly 220.2 feet, more or less, to the  
3           place of beginning.

4           As delineated on Plat 347-A-63A, prepared by the Survey Control Section and filed on October  
5           3, 2003, 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 Diamond Street and the rights of all interested parties shall be regulated by and in  
8           accordance with all applicable provisions of state and local law and with all applicable rules and  
9           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.