

**CITY OF BALTIMORE
COUNCIL BILL 11-0680
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: April 11, 2011
Assigned to: Highways and Franchises Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: Planning Commission, Department of Housing and Community Development, Department of General Services, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **Certain Streets and Alleys Bounded by Reisterstown Road, Rogers Avenue,**
4 **Gist Avenue, and Hayward Avenue**

5 FOR the purpose of condemning and closing certain streets and alleys bounded by Reisterstown
6 Road, Rogers Avenue, Gist Avenue, and Hayward Avenue, as shown on Plat 254-A-40A in
7 the Office of the Department of General Services; and providing for a special effective date.

8 By authority of
9 Article I - General Provisions
10 Section 4
11 and
12 Article II - General Powers
13 Sections 2, 34, 35
14 Baltimore City Charter
15 (1996 Edition)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Department of General Services shall proceed to condemn and close certain streets and alleys
18 bounded by Reisterstown Road, Rogers Avenue, Gist Avenue, and Hayward Avenue, and more
19 particularly described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of the
21 northwest side of Lewiston Avenue, 50 feet wide, and the southwest side of
22 Tippet Avenue, 50 feet wide, and running thence binding on the southwest side
23 of said Tippet Avenue North 47° 24' 19" West 531.15 feet to intersect the line of
24 the southeast side of a 15 foot alley laid out in the rear of the properties known as
25 Nos. 4001 through 4017 W. Rogers Avenue, if projected southwesterly; thence
26 binding reversely on said line, so projected, North 47° 05' 45" East 50.15 feet to
27 intersect the northeast side of said Tippet Avenue; thence binding on the
28 northeast side of said Tippet Avenue South 47° 24' 19" East 527.21 feet to

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

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1 intersect the northwest side of said Lewiston Avenue, and thence binding on the
2 northwest side of said Lewiston Avenue South 42° 35' 41" West 50.00 feet to the
3 place of beginning.

4 Beginning for Parcel No. 2 at the point formed by the intersection of the
5 southwest side of Tippett Avenue, 50 feet wide, and the southeast side of a 10
6 foot alley laid out in the rear of the properties known as Nos. 4026 through 4032
7 Lewiston Avenue, said point of beginning being distant North 47° 24' 19" West
8 140.0 feet, more or less, measured along the southwest side of said Tippett
9 Avenue from the northwest side of Lewiston Avenue, 50 feet wide, and running
10 thence binding on the southeast side of said 10 foot alley South 42° 35' 41" West
11 91.21 feet to the southwesternmost extremity of said 10 foot alley, there situate;
12 thence binding on the southwesternmost extremity of said 10 foot alley North 47°
13 24' 19" West 10.00 feet to intersect the northwest side of said 10 foot alley;
14 thence binding on the northwest side of said 10 foot alley North 42° 35' 41" East
15 91.21 feet to intersect the southwest side of said Tippett Avenue, and thence
16 binding on the southwest side of said Tippett Avenue South 47° 24' 19" East
17 10.00 feet to the place of beginning.

18 Beginning for Parcel No. 3 at the point formed by the intersection of the southeast
19 side of Rockfield Avenue, 50 feet wide, and the northeast side of Tippett Avenue,
20 50 feet wide, and running thence binding on the northeast side of said Tippett
21 Avenue North 47° 24' 19" West 50.14 feet to intersect the northwest side of said
22 Rockfield Avenue; thence binding on the northwest side of said Rockfield
23 Avenue North 38° 22' 24" East 85.23 feet to intersect the line of the southwest
24 side of a 16 foot alley laid out in the rear of the property known as No. 5401/5443
25 Tippett Avenue, if projected northwesterly; thence binding reversely on said line,
26 so projected, South 47° 24' 19" East 50.14 feet to intersect the southeast side of
27 said Rockfield Avenue, and thence binding on the southeast side of said Rockfield
28 Avenue South 38° 22' 24" West 85.23 feet to the place of beginning.

29 Beginning for Parcel No. 4 at the point formed by the intersection of southeast
30 side of Lewiston Avenue, 50 feet wide, and the northeast side of a 12 foot alley
31 laid out contiguous to the southwest outline of the property known as No. 4041
32 Lewiston Avenue, said point of beginning being distant South 42° 35' 41" West
33 100.0 feet, more or less, measured along the southeast side of said Lewiston
34 Avenue from the southwest side of Tippett Avenue, 50 feet wide, and running
35 thence binding on the northeast side of said 12 foot alley South 47° 24' 19" East
36 100.00 feet to the southeasternmost extremity of said 12 foot alley, there situate;
37 thence binding on the southeasternmost extremity of said 12 foot alley South 42°
38 35' 41" West 12.00 feet to intersect the southwest side of said 12 foot alley;
39 thence binding on the southwest side of said 12 foot alley North 47° 24' 19" West
40 100.00 feet to intersect the southeast side of said Lewiston Avenue, and thence
41 binding on the southeast side of said Lewiston Avenue North 42° 35' 41" East
42 12.00 feet to the place of beginning.

43 Beginning for Parcel No. 5 at the point formed by the intersection of the
44 southwest side of Tippett Avenue, 50 feet wide, and the southeast side of
45 Rockfield Avenue, variable width, and running thence binding on the southeast
46 and southwest sides of said Rockfield Avenue the three following courses and
47 distances; namely, South 38° 22' 24" West 150.41 feet, South 47° 24' 19" East

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1 6.24 feet and South 38° 22' 24" West 150.41 feet to intersect the northeast side of
2 Reisterstown Road, 66 feet wide; thence binding on the northeast side of said
3 Reisterstown Road North 47° 24' 19" West 21.28 feet to intersect the northwest
4 side of said Rockfield Avenue; thence binding on the northwest side of said
5 Rockfield Avenue North 38° 22' 24" East 300.82 feet to intersect the southwest
6 side of said Tippet Avenue, and thence binding on the southwest side of said
7 Tippet Avenue South 47° 24' 19" East 15.04 feet to the place of beginning.

8 Beginning for Parcel No. 6 at the point formed by the intersection of the
9 southwest side of a varying in width alley laid out through the property now or
10 formerly owned by Hilltop Development Associates, L.L.C., known as No.
11 5431/5455 Reisterstown Road and the southeast side of Rogers Avenue, 80 feet
12 wide, said point of beginning being distant North 43° 44' 44" East 159.2 feet,
13 more or less, measured along the southeast side of said Rogers Avenue from the
14 northeast side of Reisterstown Road, 66 feet wide, and running thence binding on
15 the southeast side of said Rogers Avenue North 43° 44' 44" East 20.01 feet to
16 intersect the northeast side of said varying in width alley; thence binding on the
17 northeast and north sides of said varying in width alley the six following courses
18 and distances; namely, South 47° 48' 41" East 65.88 feet, South 89° 11' 41" East
19 35.55 feet, South 47° 48' 41" East 51.00 feet, North 86° 58' 09" East 46.38 feet,
20 South 47° 48' 41" East 82.00 feet and North 42° 11' 19" East 62.54 feet to
21 intersect the southwest side of Tippet Avenue, 50 feet wide; thence binding on
22 the southwest side of said Tippet Avenue South 47° 24' 19" East 10.00 feet to
23 intersect the southwest side of said varying in width alley, and thence binding on
24 the southwest and south sides of said varying in width alley the six following
25 courses and distances; namely, South 42° 11' 19" West 79.80 feet, North 47° 48'
26 41" West 72.00 feet, South 42° 11' 19" West 32.92 feet, North 47° 48' 41" West
27 98.75 feet, South 42° 11' 19" West 26.17 feet and North 47° 48' 41" West 98.02
28 feet to the place of beginning.

29 As delineated on Plat 254-A-40A, prepared by the Survey Control Section and filed on February
30 9, 2011, in the Office of the Department of General Services.

31 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
32 closing of certain streets and alleys and the rights of all interested parties shall be regulated by
33 and in accordance with all applicable provisions of state and local law and with all applicable
34 rules and regulations adopted by the Director of General Services and filed with the Department
35 of Legislative Reference.

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

43 **SECTION 4. AND BE IT FURTHER ORDAINED,** That no building or structure of any kind
44 (including but not limited to railroad tracks) may be constructed or erected in or on any part of
45 the certain streets and alleys closed under this Ordinance until all subsurface structures and
46 appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the

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1 Mayor and City Council or, at the expense of the person seeking to erect the building or
2 structure, have been removed and relaid in accordance with the specifications and under the
3 direction of the Director of General Services of Baltimore City.

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

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

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