

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 09-0360

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: July 13, 2009
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: September 21, 2009

AN ORDINANCE CONCERNING

**City Streets – Closing –
Two Portions of Penn Street**

FOR the purpose of condemning and closing (1) a portion of Penn Street, extending from Lombard Street, North 02° 49' 40" West 346.42 feet to Redwood Street and (2) a portion of Penn Street at a point on the east side thereof, distant North 02° 49' 40" West 107.33 feet from the north side of Lombard Street and extending North 02° 49' 40" West 239.09 feet, as shown on Plat 184-A-23A in the Office of the Department of ~~Public Works~~ General Services; 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 ~~Public Works~~ General Services shall proceed to condemn and close (1) a portion of Penn Street, extending from Lombard Street, North 02° 49' 40" West 346.42 feet to Redwood Street and (2) a portion of Penn Street at a point on the east side thereof, distant North 02° 49' 40" West 107.33 feet from the north side of Lombard Street and extending North 02° 49' 40" West 239.09 feet, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the east side of Penn Street, 55 feet wide, and the north side of Lombard Street, 66 feet wide, and at a horizontal plane having an elevation of 67.62 feet and extending to an elevation of unlimited height, and running thence binding on the north side of said Lombard Street, South 87° 10' 20" West 24.00 feet; thence by a straight line parallel and distant 24.00 feet from the east side of said Penn Street, North 02°

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 49' 40" West 346.42 feet to intersect the south side of Redwood Street, 60 feet
2 wide; thence binding on the south side of said Redwood Street, North 87° 10' 20"
3 East 9.00 feet to intersect the west side of Lot 36A of Block 630, and previously
4 closed under Ordinance No. 169, approved October 10, 1988; thence binding on
5 the west and south sides of said Lot 36A of Block 630, the two following courses
6 and distances; namely, South 02° 49' 40" East 239.09 feet and North 87° 10' 20"
7 East 15.00 feet to intersect the east side of said Penn Street, and thence binding on
8 the east side of said Penn Street, South 02° 49' 40" East 107.33 feet to the place
9 of beginning.

10 Beginning for Parcel No. 2 at a point on the east side of Penn Street, 55 feet wide,
11 distant North 02° 49' 40" West 107.33 feet measured along the east side of said
12 Penn Street from the north side of Lombard Street, 66 feet wide, and at a
13 horizontal plane having an elevation of 67.62 feet and extending to an elevation
14 of 150.00 feet, and running thence by a straight line, South 87° 10' 20" West
15 15.00 feet to intersect a line drawn parallel with and distant 15.00 feet westerly
16 measured at right angles from the east side of said Penn Street; thence binding on
17 said line so drawn, North 02° 49' 40" West 239.09 feet to intersect the south side
18 of Redwood Street, 60 feet wide; thence binding on the south side of said
19 Redwood Street, North 87° 10' 20" East 15.00 feet to intersect the east side of
20 said Penn Street, and thence binding on the east side of said Penn Street, South
21 02° 49' 40" East 239.09 feet to the place of beginning.

22 As delineated on Plat 184-A-23A, prepared by the Survey Control Section and originally filed on
23 June 4, 2009, in the Office of the Department of Public Works and now filed in the Office of the
24 Department of General Services.

25 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
26 closing of two portions of Penn Street and the rights of all interested parties shall be regulated by
27 and in accordance with all applicable provisions of state and local law and with all applicable
28 rules and regulations adopted by the Director of ~~Public Works~~ General Services and filed with
29 the Department of Legislative Reference.

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

37 **SECTION 4. AND BE IT FURTHER ORDAINED,** That no building or structure of any kind
38 (including but not limited to railroad tracks) may be constructed or erected in or on any part of
39 the street closed under this Ordinance until all subsurface structures and appurtenances owned by
40 the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council
41 or, at the expense of the person seeking to erect the building or structure, have been removed and
42 relaid in accordance with the specifications and under the direction of the Director of Public
43 Works of Baltimore City.

44 **SECTION 5. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all
45 subsurface structures and appurtenances owned by any person other than the Mayor and City

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1 Council of Baltimore shall be removed by and at the expense of their owners, promptly upon
2 notice to do so from the Director of Public Works.

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

9 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
10 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