

**CITY OF BALTIMORE
COUNCIL BILL 09-0296
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: March 16, 2009
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 **Oakhill Avenue**

4 FOR the purpose of condemning and closing Oakhill Avenue, extending from 20th Street,
5 Northerly 90.0 feet, more or less, to the south side of a 15-foot alley laid out in the rear of the
6 properties known as 800 through 928 East 20th Street, as shown on Plat 190-A-27 in the
7 Office of the Department of Public Works; 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 Public Works shall proceed to condemn and close Oakhill Avenue, extending
18 from 20th Street, Northerly 90.0 feet, more or less, to the south side of a 15-foot alley laid out in
19 the rear of the properties known as 800 through 928 East 20th Street, and more particularly
20 described as follows:

21 Beginning for Parcel No. 1 at the point formed by the intersection of the north
22 side of 20th Street, 66 feet wide, and the west side of Oakhill Avenue, varying in
23 width, and running thence binding on the west side of said Oakhill Avenue,
24 Northerly 90.0 feet, more or less. to intersect the south side of a 15-foot alley, laid
25 out in the rear of the properties known as Nos. 800 through 928 E. 20th Street;
26 thence binding on the south side of said 15-foot alley, Easterly 58.4 feet, more or
27 less, to intersect the east side of said Oakhill Avenue; thence binding on the east
28 side of said Oakhill Avenue, Southerly 90.0 feet, more or less, to intersect the

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

Council Bill 09-0296

1 north side of said 20th Street, and thence binding on the north side of said 20th
2 Street, Westerly 59.3 feet, more or less, to the place of beginning.

3 As delineated on Plat 190-A-27, prepared by the Survey Control Section and filed on January 26,
4 2009 in the Office of the Department of Public Works.

5 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
6 closing of Oakhill Avenue and the rights of all interested parties shall be regulated by and in
7 accordance with all applicable provisions of state and local law and with all applicable rules and
8 regulations adopted by the Director of Public Works and filed with the Department of
9 Legislative Reference.

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

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

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

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

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