

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 06-0332

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: February 6, 2006
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: May 1, 2006

AN ORDINANCE CONCERNING

**City Streets – Closing –
Portland Street**

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2
3 FOR the purpose of condemning and closing Portland Street, extending from Greene Street
4 Easterly 103.4 feet, more or less, to Washington Boulevard, as shown on Plat 348-A-85 in
5 the Office of the Department of Public Works; and providing for a special effective date.

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

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
15 Department of Public Works shall proceed to condemn and close Portland Street, extending from
16 Greene Street Easterly 103.4 feet, more or less, to Washington Boulevard, and more particularly
17 described as follows:

18 Beginning for Parcel No. 1 at the point formed by the intersection of the east side
19 of Greene Street, 66 feet wide, and the north side of Portland Street, 66 feet wide,
20 and running thence binding on the north side of said Portland Street, Easterly
21 103.4 feet, more or less, to intersect the northwest side of Washington Boulevard,
22 50 feet wide; thence binding on the northwest side of said Washington Boulevard,
23 Southwesterly 118.6 feet, more or less, to intersect the southwest side of said
24 Portland Street; thence binding on the southwest side of said Portland Street,
25 Northwesterly by a line curving to the right with a radius of 3.00 feet the distance
26 of 6.5 feet, more or less, to intersect the east side of said Greene Street, and
27 thence binding on the east side of said Greene Street, Northerly 63.0 feet, more or
28 less, to the place of beginning.

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 As delineated on Plat 348-A-85, prepared by the Survey Control Section and filed on January 11,
2 2006, in the Office of the Department of Public Works.

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

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

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

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, unless the owner of the property agrees that
28 such subsurface structures and appurtenances may remain. At all times after the closing under
29 this Ordinance and prior to any removal of the subsurface structures and appurtenances, the
30 owner of such subsurface structures and appurtenances or its authorized representatives shall
31 have access to the subject property and to all the subsurface structures and appurtenances owned
32 and used by such owner, for the purpose of maintaining, repairing, altering, relocating, or
33 replacing them, without need to obtain permission from or pay compensation to the owner of the
34 subject property.

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

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

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City