

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 11-0748

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: August 15, 2011
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable
Council action: Adopted
Read second time: October 17, 2011

AN ORDINANCE CONCERNING

1 City Streets – Closing – Certain Streets and Alleys Bounded by
2 Ashland Avenue, Chester Street, Eager Street, and Patterson Park Avenue

3 FOR the purpose of condemning and closing certain streets and alleys bounded by Ashland
4 Avenue, Chester Street, Eager Street, and Patterson Park Avenue and lying within the Middle
5 East Urban Renewal Project, as shown on Plat 348-A-89A in the Office of the Department of
6 General Services; 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 General Services shall proceed to condemn and close certain streets and alleys
17 bounded by Ashland Avenue, Chester Street, Eager Street, and Patterson Park Avenue and lying
18 within the Middle East Urban Renewal Project, and more particularly described as follows:

19 Beginning for Parcel No. 1 at the point formed by the intersection of the north
20 side of Ashland Avenue, 66 feet wide, and the west side of Collington Avenue, 66
21 feet wide, and running thence binding on the west side of said Collington Avenue,
22 Northerly 433.3 feet, more or less, to intersect the south side of Eager Street, 66
23 feet wide; thence binding on the south side of said Eager Street, Easterly 66.00
24 feet to intersect the east side of said Collington Avenue; thence binding on the
25 east side of said Collington Avenue, Southerly 433.3 feet, more or less, to
26 intersect the north side of said Ashland Avenue; and thence binding on the north
27 side of said Ashland Avenue, Westerly 66.00 feet 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 Beginning for Parcel No. 2 at the point formed by the intersection of the north
2 side of Ashland Avenue, 66 feet wide, and the west side of Duncan Street, 20 feet
3 wide, and running thence binding on the west side of said Duncan Street,
4 Northerly 433.3 feet, more or less, to intersect the south side of Eager Street, 66
5 feet wide; thence binding on the south side of said Eager Street, Easterly 20.00
6 feet to intersect the east side of said Duncan Street; thence binding on the east
7 side of said Duncan Street, Southerly 433.3 feet, more or less, to intersect the
8 north side of said Ashland Avenue; and thence binding on the north side of said
9 Ashland Avenue, Westerly 20.00 feet to the place of beginning.

10 Beginning for Parcel No. 3 at the point formed by the intersection of the north
11 side of Ashland Avenue, 66 feet wide, and the west side of a 10-foot alley, laid
12 out in the rear of the properties known as Nos. 901 through 957 N. Chester Street,
13 said point of beginning being distant Easterly 58.0 feet, more or less, measured
14 along the north side of said Ashland Avenue, from the east side of Chester Street,
15 66 feet wide, and running thence binding on the west side of said 10-foot alley,
16 Northerly 348.8 feet, more or less, to intersect the north side of a 10-foot alley,
17 laid out contiguous to the south outline of the property known as No. 959 N.
18 Chester Street; thence binding in part on the south outline of the property known
19 as No. 959 N. Chester Street, in part on the line of the south outline of said No.
20 959 N. Chester Street, if projected easterly, and in all, Easterly 5.0 feet to
21 intersect the rear of the property known as No. 952 N. Duncan Street; thence
22 binding on the rear of the property known as No. 952 N. Duncan Street, Southerly
23 5.8 feet, more or less, to the south outline of said No. 952 N. Duncan Street;
24 thence binding on the south outline of said No. 952 N. Duncan Street, Easterly 5.0
25 feet to intersect the east side of said 10-foot alley, mentioned firstly herein; thence
26 binding on the east side of said 10-foot alley, mentioned firstly herein, Southerly
27 343.0 feet, more or less, to intersect the north side of said Ashland Avenue; and
28 thence binding on the north side of said Ashland Avenue, Westerly 10.0 feet to
29 the place of beginning.

30 Beginning for Parcel No. 4 at the point formed by the intersection of the north
31 side of a 10-foot alley laid out in the rear of the properties known as Nos. 2110
32 through 2126 Ashland Avenue and the west side of a 9-foot alley, laid out in the
33 rear of the properties known as Nos. 901 through 941 N. Duncan Street, said point
34 of beginning being Easterly 46.0 feet, more or less, measured along the north side
35 of said 10-foot alley from the east side of Duncan Street, 20 feet wide, and thence
36 binding on the west side of said 9-foot alley, Northerly 252.0 feet, more or less, to
37 intersect the south side of a 13-foot alley, laid out contiguous to the north outline
38 of the property known as No. 941 N. Duncan Street; thence binding on the south
39 side of said 13-foot alley, Easterly 9.0 feet to intersect the east side of said 9-foot
40 alley; thence binding on the east side of said 9-foot alley, Southerly 252.0 feet,
41 more or less, to intersect the north side of said 10-foot alley; and thence binding
42 on the north side of said 10-foot alley, Westerly 9.0 feet to the place of beginning.

43 Beginning for Parcel No. 5 at the point formed by the intersection of the east side
44 of Chester Street, 66 feet wide, and the north side of a 10-foot alley laid out
45 contiguous to the south outline of the property known as No. 959 N. Chester
46 Street, said point of beginning being distant Southerly 84.5 feet, more or less,
47 measured along the east side of said Chester Street from the south side of Eager
48 Street, 66 feet wide, and running thence binding on the north side of said 10-foot

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1 alley, Easterly 58.0 feet, more or less, to intersect the west side of a 10-foot alley,
2 laid out in the rear of the properties known as Nos. 901 through 957 N. Chester
3 Street; thence binding on the west side of last said 10-foot alley, Southerly 10.0
4 feet, to intersect the south side of said 10-foot alley, mentioned firstly herein;
5 thence binding on the south side of said 10-foot alley, mentioned firstly herein,
6 Westerly 58.0 feet, more or less, to intersect the east side of said Chester Street;
7 and thence binding on the east side of said Chester Street, Northerly 10.0 feet to
8 the place of beginning.

9 Beginning for Parcel No. 6 at the point formed by the intersection of the west side
10 of Collington Street, 66 feet wide, and the south side of a 10-foot alley, laid out in
11 the rear of the properties known as Nos. 2110 through 2126 Ashland Avenue, said
12 point of beginning being distant Northerly 70.0 feet, more or less, measured along
13 the west side of said Collington Avenue, from the north side of Ashland Avenue,
14 66 feet wide, and running thence binding on the south side of said 10-foot alley,
15 Westerly 123.0 feet, more or less, to intersect the east side of Duncan Street, 20
16 feet wide; thence binding on the east side of said Duncan Street, Northerly 10.0
17 feet, to intersect the north side of said 10-foot alley; thence binding on the north
18 side of said 10-foot alley, Easterly 123.0 feet, more or less, to intersect the west
19 side of said Collington Avenue; and thence binding on the west side of said
20 Collington Avenue, Southerly 10.0 feet to the place of beginning.

21 Beginning for Parcel No. 7 at the point formed by the intersection of the east side
22 of Duncan Street, 20 feet wide, and the north side of a 13-foot alley, laid out
23 contiguous to the south outline of the property known as No. 951 N. Duncan
24 Street, said point of beginning being distant Southerly 89.0 feet, more or less,
25 measured along the east side of said Duncan Street, from the south side of Eager
26 Street, 66 feet wide, and running thence binding on the north side of said 13-foot
27 alley, Easterly 55.0 feet, more or less, to intersect the line of the east side of a 9-
28 foot alley, if projected northerly, laid out in the rear of the properties known as
29 Nos. 901 through 941 N. Duncan Street; thence binding reversely on the line of
30 the east side of said 9-foot alley, so projected, Southerly 13.0 feet, to intersect the
31 south side of said 13-foot alley; thence binding on the south side of said 13-foot
32 alley, Westerly 55.0 feet, more or less, to intersect the east side of said Duncan
33 Street; and thence binding on the east side of said Duncan Street, Northerly 13.0
34 feet, to the place of beginning.

35 Beginning for Parcel No. 8 at the point formed by the intersection of the west side
36 of a 3-foot alley, laid out in the rear of the properties known as Nos. 959 through
37 971 N. Chester Street and the south side of Eager Street, 66 feet wide, said point
38 of beginning being distant Easterly 60.0 feet, more or less, measured along the
39 south side of said Eager Street from the east side of Chester Street, 66 feet wide,
40 and running thence binding on the south side of said Eager Street, Easterly 3.0
41 feet to intersect the east side of said 3-foot alley; thence binding on the east side
42 of said 3-foot alley, Southerly 84.5 feet, more or less, to intersect the line of the
43 south outline of the property known as No. 959 N. Chester Street, if projected
44 easterly; thence binding reversely on the line of said south outline, so projected,
45 Westerly 3.0 feet to intersect the west side of said 3-foot alley; and thence binding
46 on the west side of said 3-foot alley, Northerly 84.5 feet, more or less, to the place
47 of beginning.

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1 Beginning for Parcel No. 9 at the point formed by the intersection of the north
2 side of a 3-foot alley laid out in the rear of the properties known as Nos. 2101
3 through 2109 E. Eager Street, and the west side of Duncan Street, 20 feet wide,
4 said point of beginning being distant Southerly 60.0 feet, more or less, measured
5 along the west side of said Duncan Street from the south side of Eager Street, 66
6 feet wide, and running thence binding on the west side of said Duncan Street,
7 Southerly 3.0 feet to intersect the south side of said 3-foot alley; thence binding
8 on the south side of said 3-foot alley, Westerly 60.0 feet, more or less, to intersect
9 the east side of a 3-foot alley, laid out in the rear of the properties known as Nos.
10 959 through 971 N. Chester Street; thence binding on the east side of last said 3-
11 foot alley, Northerly 3.0 feet, to intersect the north side of said 3-foot alley,
12 mentioned firstly herein; and thence binding on the north side of said 3-foot alley,
13 mentioned firstly herein, Easterly 60.0 feet, more or less, to the place of
14 beginning.

15 Beginning for Parcel No. 10 at the point formed by the intersection of the east
16 side of Duncan Street, 20 feet wide, and the north side of a 3-foot alley laid out in
17 the rear of the properties known as Nos. 2111 through 2119 E. Eager Street, said
18 point of beginning being distant Southerly 62.0 feet, more or less, measured along
19 the east side of said Duncan Street from the south side of Eager Street, 66 feet
20 wide, and running thence binding on the north side of said 3-foot alley, Easterly
21 60.0 feet, more or less, to intersect the west side of a 3-foot alley laid out in the
22 rear of the properties known as Nos. 956 through 970 Collington Avenue; thence
23 binding on the west side of last said 3-foot alley, Southerly 3.0 feet to intersect
24 the south side of said 3-foot alley, mentioned firstly herein; thence binding on the
25 south side of said 3-foot alley, mentioned firstly herein, Westerly 60.0 feet, more
26 or less, to intersect the east side of said Duncan Street; and thence binding on the
27 east side of said Duncan Street, Northerly 3.0 feet to the place of beginning.

28 Beginning for Parcel No. 11 at the point formed by the intersection of the west
29 side of Duncan Street, 20 feet wide, and the south side of a 3-foot alley laid out in
30 the rear of the properties known as Nos. 2100/2104 through 2108 Ashland
31 Avenue, said point of beginning being distant Northerly 65.0 feet, more or less,
32 measured along the west side of said Duncan Street from the north side of
33 Ashland Avenue, 66 feet wide, and running thence binding on the south side of
34 said 3-foot alley, Westerly 55.0 feet, more or less, to intersect the east side of a
35 10-foot alley, laid out in the rear of the properties known as 901/903 through 957
36 N. Chester Street; thence binding on the east side of said 10-foot alley, Northerly
37 3.0 feet, to intersect the north side of said 3-foot alley; thence binding on the
38 north side of said 3-foot alley, Easterly 55.0 feet, more or less, to intersect the
39 west side of said Duncan Street; and thence binding on the west side of said
40 Duncan Street, Southerly 3.0 feet to the place of beginning.

41 Beginning for Parcel No. 12 at the point formed by the intersection of the south
42 side of Eager Street, 66 feet wide, and the east side of a 3-foot alley, laid out in
43 the rear of the properties known as Nos. 956 through 970 N. Collington Avenue,
44 said point of beginning being distant Westerly 60.0 feet, more or less, measured
45 along the south side of said Eager Street from the west side of Collington Avenue,
46 66 feet wide, and running thence binding on the east side of said 3-foot alley,
47 Southerly 93.0 feet, more or less, to the southernmost extremity of said 3-foot
48 alley, there situate; thence binding on the southernmost extremity of said 3-foot

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1 alley, Westerly 3.0 feet, to intersect the west side of said 3-foot alley; thence
2 binding on the west side of said 3-foot alley, Northerly 93.0 feet, more or less, to
3 intersect the south side of said Eager Street; and thence binding on the south side
4 of said Eager Street, Easterly 3.0 feet to the place of beginning.

5 Beginning for Parcel No. 13 at the point formed by the intersection of the north
6 side of Ashland Avenue, 66 feet wide, and the west side of Madeira Street, 40 feet
7 wide, and running thence binding on the west side of said Madeira Street,
8 Northerly 301.0 feet, more or less, to intersect the south side of Eager Street, 40
9 feet wide; thence binding on the south side of said Eager Street, Easterly 40.00
10 feet to intersect the east side of said Madeira Street; thence binding on the east
11 side of said Madeira Street, Southerly 301.0 feet, more or less, to intersect the
12 north side of said Ashland Avenue; and thence binding on the north side of said
13 Ashland Avenue, Westerly 40.00 feet to the place of beginning.

14 Beginning for Parcel No. 14 at the point formed by the intersection of the south
15 side of Eager Street, 40 feet wide, and the west side of Madeira Street, 40 feet
16 wide, and running thence binding in part on the west side of said Madeira Street,
17 in part on the westernmost extremity of said Eager Street, and in all Northerly
18 40.00 feet to intersect the north side of said Eager Street; thence binding on the
19 north side of said Eager Street, Easterly 111.8 feet, more or less, to intersect the
20 line of the west side of a 10-foot alley, if projected northerly, laid out in the rear
21 of the properties known as Nos. 901 through 933 N. Madeira Street; thence
22 binding reversely on said line so projected, Southerly 40.00 feet to intersect the
23 south side of said Eager Street; and thence binding on the south side of said Eager
24 Street, Westerly 111.8 feet, more or less, to the place of beginning.

25 Beginning for Parcel No. 15 at the point formed by the intersection of the north
26 side of Ashland Avenue, 66 feet wide, and the east side of a 10-foot alley laid out
27 in the rear of the properties known as Nos. 901 through 951 N. Collington
28 Avenue, said point of beginning being distant Westerly 72.0 feet, more or less,
29 measured along the north side of said Ashland Avenue from the west side of
30 Madeira Street, 40 feet wide, and running thence binding on the north side of said
31 Ashland Avenue, Westerly 10.0 feet to intersect the west side of said 10-foot
32 alley; thence binding on the west side of said 10-foot alley the three following
33 courses and distances; namely, Northerly 303.9 feet, more or less, Northwesterly
34 19.6 feet, more or less, and Northerly 11.7 feet, more or less, to intersect the line
35 of the north side of a varying in width alley laid out contiguous to the north side
36 of the property known as No. 936 N. Madeira Street, if projected westerly;
37 thence binding reversely on said line, so projected, Easterly 10.0 feet, to intersect
38 the east side of said 10-foot alley, and thence binding on the east side of said 10-
39 foot alley, the two following courses and distances; namely, Southeasterly 14.1
40 feet, more or less, and Southerly 320.8 feet, more or less, to the place of
41 beginning.

42 Beginning for Parcel No. 16 at the point formed by the intersection of the south
43 side of Eager Street, varying in width, and the west side of a 10-foot alley laid out
44 in the rear of the properties known as Nos. 951 through 969 N. Collington
45 Avenue, said point of beginning being distant Southerly 12.5 feet, more or less,
46 measured along the east side of the property known as No. 971 N. Collington
47 Avenue from the south side of said Eager Street, and running thence binding on

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1 the northernmost extremity of said 10-foot alley, Easterly 10.00 feet to intersect
2 the east side of said 10-foot alley; thence binding on the east side of said 10-foot
3 alley, Southerly 87.0 feet, more or less, to intersect the north side of an alley,
4 varying in width, laid out in the rear of the properties known as Nos. 2201
5 through 2207 E. Eager Street; thence binding on the north side of last said alley,
6 Westerly 10.00 feet to intersect the west side of said 10-foot alley; and thence
7 binding on the west side of said 10-foot alley, Northerly 87.0 feet, more or less, to
8 the place of beginning.

9 Beginning for Parcel No. 17 at the point formed by the intersection of the west
10 side of Madeira Street, 40 feet wide, and the south side of a 10-foot alley, laid out
11 in the rear of the properties known as Nos. 2202 through 2210 Ashland Avenue,
12 said point of beginning being distant Northerly 75.0 feet, more or less, measured
13 along the west side of said Madeira Street from the north side of Ashland Avenue,
14 66 feet wide, and running thence binding on the south side of said 10-foot alley,
15 Westerly 72.0 feet, more or less, to intersect the east side of a 10-foot alley, laid
16 out in the rear of the properties known as Nos. 901 through 951 N. Collington
17 Avenue; thence binding on the east side of last said 10-foot alley, Northerly 10.0
18 feet to intersect the north side of said 10-foot alley, mentioned firstly herein;
19 thence binding on the north side of said 10-foot alley, mentioned firstly herein,
20 Easterly 72.0 feet, more or less, to intersect the west side of said Madeira Street,
21 and thence binding on the west side of said Madeira Street, Southerly 10.0 feet, to
22 the place of beginning.

23 Beginning for Parcel No. 18 at the point formed by the intersection of the south
24 side of a 10-foot alley, laid out in the rear of the properties known as Nos. 2212
25 through 2220 Ashland Avenue, and the east side of Madeira Street, 40 feet wide,
26 said point of beginning being distant Northerly 80.0 feet, more or less, measured
27 along the east side of said Madeira Street from the north side of Ashland Avenue,
28 66 feet wide, and running thence binding on the east side of said Madeira Street,
29 Northerly 10.00 feet to intersect the north side of said 10-foot alley; thence
30 binding on the north side of said 10-foot alley, Easterly 72.0 feet, more or less, to
31 intersect the west side of a 10-foot alley laid out in the rear of the properties
32 known as Nos. 900 through 942 N. Patterson Park Avenue; thence binding on the
33 west side of last said 10-foot alley, Southerly 10.00 feet to intersect the south side
34 of said 10-foot alley, mentioned firstly herein; and thence binding on the south
35 side of said 10-foot alley, mentioned firstly herein, Westerly 72.0 feet, more or
36 less, to the place of beginning.

37 Beginning for Parcel No. 19 at the point formed by the intersection of the south
38 side of a 10-foot alley laid out in the rear of the properties known as Nos. 2200
39 through 2232 E. Eager Street and the east side of a 10-foot alley, laid out
40 contiguous to the west side of No. 2200 E. Eager Street, said point of beginning
41 being distant 214.5 feet, more or less, measured along the south side of said 10-
42 foot alley, mentioned firstly herein, from the west side of Patterson Park Avenue,
43 66 feet wide, and running thence binding on the east side of said 10-foot alley,
44 mentioned secondly herein, Southerly 65.0 feet, more or less, to intersect the
45 north side of a varying in width alley, laid out contiguous to the north outline of
46 the property known as No. 936 Madeira Street; thence binding on the north side
47 of said varying in width alley, Westerly 10.0 feet, more or less, to intersect the
48 west side of said 10-foot alley, mentioned secondly herein; thence binding on the

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1 west side of said 10-foot alley, mentioned secondly herein, Northerly 65.0 feet,
2 more or less, to intersect the south side of said 10-foot alley, mentioned firstly
3 herein, and thence binding on the south side of said 10-foot alley, mentioned
4 firstly herein, Easterly 10.0 feet to the place of beginning.

5 Beginning for Parcel No. 20 at the point formed by the intersection of the west
6 side of Madeira Street, 40 feet wide, and the south side of a varying in width
7 alley, laid out contiguous to the north side of the property known as No. 936 N.
8 Madeira Street, and running thence binding on the west side of said alley,
9 Westerly 72.0 feet, more or less; thence by a straight line Northwesterly 14.1 feet,
10 more or less, to intersect the north side of said alley; thence binding on the north
11 side of said alley, Easterly 53.3 feet, more or less; to intersect the west side of a
12 10-foot alley laid out contiguous to the east side of the property known as No.
13 2207 E. Eager Street; thence binding on the west side of said 10-foot alley,
14 Northerly 8.1 feet, more or less, to intersect the line of the north side of Eager
15 Street, 40 feet wide, if projected westerly; thence binding reversely on said line,
16 so projected, Easterly 23.0 feet, more or less, to intersect the line of the west side
17 of Madeira Street, if projected northerly; and thence binding reversely on said
18 line, so projected, Southerly 21.0 feet, more or less, to the place of beginning.

19 As delineated on Plat 348-A-89A, prepared by the Survey Control Section and filed on April 23,
20 2010, in the Office of the Department of General Services.

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

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

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

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

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

7 **SECTION 7. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it
8 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