

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Prepared by: Department of Legislative Reference

Date: April 19, 2017

Referred to: HOUSING AND URBAN AFFAIRS Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17-0054

A BILL ENTITLED

AN ORDINANCE concerning

Franchise – Bridgeway over Centre Street

FOR the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of

Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

<input type="checkbox"/> Baltimore City Public School System	<input type="checkbox"/> Department of Public Works
<input type="checkbox"/> Baltimore Development Corporation	<input type="checkbox"/> Department of Real Estate
<input checked="" type="checkbox"/> City Solicitor	<input type="checkbox"/> Department of Recreation and Parks
<input type="checkbox"/> Comptroller's Office	<input checked="" type="checkbox"/> Department of Transportation
<input type="checkbox"/> Department of Audits	<input checked="" type="checkbox"/> Fire Department
<input type="checkbox"/> Department of Finance	<input type="checkbox"/> Health Department
<input type="checkbox"/> Department of General Services	<input type="checkbox"/> Mayor's Office of Employment Development
<input checked="" type="checkbox"/> Department of Housing and Community Development	<input type="checkbox"/> Mayor's Office of Human Services
<input type="checkbox"/> Department of Human Resources	<input type="checkbox"/> Mayor's Office of Information Technology
<input checked="" type="checkbox"/> Department of Planning	<input type="checkbox"/> Office of the Mayor
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Police Department
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

Boards and Commissions

<input checked="" type="checkbox"/> Board of Estimates	<input type="checkbox"/> Environmental Control Board
<input type="checkbox"/> Board of Ethics	<input type="checkbox"/> Fire & Police Employees' Retirement System
<input type="checkbox"/> Board of Municipal and Zoning Appeals	<input type="checkbox"/> Labor Commissioner
<input type="checkbox"/> Comm. for Historical and Architectural Preservation	<input type="checkbox"/> Parking Authority Board
<input type="checkbox"/> Commission on Sustainability	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Employees' Retirement System	<input type="checkbox"/> Wage Commission
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

Council Bill 17-0054

1 to the terms and conditions of this Ordinance, the existing elevated bridgeway above and across
2 Calvert Street about 119.54 feet east of the east building line of Calvert Street, which elevated
3 walkway or bridgeway connects the existing building of the Grantee situated on the north side of
4 Centre Street with the existing building of the Grantee situated on the south side of Centre Street.

5 SECTION 2. AND BE IT FURTHER ORDAINED, That to become effective, the franchise or right
6 granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within
7 6 months after the effective date of this Ordinance.

8 SECTION 3. AND BE IT FURTHER ORDAINED, That as compensation for the Franchise, the
9 Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$12,514.60 a
10 year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise
11 charge must be paid annually, at least 30 days before the initial and each renewal term of the
12 Franchise.

13 SECTION 4. AND BE IT FURTHER ORDAINED, That:

14 (a) The initial term of the Franchise is 1 year, commencing on the effective date of this
15 Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will
16 automatically renew, without any action by either the Mayor and City Council of Baltimore or
17 the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this
18 Ordinance, each renewal term will be on the same terms and conditions as the initial term. The
19 maximum duration for which the Franchise may operate, including the initial and all renewal
20 terms, is 25 years.

21 ~~(b) Either the Mayor and City Council of Baltimore, acting by and through the Director of~~
22 ~~Transportation, or the Grantee may cancel the Franchise as at the end of the initial or any renewal~~
23 ~~term by giving written notice of cancellation to the other at least 90 days before the end of that~~
24 ~~term.~~

25 (b) The Mayor and City Council of Baltimore, acting by and through the Director of
26 Transportation, when, in the Director's reasonable judgment, the public welfare or safety so
27 requires, may cancel the Franchise at the end of the initial or any renewal term by giving written
28 notice of cancellation to the Grantee at least 90 days before the end of that term.

29 (c) The Grantee may cancel the Franchise as of the end of the initial or any renewal term by
30 giving written notice of cancellation to the Mayor and City Council at least 90 days before the
31 end of that term.

32 SECTION 5. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore,
33 acting by and through the Board of Estimates, may increase or decrease the annual franchise
34 charge by giving written notice of the increase or decrease to the Grantee at least 150 days before
35 the end of the original or renewal term immediately preceding the renewal term to which the
36 increase or decrease will first apply. The new franchise charge will apply to all subsequent
37 annual renewal terms, unless again increased or decreased in accordance with this section.

38 SECTION 6. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore
39 expressly reserves the right at all times to exercise, in the interest of the public, full municipal
40 superintendence, regulation, and control over and in respect to all matters connected with the
41 Franchise and not inconsistent with the terms of this Ordinance.

Council Bill 17-0054

1 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense,
2 shall maintain in good condition and in compliance with all applicable laws and regulations of
3 Baltimore City, all structures for which the Franchise is granted. The maintenance of these
4 structures shall be at all times subject to the regulation and control of the Commissioner of
5 Housing and Community Development and the Director of Transportation. If any structure for
6 which the Franchise is granted must be readjusted, relocated, protected, or supported to
7 accommodate a public improvement, the Grantee shall pay all costs and expenses in connection
8 with the readjustment, relocation, protection, or support.

9 **SECTION 8. AND BE IT FURTHER ORDAINED,** That at the option of the Mayor and City
10 Council of Baltimore, acting by and through the Director of Transportation, the Grantee's failure
11 to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise.
12 Immediately on written notice to the Grantee of the exercise of this option, the Franchise
13 terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore
14 may waive the forfeiture or otherwise reinstate the Franchise.

15 **SECTION 9. AND BE IT FURTHER ORDAINED,** That at any time and without prior notice, the
16 Mayor of Baltimore City may revoke the Franchise if, in the Mayor's reasonable judgment, the
17 public interest, welfare, safety, or convenience so requires. Immediately on written notice to the
18 Grantee of the exercise of this right, the Franchise terminates.

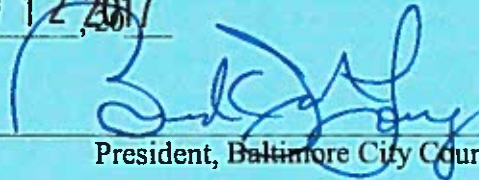
19 **SECTION 10. AND BE IT FURTHER ORDAINED,** That on cancellation, expiration, forfeiture,
20 revocation, or other termination of the Franchise for any reason, the Grantee shall remove all
21 structures for which the Franchise is granted. The removal of these structures shall be
22 (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor
23 and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of
24 Housing and Community Development and the Director of Transportation, and (iii) completed
25 within the time specified in writing by the Director of Transportation.

26 **SECTION 11. AND BE IT FURTHER ORDAINED,** That the Grantee is liable for and shall
27 indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses,
28 costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any
29 time subjected on account of, or in any way resulting from, (i) the presence, construction, use,
30 operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures
31 for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or
32 agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this
33 Ordinance.

34 **SECTION 12. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
35 is enacted.

Council Bill 17-0054

Certified as duly passed this _____ day of JUN 12 2017, 2017



President, Baltimore City Council


Certified as duly delivered to Her Honor, the Mayor,

this _____ day of JUN 12 2017



Chief Clerk

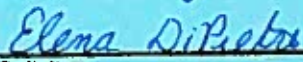
Approved this 13 day of June, 2017



Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 12th Day of June 2017



Chief Solicitor

6-8-17

AMENDMENTS TO COUNCIL BILL 17-0054
(1st Reader Copy)

By: Housing and Urban Affairs Committee

Amendment No. 1

On page 2, in line 9, in the blank, insert "12,514.60".

Amendment No. 2

On page 2, strikes lines 21 through 24 in their entirety and substitute

"(b) The Mayor and City Council of Baltimore, acting by and through the Director of Transportation, when, in the Director's reasonable judgment, the public welfare or safety so requires, may cancel the Franchise at the end of the initial or any renewal term by giving written notice of cancellation to the Grantee at least 90 days before the end of that term.

(c) The Grantee may cancel the Franchise as of the end of the initial or any renewal term by giving written notice of cancellation to the Mayor and City Council at least 90 days before the end of that term."

Amendment No. 3

On page 3, in line 8, after "Mayor's", insert "reasonable".

ADOPTED

ADOPTED

CITY OF BALTIMORE

BOARD OF ESTIMATES

Room 204, City Hall
Baltimore, Maryland 21202
410-396-4755



BERNARD C. "JACK" YOUNG
PRESIDENT, CITY COUNCIL

CATHERINE E. PUGH
MAYOR

JOAN M. PRATT
COMPTROLLER

RUDOLPH S. CHOW, P.E.
DIRECTOR OF PUBLIC WORKS

DAVID RALPH
INTERIM CITY SOLICITOR

BERNICE H. TAYLOR
DEPUTY COMPTROLLER
AND CLERK TO THE BOARD

June 7, 2017

Honorable President and Members
of the City Council

Ladies and Gentlemen:

On June 7, 2017, the Board had before it for consideration the following pending City Council Bill:

17-0054 - An Ordinance concerning Franchise - Bridgeway over Centre Street for the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.


Franchise Fee

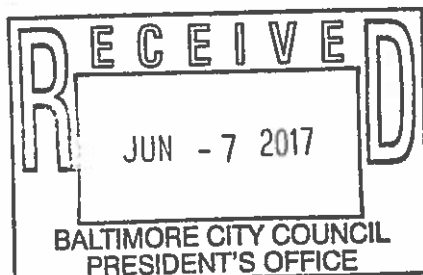
The Department of Transportation recommends a franchise charge of \$12,514.60 a year.

After NOTING AND CONCURRING in all favorable reports received, the Board approved the aforementioned City Council Bill with the annual franchise fee of \$12,514.60 and referred it to the City Council with the recommendation that it be approved and passed by that Honorable Body.

The President **ABSTAINED** from voting.

Sincerely,

 JUN 07 2017
Bernice H. Taylor
Clerk to the Board of Estimates



June 7, 2017

The Sun
501 N. Calvert Street
3rd Floor
Baltimore, Maryland 21202

Attn: Ms. Sharon Nelson
Advertising Department

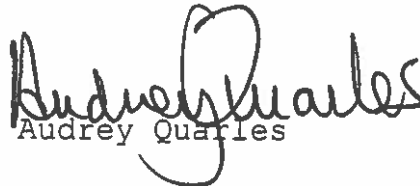
Re: Enclosed Notice CC Bill 17-0054

Dear Ms. Nelson:

It is requested that the enclosed Municipal Notice be printed on three successive dates. Only the text that appears under the caption "To Be Inserted Under Municipal Notices" is requested to be printed. Please do not print Council Bill.

If there should be any questions concerning this request, please do not hesitate to contact me at (410) 396-4755.

Sincerely yours,


Audrey Quarles

Encls:

TO BE INSERTED UNDER MUNICIPAL NOTICES

In accordance with the provisions of Article VIII, Section 6-Franchises, of the Baltimore Charter (1996 Edition), Notice is hereby given that application has been made by MD-601 N. Calvert, LLC, to use, and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Sincerely,

 JUN 07 2017
Bernice H. Taylor, Deputy Comptroller
Clerk Board of Estimates

Three days:

THE SUN

Attn: Ms. Sharon Nelson
501 N. Calvert Street
3rd Floor
Baltimore, Maryland 21202

THE AFRO-AMERICAN NEWSPAPER

Attn: Ms. Marquise Goodwin
2519 N. Charles Street
Baltimore, Maryland 21218

June 7, 2017

The Afro-American Newspaper
2519 North Charles Street
Baltimore, Maryland 21218

Attn: Ms. Marquise Goodwin
Advertising Department

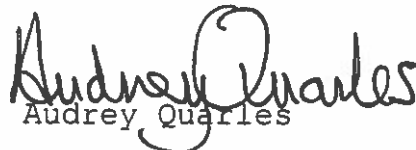
Re: Enclosed Notice CC Bill 10-0054

Dear Ms. Goodwin:

It is requested that the enclosed Municipal Notice be printed on three successive dates. Only the text that appears under the caption "To Be Inserted Under Municipal Notices" is requested to be printed. Please do not print Council Bill.

If there should be any questions concerning this request, please do not hesitate to contact me at (410) 396-4755.

Sincerely yours,


Audrey Quarles

Encls:

TO BE INSERTED UNDER MUNICIPAL NOTICES

In accordance with the provisions of Article VIII, Section 6-Franchises, of the Baltimore Charter (1996 Edition), Notice is hereby given that application has been made by MD-601 N. Calvert, LLC, to use, and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Sincerely,

 JUN 07 2017
Bernice H. Taylor, Deputy Comptroller
Clerk Board of Estimates

Three days:

THE SUN

Attn: Ms. Sharon Nelson
501 N. Calvert Street
3rd Floor
Baltimore, Maryland 21202

THE AFRO-AMERICAN NEWSPAPER

Attn: Ms. Marquise Goodwin
2519 N. Charles Street
Baltimore, Maryland 21218

**CITY OF BALTIMORE
COUNCIL BILL 17-0054
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: April 24, 2017
Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Transportation, Fire Department, Board of Estimates

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Franchise – Bridgeway over Centre Street**

3 FOR the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an
4 existing elevated bridgeway that is located above and across Centre Street approximately 120
5 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and
6 providing for a special effective date.

7 BY authority of
8 Article VIII - Franchises
9 Baltimore City Charter
10 (1996 Edition)

11 **Recitals**

12 Ordinance 599 of 1990 granted permission and authority to The Baltimore Sun
13 Company, its successors and assigns, to construct, maintain, and operate at its
14 own expense, for a period not exceeding 25 years, an elevated walkway or
15 bridgeway above and across Centre Street, about 119.54 feet east of the east
16 building line of Calvert Street, which elevated walkway or bridgeway was to
17 connect the existing building of The Baltimore Sun on the north side of Centre
18 Street with the existing building of The Baltimore Sun on the south side of Centre
19 Street.

20 Since the effective date of the Ordinance, the title of the real property has been
21 transferred, and MD-601 N. Calvert, LLC, is the current owner. Although the
22 original franchise has expired, the franchise fee has continued to be paid. MD-
23 601 N. Calvert, LLC, requests that the franchise be reestablished for an additional
24 25 years.

25 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That a
26 franchise or right is granted to MD-601 North Calvert, LLC, its tenants, successors, and assigns
27 (collectively, the "Grantee") to use and maintain, at Grantee's own cost and expense, and subject

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

Council Bill 17-0054

1 to the terms and conditions of this Ordinance, the existing elevated bridgeway above and across
2 Calvert Street about 119.54 feet east of the east building line of Calvert Street, which elevated
3 walkway or bridgeway connects the existing building of the Grantee situated on the north side of
4 Centre Street with the existing building of the Grantee situated on the south side of Centre Street.

5 **SECTION 2. AND BE IT FURTHER ORDAINED,** That to become effective, the franchise or right
6 granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within
7 6 months after the effective date of this Ordinance.

8 **SECTION 3. AND BE IT FURTHER ORDAINED,** That as compensation for the Franchise, the
9 Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$ _____ a
10 year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise
11 charge must be paid annually, at least 30 days before the initial and each renewal term of the
12 Franchise.

13 **SECTION 4. AND BE IT FURTHER ORDAINED,** That:

14 (a) The initial term of the Franchise is 1 year, commencing on the effective date of this
15 Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will
16 automatically renew, without any action by either the Mayor and City Council of Baltimore or
17 the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this
18 Ordinance, each renewal term will be on the same terms and conditions as the initial term. The
19 maximum duration for which the Franchise may operate, including the initial and all renewal
20 terms, is 25 years.

21 (b) Either the Mayor and City Council of Baltimore, acting by and through the Director of
22 Transportation, or the Grantee may cancel the Franchise as at the end of the initial or any renewal
23 term by giving written notice of cancellation to the other at least 90 days before the end of that
24 term.

25 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore,
26 acting by and through the Board of Estimates, may increase or decrease the annual franchise
27 charge by giving written notice of the increase or decrease to the Grantee at least 150 days before
28 the end of the original or renewal term immediately preceding the renewal term to which the
29 increase or decrease will first apply. The new franchise charge will apply to all subsequent
30 annual renewal terms, unless again increased or decreased in accordance with this section.

31 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
32 expressly reserves the right at all times to exercise, in the interest of the public, full municipal
33 superintendence, regulation, and control over and in respect to all matters connected with the
34 Franchise and not inconsistent with the terms of this Ordinance.

35 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense,
36 shall maintain in good condition and in compliance with all applicable laws and regulations of
37 Baltimore City, all structures for which the Franchise is granted. The maintenance of these
38 structures shall be at all times subject to the regulation and control of the Commissioner of
39 Housing and Community Development and the Director of Transportation. If any structure for
40 which the Franchise is granted must be readjusted, relocated, protected, or supported to
41 accommodate a public improvement, the Grantee shall pay all costs and expenses in connection
42 with the readjustment, relocation, protection, or support.

Council Bill 17-0054

1 **SECTION 8. AND BE IT FURTHER ORDAINED,** That at the option of the Mayor and City
2 Council of Baltimore, acting by and through the Director of Transportation, the Grantee's failure
3 to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise.
4 Immediately on written notice to the Grantee of the exercise of this option, the Franchise
5 terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore
6 may waive the forfeiture or otherwise reinstate the Franchise.

7 **SECTION 9. AND BE IT FURTHER ORDAINED,** That at any time and without prior notice, the
8 Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public
9 interest, welfare, safety, or convenience so requires. Immediately on written notice to the
10 Grantee of the exercise of this right, the Franchise terminates.

11 **SECTION 10. AND BE IT FURTHER ORDAINED,** That on cancellation, expiration, forfeiture,
12 revocation, or other termination of the Franchise for any reason, the Grantee shall remove all
13 structures for which the Franchise is granted. The removal of these structures shall be
14 (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor
15 and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of
16 Housing and Community Development and the Director of Transportation, and (iii) completed
17 within the time specified in writing by the Director of Transportation.

18 **SECTION 11. AND BE IT FURTHER ORDAINED,** That the Grantee is liable for and shall
19 indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses,
20 costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any
21 time subjected on account of, or in any way resulting from, (i) the presence, construction, use,
22 operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures
23 for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or
24 agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this
25 Ordinance.

26 **SECTION 12. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
27 is enacted.

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

May 18, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0054 – Franchise – Bridgeway over Centre Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0054 for form and legal sufficiency. The bill would grant a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations. It provides for a special effective date.

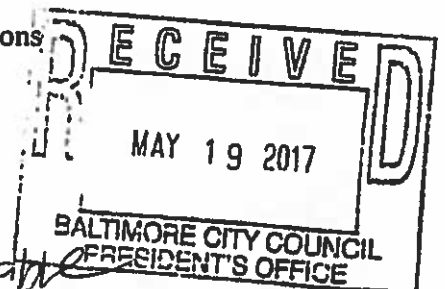
The Baltimore City Charter requires that any given franchise be granted by ordinance containing the terms and conditions of the grant. City Charter, Art. VIII, § 1. A bill granting a franchise must be referred to the Board of Estimates ("BOE") after first reading. City Charter, Art. VIII, § 2. Thereafter, the BOE is empowered to establish by vote or resolution the compensation paid to the City and may alter the terms and conditions under which a franchise is granted. *Id.* The compensation and the terms and conditions approved by the BOE must be attached to the bill before the bill can be enacted. *Id.*


Assuming the above procedural requirements are met, the Law Department will approve the bill for form and legal sufficiency.

Sincerely,

Victor K. Tervala
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor



FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0054/ BRIDGEWAY OVER CENTRE STREET		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

May 12, 2017

The Department of Planning has been asked to review and consider City Council Bill #17-0054, for the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridge way that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

The Planning Department has reviewed the request for the continuation of the franchise and has no objection.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Kyron Banks, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natawna Austin, Council Services
Mr. Francis Burnszynski, PABC

No objection



BALTIMORE HOUSING

CATHERINE PUGH
Mayor

MICHAEL BRAVERMAN
Acting Executive Director, HABC
Acting Commissioner, HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Acting Commissioner *MBR*

Date: May 15, 2017

Re: City Council Bill 17-0054 - Franchise – Bridgeway over Centre Street

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0054, for the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

If enacted, this bill would reestablish a franchise agreement with MD-601 N. Calvert, LLC, the new owner of the property that was previously owned by the Baltimore Sun Company. The original Franchise agreement with The Baltimore Sun Company expired in 2015, however the Franchise fee continued to be paid based on Ordinance 599 that was passed in 1990. The new property owner would like to reestablish the franchise for an additional 25 years.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0054.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*

Favorable



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF TRANSPORTATION

FRANK J. MURPHY, Acting Director
417 E. Fayette Street, 5th Floor
Baltimore, Maryland 21202

June 2, 2017

The Honorable President and Members
Of the Board of Estimates
Room 204, City Hall

City Council Bill 17-0054 – Franchise – Bridgeway over Centre Street

Dear Mr. President and Honorable Members:

ACTION REQUESTED OF THE BOARD OF ESTIMATES:

We request your Honorable Board's approval to assess a franchise fee associated with City Council Bill 17-0054 Franchise – Bridgeway over Centre Street in the amount of \$12,514.60 annually.

BACKGROUND/EXPLANATION:

City Council Bill 17-0054 for the purpose of granting a franchise to MD-601 N. Calvert , LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Ordinance 599 of 1990 granted permission and authority to The Baltimore Sun Company, its successors and assigns, to construct, maintain, and operate at its own expense, for a period not exceeding 25 years, an elevated walkway or bridgeway above and across Centre Street, about 120 feet east of the east building line of Calvert Street, which elevated walkway or bridgeway was to connect the existing building of The Baltimore Sun on the north side of Centre Street with the existing building of The Baltimore Sun on the south side of Centre Street. Although the original franchise agreement expired in 2015 the building owner continued to abide by the appropriate terms and conditions. The dimensions of the Bridgeway in the right-of-way are 66' by 12', or 792 sf.

Frank Murphy

FRANK MURPHY, ACTING DIRECTOR
DEPARTMENT OF TRANSPORTATION

APPROVED BY THE BOARD OF ESTIMATES:

Bernice D. Taylor 6/7/2017
Date Clerk

Visit our website @ www.baltimorecity.gov

FROM	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>UKZ</i>
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. _21202
	SUBJECT	City Council Bill #17-0054 Response to Franchise – Bridgeway over Centre Street

CITY of
BALTIMORE
MEMO




TO **The Honorable Bernard C. Young, President
And All Members of the Baltimore City Council
City Hall, Room 408**

DATE: **May 22, 2017**

For the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated Bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date

The Baltimore City Fire Department has no objections to City Council bill 17-0054.

*No
objection*

F R O M	NAME & TITLE	Frank J. Murphy, Acting Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0054	M E M O	

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

May 2, 2017

I am herein reporting on City Council Bill 17-0054 for the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Ordinance 599 of 1990 granted permission and authority to The Baltimore Sun Company, its successors and assigns, to construct, maintain, and operate at its own expense, for a period not exceeding 25 years, an elevated walkway or bridgeway above and across Centre Street, about 120 feet east of the east building line of Calvert Street, which elevated walkway or bridgeway was to connect the existing building of The Baltimore Sun on the north side of Centre Street with the existing building of The Baltimore Sun on the south side of Centre Street. Although the original franchise agreement expired in 2015 the building owner continued to abide by the appropriate terms and conditions. The intent of this bill is to formalize this arrangement.

The Department of Transportation supports this bill.

Thank you for this opportunity to comment.

Respectfully,

Lindsay Wine for

Frank J. Murphy
Acting Director

FJM/PAF

Cc: Karen Stokes, Mayor's Office
Kyron Banks, Mayor's Office

Favorable

t, Evette

I: Austin, Natawna B.
:: Thursday, June 01, 2017 2:49 PM
J: Scott, Evette
Cc: Fleming, Patrick
Subject: Franchise Information - City Council Bills 17-0054 and 17-0055

Importance: High

Good Afternoon Evette,

Below is the Franchise fee information you requested. Please let us know if you have any other questions. Have a great weekend!

From: Fleming, Patrick
Sent: Thursday, June 01, 2017 2:27 PM
To: Simmons, Brenda; Austin, Natawna B.
Cc: Griffin, Laetitia
Subject: RE: Message

See below.

17-0055 Fence – 325' X 14.5' = 4712.50 SF X \$1.75/SF = \$8246.87/annual fee

17-0054 Bridgeway – 66' X 12' = 792.00SF X \$15.80/SF = \$12,514.60/annual fee

Patrick A. Fleming

Senior Manager of Legislative Affairs
Baltimore City Department of Transportation

417 E. Fayette St.
Baltimore, MD 21202

443-984-3696 – Office
443-865-4492 – Cell

Patrick.fleming@baltimorecity.gov

From: Simmons, Brenda
Sent: Thursday, June 01, 2017 12:15 PM
To: Fleming, Patrick; Austin, Natawna B.
Cc: Griffin, Laetitia
Subject: RE: Message
Importance: High

Hi Patrick:

The franchise fee information is needed for these two City Council bills otherwise they will be pulled from the agenda for next week.

Thank You,
Brenda Simmons

Brenda Simmons
Contract Administration
Dept. of Transportation
417 E. Fayette Street
Room 534
410-396-6815 - Office
410-783-4746 - FAX
Baltimore, Maryland 21202
brenda.simmons@baltimorecity.gov

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: [BaltimoreCityDOT](https://www.facebook.com/BaltimoreCityDOT)

From: Fleming, Patrick
Sent: Thursday, June 01, 2017 11:42 AM
To: Duplessis, Helen A.
Cc: Simmons, Brenda
Subject: Re: Message

I just stepped out of the office but will call when I'm back. I am probably already working on the answer now.

Patrick A. Fleming
Sr. Manager of Legislative Affairs
Baltimore City Dept. of Transportation

Sent from my iPhone, please excuse any spelling, grammar, or punctuation errors.

On Jun 1, 2017, at 11:40 AM, Duplessis, Helen A. <Helen.Duplessis@baltimorecity.gov> wrote:

<image001.gif>

Mr. Patrick please contact Councilman Jack's young office regarding City Council Bills 17-00054 and 17-00055.

Helen DuPlessis OSSIII
Department of Transportation
Transit Bureau
417 E Fayette Street, Room 559
(P) 410.396.8139
(F) 410.547.1036
helen.duplessis@baltimorecity.gov
<image004.jpg>

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Thank You,
Brenda Simmons

Brenda Simmons
Contract Administration
Dept. of Transportation
417 E. Fayette Street
Room 534
410-396-6815 - Office
410-783-4746 - FAX
Baltimore, Maryland 21202
brenda.simmons@baltimorecity.gov

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Helen DuPlessis OSSIII
Department of Transportation
Transit Bureau
417 E Fayette Street, Room 559
(P) 410.396.8139
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helen.duplessis@baltimorecity.gov
<image004.jpg>

BALTIMORE CITY COUNCIL
Housing And Urban Affairs Committee
VOTING RECORD

DATE: 5-25-17

BILL#CC: 17- 0054 BILL TITLE: Ordinance – Franchise – Bridgeway over Centre Street

MOTION BY: Gchleifer SECONDED BY: Burnett

- FAVORABLE FAVORABLE WITH AMENDMENTS
 UNFAVORABLE WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Bullock, J. Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schleifer, I. Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Burnett, K.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry, B.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sneed ,S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cohen, Z	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	6	0		

CHAIRPERSON: [Signature]
 COMMITTEE STAFF: Richard G. Krummerich, Initials: RK

CITY OF BALTIMORE

CATHERINE E. PUGIL, Mayor

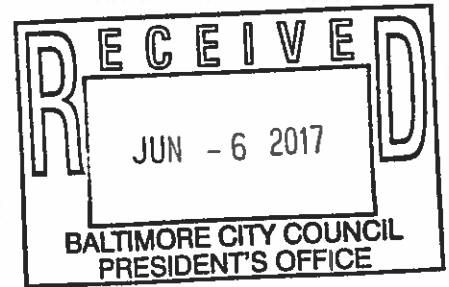


DEPARTMENT OF TRANSPORTATION

FRANK J. MURPHY, Acting Director
417 E. Fayette Street, 5th Floor
Baltimore, Maryland 21202

June 2, 2017

The Honorable President and Members
Of the Board of Estimates
Room 204, City Hall



City Council Bill 17-0054 – Franchise – Bridgeway over Centre Street
Dear Mr. President and Honorable Members:

ACTION REQUESTED OF THE BOARD OF ESTIMATES:

We request your Honorable Board's approval to assess a franchise fee associated with City Council Bill 17-0054 Franchise – Bridgeway over Centre Street in the amount of \$12,514.60 annually.

BACKGROUND/EXPLANATION:

City Council Bill 17-0054 for the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Ordinance 599 of 1990 granted permission and authority to The Baltimore Sun Company, its successors and assigns, to construct, maintain, and operate at its own expense, for a period not exceeding 25 years, an elevated walkway or bridgeway above and across Centre Street, about 120 feet east of the east building line of Calvert Street, which elevated walkway or bridgeway was to connect the existing building of The Baltimore Sun on the north side of Centre Street with the existing building of The Baltimore Sun on the south side of Centre Street. Although the original franchise agreement expired in 2015 the building owner continued to abide by the appropriate terms and conditions. The dimensions of the Bridgeway in the right-of-way are 66' by 12', or 792 sf.

FRANK MURPHY, ACTING DIRECTOR
DEPARTMENT OF TRANSPORTATION

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FROM	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>UKF</i>
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. _21202
	SUBJECT	City Council Bill #17-0054 Response to Franchise – Bridgeway over Centre Street

CITY of
BALTIMORE
MEMO



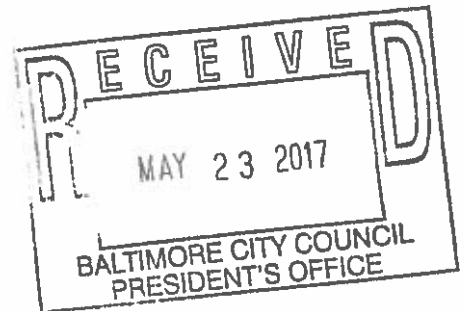
TO **The Honorable Bernard C. Young, President
And All Members of the Baltimore City Council
City Hall, Room 408**

DATE: **May 22, 2017**

For the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated Bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date

The Baltimore City Fire Department has no objections to City Council bill 17-0054.

*No
obj*





BALTIMORE HOUSING

CATHERINE PUGH
Mayor

MICHAEL BRAVERMAN
Acting Executive Director, HABC
Acting Commissioner, HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Acting Commissioner *MBR*

Date: May 15, 2017

Re: City Council Bill 17-0054 - Franchise – Bridgeway over Centre Street

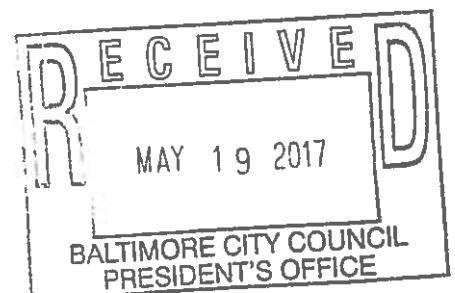
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0054, for the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

If enacted, this bill would reestablish a franchise agreement with MD-601 N. Calvert, LLC, the new owner of the property that was previously owned by the Baltimore Sun Company. The original Franchise agreement with The Baltimore Sun Company expired in 2015, however the Franchise fee continued to be paid based on Ordinance 599 that was passed in 1990. The new property owner would like to reestablish the franchise for an additional 25 years.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0054.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

May 18, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0054 – Franchise – Bridgeway over Centre Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0054 for form and legal sufficiency. The bill would grant a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations. It provides for a special effective date.

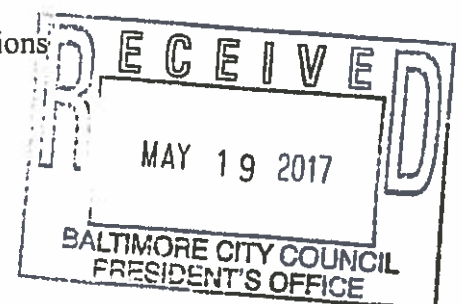
The Baltimore City Charter requires that any given franchise be granted by ordinance containing the terms and conditions of the grant. City Charter, Art. VIII, § 1. A bill granting a franchise must be referred to the Board of Estimates (“BOE”) after first reading. City Charter, Art. VIII, § 2. Thereafter, the BOE is empowered to establish by vote or resolution the compensation paid to the City and may alter the terms and conditions under which a franchise is granted. *Id.* The compensation and the terms and conditions approved by the BOE must be attached to the bill before the bill can be enacted. *Id.*


Assuming the above procedural requirements are met, the Law Department will approve the bill for form and legal sufficiency.

Sincerely,

Victor K. Tervala
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Karen Stokes, Director, Mayor’s Office of Government Relations
Kyron Banks, Mayor’s Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor



FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0054/ BRIDGEWAY OVER CENTRE STREET		

DATE:

TO

May 12, 2017

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

The Department of Planning has been asked to review and consider City Council Bill #17-0054, for the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

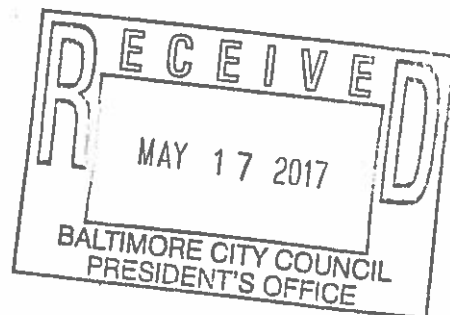
The Planning Department has reviewed the request for the continuation of the franchise and has no objection.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.


TJS/WA

Attachment

- cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Kyron Banks, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natawna Austin, Council Services
Mr. Francis Burnszynski, PABC



Handwritten signature

FROM	NAME & TITLE	Frank J. Murphy, Acting Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0054	M E M O	

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

May 2, 2017

I am herein reporting on City Council Bill 17-0054 for the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Ordinance 599 of 1990 granted permission and authority to The Baltimore Sun Company, its successors and assigns, to construct, maintain, and operate at its own expense, for a period not exceeding 25 years, an elevated walkway or bridgeway above and across Centre Street, about 120 feet east of the east building line of Calvert Street, which elevated walkway or bridgeway was to connect the existing building of The Baltimore Sun on the north side of Centre Street with the existing building of The Baltimore Sun on the south side of Centre Street. Although the original franchise agreement expired in 2015 the building owner continued to abide by the appropriate terms and conditions. The intent of this bill is to formalize this arrangement.

The Department of Transportation supports this bill.

Thank you for this opportunity to comment.

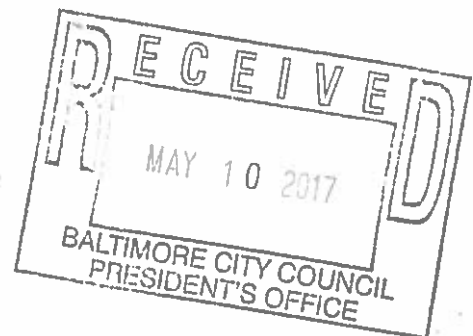
Respectfully,

Frank J. Murphy

Frank J. Murphy
Acting Director

FJM/PAF

Cc: Karen Stokes, Mayor's Office
Kyron Banks, Mayor's Office



F



HEARING NOTES

Bill: CC – 17-0054

Ordinance – Franchise – Bridgeway over Centre Street

Committee: Housing and Urban Affairs
Chaired By: Councilmember John Bullock

Hearing Date: May 25, 2017
Time (Beginning): 2:05 PM
Time (Ending): 2:20 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: 22
Committee Members in Attendance:
John Bullock Ryan Dorsey
Isaac "Yitzy" Schleifer
Kristerfer Burnett
Sharon Sneed
Zeke Cohen

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Certification of advertising/posting notices in the file?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Evidence of notification to property owners?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Final vote taken at this hearing?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember Schleifer		
Seconded by:	Councilmember Burnett		
Final Vote:	Fav. with Amendments		

Major Speakers

(This is not an attendance record.)

- Patrick Fleming - Department of Transportation
- Jon Laria - Attorney for Developer
-

Major Issues Discussed

1. Chairman Bullock convened the Hearing and recognized the assembled guests. He then announced the committee would hear this Bill concurrently with CC 17-0055 because they both concerned franchises at 601 N. Calvert Street.
2. This Bill extends an existing franchise for a bridgeway between the Sun Building and the garage on the north side of Centre Street. The fee will be determined by the Board of Estimates prior to Second Reader
3. Technical Amendments were approved and the bill passed on a 6-0 vote with one Member absent.

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

J. Bullock:..... Yea
 I. Schleifer: Yea
 K. Burnett: Yea
 S. Sneed:..... Yea
 Z. Cohen: Yea
 R. Dorsey:..... Yea
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Richard G. Krummerich, Committee Staff

Date: 5-26-17

cc: Bill File
OCS Chrono File



BILL SYNOPSIS

Committee: Housing and Urban Affairs

Bill CC -17-0054

Ordinance –Franchise – Bridgeway over Centre Street

Sponsor: President Young, (The Administrator)

Introduced: April 24, 2017

Purpose:

For the purpose of granting a franchise to Md-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street subject to certain terms, conditions, and reservations; and providing for a special effective date.

Effective: Upon enactment

Hearing Date/Time/Location: May 25, 2017 at 2:00 PM in the Council Chambers

Agency Reports

Planning Commission	No Objection
Department of Transportation	Favorable
Department of Housing and Community Development	
Department of Law	Favorable
Fire Department	
Board of Estimates	

Analysis

Current Law

Ordinance 599 of 1990 granted a Franchise to the Baltimore Sun company for a bridgeway between its building at 601 N Calvert Street and the Parking Garage on the north side of Centre Street.

Background

This Bill extends the franchise granted for the Bridgeway between the Sunpapers Building and the parking garage to north on the border between the Downtown business District and Mount Vernon. The Franchise expired in 2015 but the parties have been compiling with the terms.

CC 17-0054 extends the aforementioned Franchise for 25 years. The fee will be determined by the Board of Estimates.

Additional Information

Fiscal Note: Not Available

Information Source(s): Bill File

Analysis by: Richard G. Krummerich *R/K* Direct Inquiries to: 410-396-1266
Analysis Date: 5-23-17

**CITY OF BALTIMORE
COUNCIL BILL 17-0054
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: April 24, 2017

Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Transportation, Fire Department, Board of Estimates

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Franchise – Bridgeway over Centre Street**

3 FOR the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an
4 existing elevated bridgeway that is located above and across Centre Street approximately 120
5 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and
6 providing for a special effective date.

7 BY authority of

8 Article VIII - Franchises

9 Baltimore City Charter

10 (1996 Edition)

11 **Recitals**

12 Ordinance 599 of 1990 granted permission and authority to The Baltimore Sun
13 Company, its successors and assigns, to construct, maintain, and operate at its
14 own expense, for a period not exceeding 25 years, an elevated walkway or
15 bridgeway above and across Centre Street, about 119.54 feet east of the east
16 building line of Calvert Street, which elevated walkway or bridgeway was to
17 connect the existing building of The Baltimore Sun on the north side of Centre
18 Street with the existing building of The Baltimore Sun on the south side of Centre
19 Street.

20 Since the effective date of the Ordinance, the title of the real property has been
21 transferred, and MD-601 N. Calvert, LLC, is the current owner. Although the
22 original franchise has expired, the franchise fee has continued to be paid. MD-
23 601 N. Calvert, LLC, requests that the franchise be reestablished for an additional
24 25 years.

25 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That a
26 franchise or right is granted to MD-601 North Calvert, LLC, its tenants, successors, and assigns
27 (collectively, the "Grantee") to use and maintain, at Grantee's own cost and expense, and subject

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

Council Bill 17-0054

1 to the terms and conditions of this Ordinance, the existing elevated bridgeway above and across
2 Calvert Street about 119.54 feet east of the east building line of Calvert Street, which elevated
3 walkway or bridgeway connects the existing building of the Grantee situated on the north side of
4 Centre Street with the existing building of the Grantee situated on the south side of Centre Street.

5 **SECTION 2. AND BE IT FURTHER ORDAINED,** That to become effective, the franchise or right
6 granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within
7 6 months after the effective date of this Ordinance.

8 **SECTION 3. AND BE IT FURTHER ORDAINED,** That as compensation for the Franchise, the
9 Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$ _____ a
10 year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise
11 charge must be paid annually, at least 30 days before the initial and each renewal term of the
12 Franchise.

13 **SECTION 4. AND BE IT FURTHER ORDAINED,** That:

14 (a) The initial term of the Franchise is 1 year, commencing on the effective date of this
15 Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will
16 automatically renew, without any action by either the Mayor and City Council of Baltimore or
17 the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this
18 Ordinance, each renewal term will be on the same terms and conditions as the initial term. The
19 maximum duration for which the Franchise may operate, including the initial and all renewal
20 terms, is 25 years.

21 (b) Either the Mayor and City Council of Baltimore, acting by and through the Director of
22 Transportation, or the Grantee may cancel the Franchise as at the end of the initial or any renewal
23 term by giving written notice of cancellation to the other at least 90 days before the end of that
24 term.

25 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore,
26 acting by and through the Board of Estimates, may increase or decrease the annual franchise
27 charge by giving written notice of the increase or decrease to the Grantee at least 150 days before
28 the end of the original or renewal term immediately preceding the renewal term to which the
29 increase or decrease will first apply. The new franchise charge will apply to all subsequent
30 annual renewal terms, unless again increased or decreased in accordance with this section.

31 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
32 expressly reserves the right at all times to exercise, in the interest of the public, full municipal
33 superintendence, regulation, and control over and in respect to all matters connected with the
34 Franchise and not inconsistent with the terms of this Ordinance.

35 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense,
36 shall maintain in good condition and in compliance with all applicable laws and regulations of
37 Baltimore City, all structures for which the Franchise is granted. The maintenance of these
38 structures shall be at all times subject to the regulation and control of the Commissioner of
39 Housing and Community Development and the Director of Transportation. If any structure for
40 which the Franchise is granted must be readjusted, relocated, protected, or supported to
41 accommodate a public improvement, the Grantee shall pay all costs and expenses in connection
42 with the readjustment, relocation, protection, or support.

Council Bill 17-0054

1 **SECTION 8. AND BE IT FURTHER ORDAINED,** That at the option of the Mayor and City
2 Council of Baltimore, acting by and through the Director of Transportation, the Grantee's failure
3 to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise.
4 Immediately on written notice to the Grantee of the exercise of this option, the Franchise
5 terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore
6 may waive the forfeiture or otherwise reinstate the Franchise.


7 **SECTION 9. AND BE IT FURTHER ORDAINED,** That at any time and without prior notice, the
8 Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public
9 interest, welfare, safety, or convenience so requires. Immediately on written notice to the
10 Grantee of the exercise of this right, the Franchise terminates.

11 **SECTION 10. AND BE IT FURTHER ORDAINED,** That on cancellation, expiration, forfeiture,
12 revocation, or other termination of the Franchise for any reason, the Grantee shall remove all
13 structures for which the Franchise is granted. The removal of these structures shall be
14 (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor
15 and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of
16 Housing and Community Development and the Director of Transportation, and (iii) completed
17 within the time specified in writing by the Director of Transportation.

18 **SECTION 11. AND BE IT FURTHER ORDAINED,** That the Grantee is liable for and shall
19 indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses,
20 costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any
21 time subjected on account of, or in any way resulting from, (i) the presence, construction, use,
22 operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures
23 for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or
24 agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this
25 Ordinance.

26 **SECTION 12. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
27 is enacted.

Avery

FROM	NAME & TITLE	Kyron Banks, Legislative Liaison <i>KBSD</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Mayor's Office of Government Relations City Hall, Room 228		
	SUBJECT	Bill Introduction for the Administration		

DATE: April 17, 2017

TO Avery Aisenstark, Director, Department of Legislative Reference

An Ordinance Concerning:

Franchise – Bridgeway Over Centre Street

Please prepare the attached for introduction at the City Council meeting scheduled for Monday, April 24, 2017. This bill is introduced at the request of the Administration (Department of Transportation). Please return legislation to this office when completed.

If you have any questions regarding this legislation, please contact Patrick Fleming at 443.984.3696.

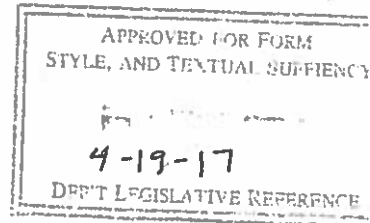
Thank you.

KB/sw

Attachment

cc: Karen Stokes, Director, Mayor's Office of Government Relations

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: The Council President
At the request of: The Administration (Department of Transportation)

A BILL ENTITLED

AN ORDINANCE concerning

Franchise – Bridgeway over Centre Street

FOR the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

Recitals

Ordinance 599 of 1990 granted permission and authority to The Baltimore Sun Company, its successors and assigns, to construct, maintain, and operate at its own expense, for a period not exceeding 25 years, an elevated walkway or bridgeway above and across Centre Street, about 119.54 feet east of the east building line of Calvert Street, which elevated walkway or bridgeway was to connect the existing building of The Baltimore Sun on the north side of Centre Street with the existing building of The Baltimore Sun on the south side of Centre Street.

Since the effective date of the Ordinance, the title of the real property has been transferred, and MD-601 N. Calvert, LLC, is the current owner. Although the original franchise has expired, the franchise fee has continued to be paid. MD-601 N. Calvert, LLC, requests that the franchise be reestablished for an additional 25 years.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to MD-601 North Calvert, LLC, its tenants, successors, and assigns (collectively, the “Grantee”) to use and maintain, at Grantee’s own cost and expense, and subject to the terms and conditions of this Ordinance, the existing elevated bridgeway above and across Calvert Street about 119.54 feet east of the east building line of Calvert Street, which elevated walkway or bridgeway connects the existing building of the Grantee situated on the north side of Centre Street with the existing building of the Grantee situated on the south side of Centre Street.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

SECTION 2. AND BE IT FURTHER ORDAINED, That to become effective, the franchise or right granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within 6 months after the effective date of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That as compensation for the Franchise, the Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$_____ a year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) The initial term of the Franchise is 1 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Mayor and City Council of Baltimore or the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is 25 years.

(b) Either the Mayor and City Council of Baltimore, acting by and through the Director of Transportation, or the Grantee may cancel the Franchise as at the end of the initial or any renewal term by giving written notice of cancellation to the other at least 90 days before the end of that term.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the annual franchise charge by giving written notice of the increase or decrease to the Grantee at least 150 days before the end of the original or renewal term immediately preceding the renewal term to which the increase or decrease will first apply. The new franchise charge will apply to all subsequent annual renewal terms, unless again increased or decreased in accordance with this section.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of Baltimore City, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of the Commissioner of Housing and Community Development and the Director of Transportation. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses in connection with the readjustment, relocation, protection, or support.

SECTION 8. AND BE IT FURTHER ORDAINED, That at the option of the Mayor and City Council of Baltimore, acting by and through the Director of Transportation, the Grantee's failure to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise. Immediately on written notice to the Grantee of the exercise of this option, the Franchise terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore may waive the forfeiture or otherwise reinstate the Franchise.

SECTION 9. AND BE IT FURTHER ORDAINED, That at any time and without prior notice, the Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public interest, welfare, safety, or convenience so requires. Immediately on written notice to the Grantee of the exercise of this right, the Franchise terminates.

SECTION 10. AND BE IT FURTHER ORDAINED, That on cancellation, expiration, forfeiture, revocation, or other termination of the Franchise for any reason, the Grantee shall remove all structures for which the Franchise is granted. The removal of these structures shall be (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of Housing and Community Development and the Director of Transportation, and (iii) completed within the time specified in writing by the Director of Transportation.

SECTION 11. AND BE IT FURTHER ORDAINED, That the Grantee is liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses, costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any time subjected on account of, or in any way resulting from, (i) the presence, construction, use, operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this Ordinance.

SECTION 12. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.



ACTION BY THE CITY COUNCIL

APR 24 2017

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON 5-25 _____ 20 17

COMMITTEE REPORT AS OF _____ 20 _____

____ FAVORABLE ____ UNFAVORABLE FAVORABLE AS AMENDED ____ WITHOUT RECOMMENDATION

[Handwritten Signature]

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JUN 12 2017

20

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

JUN 12 2017

20

THIRD READING _____ 20 _____

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Handwritten Signature]

President

[Handwritten Signature]

Chief Clerk

CITY OF BALTIMORE
CATHERINE E. PUGH, Mayor

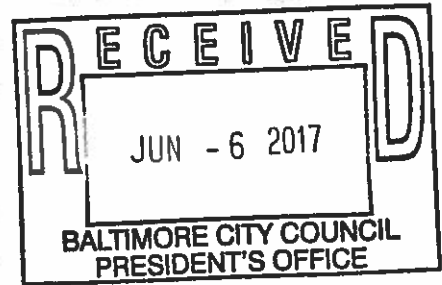


DEPARTMENT OF TRANSPORTATION
FRANK J. MURPHY, Acting Director
417 E. Fayette Street, 5th Floor
Baltimore, Maryland 21202

June 2, 2017

The Honorable President and Members
Of the Board of Estimates
Room 204, City Hall

City Council Bill 17-0054 – Franchise – Bridgeway over Centre Street
Dear Mr. President and Honorable Members:



ACTION REQUESTED OF THE BOARD OF ESTIMATES:

We request your Honorable Board's approval to assess a franchise fee associated with City Council Bill 17-0054 Franchise – Bridgeway over Centre Street in the amount of \$12,514.60 annually.

BACKGROUND/EXPLANATION:

City Council Bill 17-0054 for the purpose of granting a franchise to MD-601 N. Calvert , LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Ordinance 599 of 1990 granted permission and authority to The Baltimore Sun Company, its successors and assigns, to construct, maintain, and operate at its own expense, for a period not exceeding 25 years, an elevated walkway or bridgeway above and across Centre Street, about 120 feet east of the east building line of Calvert Street, which elevated walkway or bridgeway was to connect the existing building of The Baltimore Sun on the north side of Centre Street with the existing building of The Baltimore Sun on the south side of Centre Street. Although the original franchise agreement expired in 2015 the building owner continued to abide by the appropriate terms and conditions. The dimensions of the Bridgeway in the right-of-way are 66' by 12', or 792 sf.

FRANK MURPHY, ACTING DIRECTOR
DEPARTMENT OF TRANSPORTATION

Visit our website @ www.baltimorecity.gov



HEARING NOTES

Bill: CC – 17-0054

Ordinance – Franchise – Bridgeway over Centre Street

Committee: Housing and Urban Affairs
Chaired By: Councilmember John Bullock

Hearing Date: May 25, 2017
Time (Beginning): 2:05 PM
Time (Ending): 2:20 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: 22
Committee Members in Attendance:
John Bullock Ryan Dorsey
Isaac "Yitzy" Schleifer
Kristerfer Burnett
Sharon Sneed
Zeke Cohen

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Certification of advertising/posting notices in the file?.....	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Evidence of notification to property owners?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Final vote taken at this hearing?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember Schleifer		
Seconded by:	Councilmember Burnett		
Final Vote:	Fav. with Amendments		

Major Speakers

(This is not an attendance record.)

- Patrick Fleming - Department of Transportation
- Jon Laria - Attorney for Developer
-

Major Issues Discussed

1. Chairman Bullock convened the Hearing and recognized the assembled guests. He then announced the committee would hear this Bill concurrently with CC 17-0055 because they both concerned franchises at 601 N. Calvert Street.
2. This Bill extends an existing franchise for a bridgeway between the Sun Building and the garage on the north side of Centre Street. The fee will be determined by the Board of Estimates prior to Second Reader
3. Technical Amendments were approved and the bill passed on a 6-0 vote with one Member absent.

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

J. Bullock:..... Yea
 I. Schleifer: Yea
 K. Burnett: Yea
 S. Sneed: Yea
 Z. Cohen: Yea
 R. Dorsey:..... Yea
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Richard G. Krummerich, Committee Staff

Date: 5-26-17

cc: Bill File
 OCS Chrono File

FROM	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>UK7</i>
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. _21202
	SUBJECT	City Council Bill #17-0054 Response to Franchise – Bridgeway over Centre Street

CITY of
BALTIMORE
MEMO

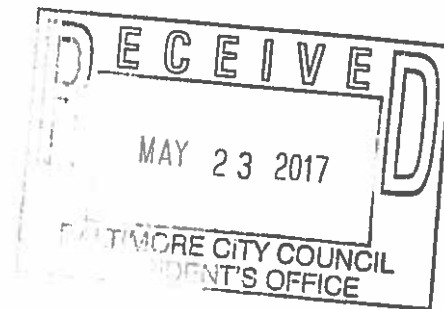


TO **The Honorable Bernard C. Young, President
And All Members of the Baltimore City Council
City Hall, Room 408**

DATE: **May 22, 2017**

For the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated Bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date

The Baltimore City Fire Department has no objections to City Council bill 17-0054.



*no
obj*

**CITY OF BALTIMORE
COUNCIL BILL 17-0054
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: April 24, 2017

Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Transportation, Fire Department, Board of Estimates

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Franchise – Bridgeway over Centre Street**

3 FOR the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an
4 existing elevated bridgeway that is located above and across Centre Street approximately 120
5 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and
6 providing for a special effective date.

7 BY authority of

8 Article VIII - Franchises

9 Baltimore City Charter

10 (1996 Edition)

11 **Recitals**

12 Ordinance 599 of 1990 granted permission and authority to The Baltimore Sun
13 Company, its successors and assigns, to construct, maintain, and operate at its
14 own expense, for a period not exceeding 25 years, an elevated walkway or
15 bridgeway above and across Centre Street, about 119.54 feet east of the east
16 building line of Calvert Street, which elevated walkway or bridgeway was to
17 connect the existing building of The Baltimore Sun on the north side of Centre
18 Street with the existing building of The Baltimore Sun on the south side of Centre
19 Street.

20 Since the effective date of the Ordinance, the title of the real property has been
21 transferred, and MD-601 N. Calvert, LLC, is the current owner. Although the
22 original franchise has expired, the franchise fee has continued to be paid. MD-
23 601 N. Calvert, LLC, requests that the franchise be reestablished for an additional
24 25 years.

25 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a**
26 **franchise or right is granted to MD-601 North Calvert, LLC, its tenants, successors, and assigns**
27 **(collectively, the "Grantee") to use and maintain, at Grantee's own cost and expense, and subject**

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

Council Bill 17-0054

1 to the terms and conditions of this Ordinance, the existing elevated bridgeway above and across
2 Calvert Street about 119.54 feet east of the east building line of Calvert Street, which elevated
3 walkway or bridgeway connects the existing building of the Grantee situated on the north side of
4 Centre Street with the existing building of the Grantee situated on the south side of Centre Street.

5 **SECTION 2. AND BE IT FURTHER ORDAINED,** That to become effective, the franchise or right
6 granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within
7 6 months after the effective date of this Ordinance.

8 **SECTION 3. AND BE IT FURTHER ORDAINED,** That as compensation for the Franchise, the
9 Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$_____ a
10 year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise
11 charge must be paid annually, at least 30 days before the initial and each renewal term of the
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13 **SECTION 4. AND BE IT FURTHER ORDAINED,** That:

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16 automatically renew, without any action by either the Mayor and City Council of Baltimore or
17 the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this
18 Ordinance, each renewal term will be on the same terms and conditions as the initial term. The
19 maximum duration for which the Franchise may operate, including the initial and all renewal
20 terms, is 25 years.

21 (b) Either the Mayor and City Council of Baltimore, acting by and through the Director of
22 Transportation, or the Grantee may cancel the Franchise as at the end of the initial or any renewal
23 term by giving written notice of cancellation to the other at least 90 days before the end of that
24 term.

25 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore,
26 acting by and through the Board of Estimates, may increase or decrease the annual franchise
27 charge by giving written notice of the increase or decrease to the Grantee at least 150 days before
28 the end of the original or renewal term immediately preceding the renewal term to which the
29 increase or decrease will first apply. The new franchise charge will apply to all subsequent
30 annual renewal terms, unless again increased or decreased in accordance with this section.

31 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
32 expressly reserves the right at all times to exercise, in the interest of the public, full municipal
33 superintendence, regulation, and control over and in respect to all matters connected with the
34 Franchise and not inconsistent with the terms of this Ordinance.

35 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense,
36 shall maintain in good condition and in compliance with all applicable laws and regulations of
37 Baltimore City, all structures for which the Franchise is granted. The maintenance of these
38 structures shall be at all times subject to the regulation and control of the Commissioner of
39 Housing and Community Development and the Director of Transportation. If any structure for
40 which the Franchise is granted must be readjusted, relocated, protected, or supported to
41 accommodate a public improvement, the Grantee shall pay all costs and expenses in connection
42 with the readjustment, relocation, protection, or support.



**BALTIMORE
HOUSING**

CATHERINE PUGH
Mayor

MICHAEL BRAVERMAN
Acting Executive Director, HAABC
Acting Commissioner, HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Acting Commissioner

Date: May 15, 2017

Re: City Council Bill 17-0054 - Franchise – Bridgeway over Centre Street

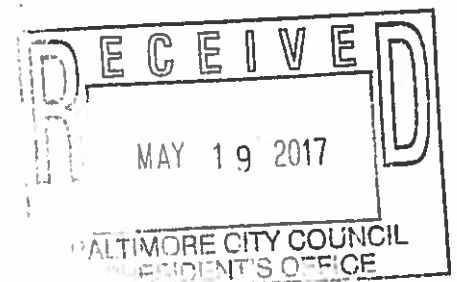
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0054, for the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

If enacted, this bill would reestablish a franchise agreement with MD-601 N. Calvert, LLC, the new owner of the property that was previously owned by the Baltimore Sun Company. The original Franchise agreement with The Baltimore Sun Company expired in 2015, however the Franchise fee continued to be paid based on Ordinance 599 that was passed in 1990. The new property owner would like to reestablish the franchise for an additional 25 years.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0054.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

May 18, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0054 – Franchise – Bridgeway over Centre Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0054 for form and legal sufficiency. The bill would grant a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations. It provides for a special effective date.

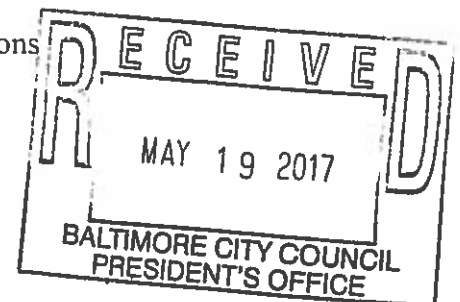
The Baltimore City Charter requires that any given franchise be granted by ordinance containing the terms and conditions of the grant. City Charter, Art. VIII, § 1. A bill granting a franchise must be referred to the Board of Estimates (“BOE”) after first reading. City Charter, Art. VIII, § 2. Thereafter, the BOE is empowered to establish by vote or resolution the compensation paid to the City and may alter the terms and conditions under which a franchise is granted. *Id.* The compensation and the terms and conditions approved by the BOE must be attached to the bill before the bill can be enacted. *Id.*


Assuming the above procedural requirements are met, the Law Department will approve the bill for form and legal sufficiency.

Sincerely,

Victor K. Tervala
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Karen Stokes, Director, Mayor’s Office of Government Relations
Kyron Banks, Mayor’s Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor



FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0054/ BRIDGEWAY OVER CENTRE STREET		

DATE:

TO

May 12, 2017

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

The Department of Planning has been asked to review and consider City Council Bill #17-0054, for the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

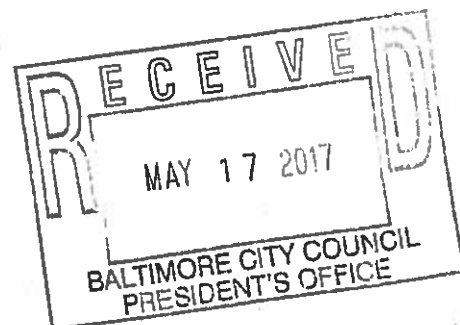
The Planning Department has reviewed the request for the continuation of the franchise and has no objection.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.


TJS/WA

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Kyron Banks, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natawna Austin, Council Services
Mr. Francis Burnszynski, PABC



No obj

FROM	NAME & TITLE	Frank J. Murphy, Acting Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0054		

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

May 2, 2017

I am herein reporting on City Council Bill 17-0054 for the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Ordinance 599 of 1990 granted permission and authority to The Baltimore Sun Company, its successors and assigns, to construct, maintain, and operate at its own expense, for a period not exceeding 25 years, an elevated walkway or bridgeway above and across Centre Street, about 120 feet east of the east building line of Calvert Street, which elevated walkway or bridgeway was to connect the existing building of The Baltimore Sun on the north side of Centre Street with the existing building of The Baltimore Sun on the south side of Centre Street. Although the original franchise agreement expired in 2015 the building owner continued to abide by the appropriate terms and conditions. The intent of this bill is to formalize this arrangement.

The Department of Transportation supports this bill.

Thank you for this opportunity to comment.

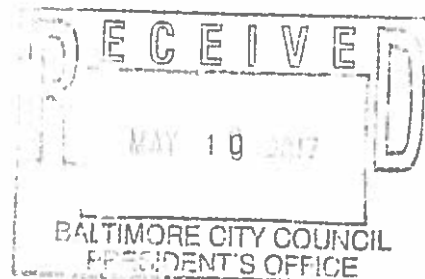
Respectfully,

Frank J. Murphy for

Frank J. Murphy
Acting Director

FJM/PAF

Cc: Karen Stokes, Mayor's Office
Kyron Banks, Mayor's Office



[Handwritten mark]

**CITY OF BALTIMORE
COUNCIL BILL 17-0054
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: April 24, 2017

Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Transportation, Fire Department, Board of Estimates

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Franchise – Bridgeway over Centre Street**

3 FOR the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an
4 existing elevated bridgeway that is located above and across Centre Street approximately 120
5 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and
6 providing for a special effective date.

7 BY authority of

8 Article VIII - Franchises

9 Baltimore City Charter

10 (1996 Edition)

11 **Recitals**

12 Ordinance 599 of 1990 granted permission and authority to The Baltimore Sun
13 Company, its successors and assigns, to construct, maintain, and operate at its
14 own expense, for a period not exceeding 25 years, an elevated walkway or
15 bridgeway above and across Centre Street, about 119.54 feet east of the east
16 building line of Calvert Street, which elevated walkway or bridgeway was to
17 connect the existing building of The Baltimore Sun on the north side of Centre
18 Street with the existing building of The Baltimore Sun on the south side of Centre
19 Street.

20 Since the effective date of the Ordinance, the title of the real property has been
21 transferred, and MD-601 N. Calvert, LLC, is the current owner. Although the
22 original franchise has expired, the franchise fee has continued to be paid. MD-
23 601 N. Calvert, LLC, requests that the franchise be reestablished for an additional
24 25 years.

25 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a**
26 **franchise or right is granted to MD-601 North Calvert, LLC, its tenants, successors, and assigns**
27 **(collectively, the “Grantee”) to use and maintain, at Grantee’s own cost and expense, and subject**

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

Council Bill 17-0054

1 to the terms and conditions of this Ordinance, the existing elevated bridgeway above and across
2 Calvert Street about 119.54 feet east of the east building line of Calvert Street, which elevated
3 walkway or bridgeway connects the existing building of the Grantee situated on the north side of
4 Centre Street with the existing building of the Grantee situated on the south side of Centre Street.

5 **SECTION 2. AND BE IT FURTHER ORDAINED,** That to become effective, the franchise or right
6 granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within
7 6 months after the effective date of this Ordinance.

8 **SECTION 3. AND BE IT FURTHER ORDAINED,** That as compensation for the Franchise, the
9 Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$ _____ a
10 year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise
11 charge must be paid annually, at least 30 days before the initial and each renewal term of the
12 Franchise.

13 **SECTION 4. AND BE IT FURTHER ORDAINED,** That:

14 (a) The initial term of the Franchise is 1 year, commencing on the effective date of this
15 Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will
16 automatically renew, without any action by either the Mayor and City Council of Baltimore or
17 the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this
18 Ordinance, each renewal term will be on the same terms and conditions as the initial term. The
19 maximum duration for which the Franchise may operate, including the initial and all renewal
20 terms, is 25 years.

21 (b) Either the Mayor and City Council of Baltimore, acting by and through the Director of
22 Transportation, or the Grantee may cancel the Franchise as at the end of the initial or any renewal
23 term by giving written notice of cancellation to the other at least 90 days before the end of that
24 term.

25 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore,
26 acting by and through the Board of Estimates, may increase or decrease the annual franchise
27 charge by giving written notice of the increase or decrease to the Grantee at least 150 days before
28 the end of the original or renewal term immediately preceding the renewal term to which the
29 increase or decrease will first apply. The new franchise charge will apply to all subsequent
30 annual renewal terms, unless again increased or decreased in accordance with this section.

31 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
32 expressly reserves the right at all times to exercise, in the interest of the public, full municipal
33 superintendence, regulation, and control over and in respect to all matters connected with the
34 Franchise and not inconsistent with the terms of this Ordinance.

35 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the Grantee, at its own cost and expense,
36 shall maintain in good condition and in compliance with all applicable laws and regulations of
37 Baltimore City, all structures for which the Franchise is granted. The maintenance of these
38 structures shall be at all times subject to the regulation and control of the Commissioner of
39 Housing and Community Development and the Director of Transportation. If any structure for
40 which the Franchise is granted must be readjusted, relocated, protected, or supported to
41 accommodate a public improvement, the Grantee shall pay all costs and expenses in connection
42 with the readjustment, relocation, protection, or support.

Council Bill 17-0054

1 **SECTION 8. AND BE IT FURTHER ORDAINED,** That at the option of the Mayor and City
2 Council of Baltimore, acting by and through the Director of Transportation, the Grantee's failure
3 to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise.
4 Immediately on written notice to the Grantee of the exercise of this option, the Franchise
5 terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore
6 may waive the forfeiture or otherwise reinstate the Franchise.

7 **SECTION 9. AND BE IT FURTHER ORDAINED,** That at any time and without prior notice, the
8 Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public
9 interest, welfare, safety, or convenience so requires. Immediately on written notice to the
10 Grantee of the exercise of this right, the Franchise terminates.

11 **SECTION 10. AND BE IT FURTHER ORDAINED,** That on cancellation, expiration, forfeiture,
12 revocation, or other termination of the Franchise for any reason, the Grantee shall remove all
13 structures for which the Franchise is granted. The removal of these structures shall be
14 (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor
15 and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of
16 Housing and Community Development and the Director of Transportation, and (iii) completed
17 within the time specified in writing by the Director of Transportation.

18 **SECTION 11. AND BE IT FURTHER ORDAINED,** That the Grantee is liable for and shall
19 indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses,
20 costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any
21 time subjected on account of, or in any way resulting from, (i) the presence, construction, use,
22 operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures
23 for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or
24 agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this
25 Ordinance.

26 **SECTION 12. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
27 is enacted.

INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL 17-0054

APPROVED FOR FORM
STYLE, AND TEXTUAL SUFFICIENCY
4-19-17
DEPT LEGISLATIVE REFERENCE

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)

A BILL ENTITLED

AN ORDINANCE concerning

Franchise – Bridgeway over Centre Street

FOR the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

HUA?
Law
Planning Dept
HCP
DOT
Fire
BOE

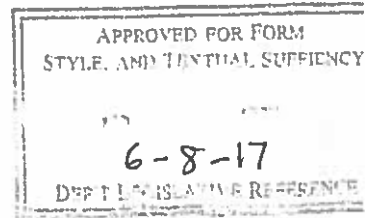
Recitals

Ordinance 599 of 1990 granted permission and authority to The Baltimore Sun Company, its successors and assigns, to construct, maintain, and operate at its own expense, for a period not exceeding 25 years, an elevated walkway or bridgeway above and across Centre Street, about 119.54 feet east of the east building line of Calvert Street, which elevated walkway or bridgeway was to connect the existing building of The Baltimore Sun on the north side of Centre Street with the existing building of The Baltimore Sun on the south side of Centre Street.

Since the effective date of the Ordinance, the title of the real property has been transferred, and MD-601 N. Calvert, LLC, is the current owner. Although the original franchise has expired, the franchise fee has continued to be paid. MD-601 N. Calvert, LLC, requests that the franchise be reestablished for an additional 25 years.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to MD-601 North Calvert, LLC, its tenants, successors, and assigns (collectively, the "Grantee") to use and maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this Ordinance, the existing elevated bridgeway above and across Calvert Street about 119.54 feet east of the east building line of Calvert Street, which elevated walkway or bridgeway connects the existing building of the Grantee situated on the north side of Centre Street with the existing building of the Grantee situated on the south side of Centre Street.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.



AMENDMENTS TO COUNCIL BILL 17-0054
(1st Reader Copy)

By: Housing and Urban Affairs Committee

Amendment No. 1

On page 2, in line 9, in the blank, insert "12,514.60".

Amendment No. 2

On page 2, strikes lines 21 through 24 in their entirety and substitute

"(b) The Mayor and City Council of Baltimore, acting by and through the Director of Transportation, when, in the Director's reasonable judgment, the public welfare or safety so requires, may cancel the Franchise at the end of the initial or any renewal term by giving written notice of cancellation to the Grantee at least 90 days before the end of that term.

(c) The Grantee may cancel the Franchise as of the end of the initial or any renewal term by giving written notice of cancellation to the Mayor and City Council at least 90 days before the end of that term."

Amendment No. 3

On page 3, in line 8, after "Mayor's", insert "reasonable".

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 17-0054

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: April 24, 2017
Assigned to: Housing and Urban Affairs Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 12, 2017

AN ORDINANCE CONCERNING

Franchise – Bridgeway over Centre Street

FOR the purpose of granting a franchise to MD-601 N. Calvert, LLC, to use and maintain an existing elevated bridgeway that is located above and across Centre Street approximately 120 feet east of Calvert Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

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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.

Council Bill 17-0054

1 to the terms and conditions of this Ordinance, the existing elevated bridgeway above and across
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4 Centre Street with the existing building of the Grantee situated on the south side of Centre Street.

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17 the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this
18 Ordinance, each renewal term will be on the same terms and conditions as the initial term. The
19 maximum duration for which the Franchise may operate, including the initial and all renewal
20 terms, is 25 years.

21 (b) ~~Either the Mayor and City Council of Baltimore, acting by and through the Director of~~
22 ~~Transportation, or the Grantee may cancel the Franchise as at the end of the initial or any renewal~~
23 ~~term by giving written notice of cancellation to the other at least 90 days before the end of that~~
24 ~~term.~~

25 (b) The Mayor and City Council of Baltimore, acting by and through the Director of
26 Transportation, when, in the Director's reasonable judgment, the public welfare or safety so
27 requires, may cancel the Franchise at the end of the initial or any renewal term by giving written
28 notice of cancellation to the Grantee at least 90 days before the end of that term.

29 (c) The Grantee may cancel the Franchise as of the end of the initial or any renewal term by
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37 annual renewal terms, unless again increased or decreased in accordance with this section.

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Council Bill 17-0054

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5 Housing and Community Development and the Director of Transportation. If any structure for
6 which the Franchise is granted must be readjusted, relocated, protected, or supported to
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8 with the readjustment, relocation, protection, or support.

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12 Immediately on written notice to the Grantee of the exercise of this option, the Franchise
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28 costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any
29 time subjected on account of, or in any way resulting from, (i) the presence, construction, use,
30 operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures
31 for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or
32 agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this
33 Ordinance.

34 **SECTION 12. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
35 is enacted.

Council Bill 17-0054

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