

**Introduced by:** The Council President

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

**Prepared by:** Department of Legislative Reference

**Date:** November 5, 2018

**Referred to:** HOUSING AND URBAN AFFAIRS Committee

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

CITY COUNCIL 18-0303

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Closing –  
A Portion of West Barney Street**

FOR the purpose of condemning and closing a portion of West Barney Street, extending Easterly 208 feet, more or less, to the east side of Clarkson Street from the intersection of the south side of West Barney Street east side of Race Street, as shown on Plat 128-A-36A in the Office of the Department of Transportation; and providing for a special effective date.

BY authority of

Article I - General Provisions

Section 4

and

Article II - General Powers

Sections 2, 34, 35

Baltimore City Charter

(1996 Edition)

**\*\*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 checked="" 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 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: _____
<input 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: _____

**Boards and Commissions**

<input 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: _____

CITY OF BALTIMORE  
ORDINANCE **19-238**  
Council Bill 18-0303

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: November 19, 2018  
Assigned to: Housing and Urban Affairs Committee  
Committee Report: Favorable  
Council action: Adopted  
Read second time: March 11, 2019

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AN ORDINANCE CONCERNING

1                                   City Streets – Closing –  
2                                   A Portion of West Barney Street

3       FOR the purpose of condemning and closing a portion of West Barney Street, extending Easterly  
4           208 feet, more or less, to the east side of Clarkson Street from the intersection of the south  
5           side of West Barney Street east side of Race Street, as shown on Plat 128-A-36A in the  
6           Office of the Department of Transportation; and providing for a special effective date.

7       BY authority of  
8           Article I - General Provisions  
9           Section 4  
10          and  
11          Article II - General Powers  
12          Sections 2, 34, 35  
13          Baltimore City Charter  
14          (1996 Edition)

15       **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
16       Department of Transportation shall proceed to condemn and close a portion of West Barney  
17       Street, extending Easterly 208 feet, more or less, to the east side of Clarkson Street from the  
18       intersection of the south side of West Barney Street east side of Race Street, and more  
19       particularly described as follows:

20               Beginning for Parcel No. 1 at the point formed by the intersection of a point offset  
21               16 feet from the south side of West Barney Street 66 feet wide, so projected, and  
22               the east side of Clarkson Street 40 feet wide, so projected, the point of beginning  
23               being distant Westerly 188 feet, more or less, measured along the south side of  
24               West Barney Street from the point formed by the intersection of the south side of  
25               West Barney Street and the west side of South Hanover Street 66 feet wide;  
26               thence binding on the west side of Clarkson Street Southerly 16 feet, to the south  
27               side of West Barney Street; thence binding on the south side of West Barney  
28               Street Westerly 208 feet, more or less, to intersect the east side of Race Street 66

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 18-0303**

1 feet wide; thence binding on the east side of Race Street Northerly 16 feet, to a  
2 point offset 16 feet from the south side of Barney Street; and thence Easterly 208  
3 feet, more or less, to the place of beginning.

4 Containing 3,328 square feet or 0.076 acres, more or less.

5 As delineated on Plat 128-A-36A, prepared by the Survey Section and filed on October 30, 2018,  
6 in the Office of the Department of Transportation.

7 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and  
8 closing of a portion of West Barney Street and the rights of all interested parties shall be  
9 regulated by and in accordance with all applicable provisions of state and local law and with all  
10 applicable rules and regulations adopted by the Director of Transportation and filed with the  
11 Department of Legislative Reference.

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

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

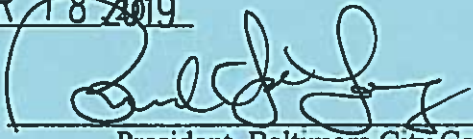
26 **SECTION 5. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all  
27 subsurface structures and appurtenances owned by any person other than the Mayor and City  
28 Council of Baltimore shall be removed by and at the expense of their owners, promptly upon  
29 notice to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

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

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

Council Bill 18-0303

Certified as duly passed this \_\_\_\_\_ day of MAR 18 2019

  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of MAR 18, 2019

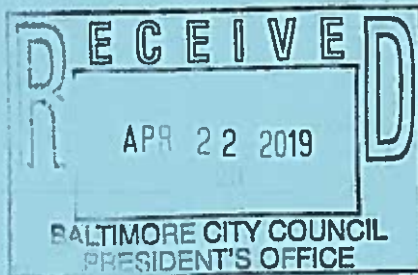
  
\_\_\_\_\_  
Chief Clerk


Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
President, Baltimore City Council

\_\_\_\_\_  
Mayor, Baltimore City

Pursuant to City Charter  
Article IV, Section 5 (c),  
this bill became law on  
April 22, 2019, without  
the Mayor's signature.



Approved For Form and Legal Sufficiency  
This 19th Day of April 2019  
  
\_\_\_\_\_  
Chief Solicitor



THE UNIVERSITY OF CHICAGO  
LIBRARY  
540 EAST 57TH STREET  
CHICAGO, ILL. 60637

**BALTIMORE CITY COUNCIL**  
**Housing And Urban Affairs Committee**  
**VOTING RECORD**

DATE: 2-26-19

BILL#CC: 18- 0303 BILL TITLE: Ordinance – City Source – Closing – A  
 Portion of West Barney Street

MOTION BY: Burnett SECONDED BY: HENRY

- 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<b>TOTALS</b>	6	0		

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





CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR  
100 N. Holliday Street  
Suite 101, City Hall  
Baltimore, Maryland 21202

February 25, 2019

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 18-0303 – City Streets – Closing – A Portion of West Barney Street

Dear President and City Council Members:

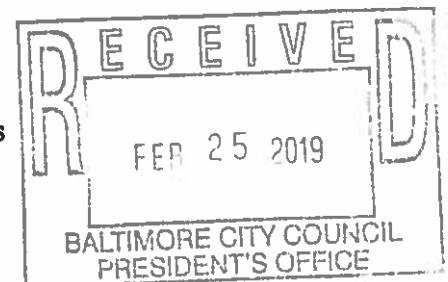
The Law Department has reviewed City Council Bill 18-0303 for form and legal sufficiency. The bill would allow the City to condemn and close a portion of West Barney Street. The bill also provides for a special effective date.

Art. II, Sections 2 and (34)(a) of the City Charter grant the Mayor and City Council the power to condemn and “construct, open, extend, widen, straighten or close streets, bridges, tunnels or approaches to them and other public ways of every kind within the bounds of the City.” Section 116(b)(2) of Article VII of the City Charter requires the Department of Transportation to prepare all ordinances for the opening and closing of streets. As this bill conforms to the applicable sections of the Charter, the Law Department approves it for form and legal sufficiency.

Sincerely,

Elena R. DiPietro  
Chief Solicitor  
Division Chief

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Jeff Amoros, Mayor's Legislative Liaison  
Ashlea Brown, Assistant Solicitor  
Hilary Ruley, Chief Solicitor  
Victor Tervalva, Chief Solicitor







BALTIMORE CITY  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

## MEMORANDUM

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

From: Michael Braverman, Housing Commissioner *MB*

Date: February 22, 2019

Re: City Council Bill 18-0303, City Streets – Closing – A Portion of West Barney Street

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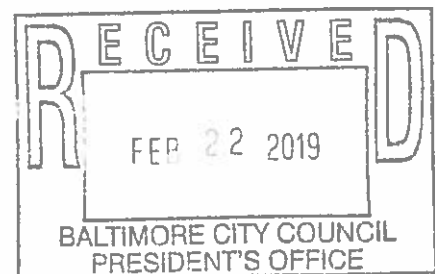
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0303, for the purpose of condemning and closing a portion of West Barney Street, extended Easterly 208 feet, more or less, to the east side of Clarkson Street from the intersection of the south side of West Barney Street east side of Race Street.

The Right of Way portion of W. Barney Street currently has no pedestrian access, and the portion of Clarkson Street effectively functions as a private surface parking area. On 9/27/2018, the Planning Commission determined these street portions are no longer needed for public use. The landowner of the abutting parcels is investigating further redevelopment of the site and wishes to consolidate the street portions with his parcels.

HCD does not object to the passage of City Council Bill 18-0303.


MB:td

cc: Mr. Jeffrey Amoros, Mayor's Office of Government Relations



*Does not object*



<b>F R O M</b>	<b>NAME &amp; TITLE</b>	Michelle Pourciau, Director	<b>CITY of BALTIMORE  M E M O</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	<b>SUBJECT</b>	City Council Bill 18-0303		

TO: Mayor Catherine E. Pugh  
TO: Housing and Urban Affairs Committee  
FROM: Department of Transportation  
POSITION: Support  
RE: Council Bill – 18-0303

DATE: 2/1/19

**INTRODUCTION** – City Streets –Closing – A Portion of West Barney Street

**PURPOSE/PLANS** – For the purpose of condemning and closing a portion of West Barney Street, extending Easterly 208 feet, more or less, to the east side of Clarkson Street from the intersection of the south side of West Barney Street east side of Race Street, as shown on Plat 128-A-36A in the Office of the Department of Transportation; and providing for a special effective date.

**COMMENTS** – This closing is facilitating new residential development and will support bringing more residents to the city.

**AGENCY/DEPARTMENT POSITION** –  
The Department of Transportation has No Objection to City Council bill 18-0303.

If you have any questions, please do not hesitate to contact Michael Castagnola at Michael.Castagnola@baltimorecity.gov, 410-396-6802.

Sincerely,



Michelle Pourciau  
Director

*no objection*

**R E C E I V E D**

FEB - 4 2019

BALTIMORE CITY COUNCIL  
PRESIDENT'S OFFICE





**Baltimore**  
Development Corporation

## MEMORANDUM

**TO:** Honorable President and Members of the City Council  
Attention: Natawna Austin, Executive Secretary

**FROM:** William H. Cole, President and CEO *[Signature]*

**DATE:** December 11, 2018

**SUBJECT:** City Council Bill 18-0303  
City Streets – Closing – A Portion of West Barney Street

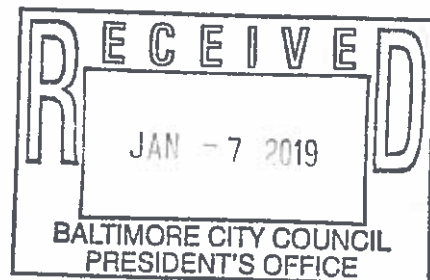
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The Baltimore Development Corporation (BDC) has reviewed City Council Bill 18-0303, for the purpose of condemning and closing a portion of West Barney Street. The street and abutting parcels are within the larger site known as 1800 S. Hanover Street and back up to the I-95 on-ramp. This street closing will facilitate future development efforts on the site.

The BDC respectfully requests favorable consideration be given to City Council Bill 18-0303.


cc: Kyron Banks

*favorable*







<b>FROM</b>	NAME & TITLE	LAURIE FEINBERG, ACTING DIRECTOR	CITY of <b>BALTIMORE</b>  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0303/ STREET CLOSING – A PORTION OF WEST BARNEY STREET		

DATE:

**TO**

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

November 20, 2018

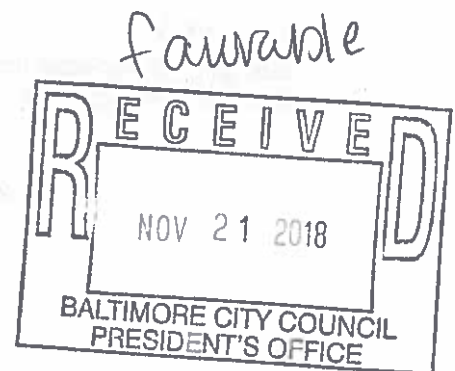
At its regular meeting of September 27, 2018, the Planning Commission considered this street closing, which will “square off” the block, and allow for a better development parcel in the adjacent block. It was determined that these portions of right-o-way are no longer needed for public purpose, and can be closed and sold. City Council Bill #18-0303 will now formally authorize this street closure. The Department of Planning recommends approval of this bill.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

LF/ewt

attachment

- cc: Mr. Pete Hammen, Chief Operating Officer  
Mr. Jim Smith, Chief of Strategic Alliances  
Ms. Karen Stokes, Mayor’s Office  
Mr. Colin Tarbert, Mayor’s Office  
Mr. Kyron Banks, Mayor’s Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. William H. Cole IV, BDC  
Mr. Derek Baumgardner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Sharon Daboin, DHCD  
Mr. Tyrell Dixon, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Josh Taylor, DOT  
Ms. Natawna Austin, Council Services  
Mr. Ervin Bishop, Council Services





*Catherine E. Pugh*  
Mayor

## PLANNING COMMISSION

*Sean D. Davis, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

September 27, 2018

**REQUEST:** Street Closing/ A Portion of Clarkson Street and West Barney Street – In The Vicinity of 1800 South Hanover Street

**RECOMMENDATION:** Approval

**STAFF:** Anthony Cataldo, AICP

**PLANNING DISTRICT:** South

**PETITIONER:** Mr. Joseph Woolman, III on behalf of South Hanover Street Properties, LLC.

**OWNER:** The Mayor and City Council

#### **SITE/GENERAL AREA**

**Site Conditions:** The portion of Clarkson Street that is proposed to be closed is located perpendicular to West Barney Street and solely between two parcels owned by South Hanover Street Properties, LLC. The portion of West Barney Street that is proposed to be closed is along the frontage of the property known as 1800 South Hanover Street to the west of the intersection of Clarkson and W. Barney Street.

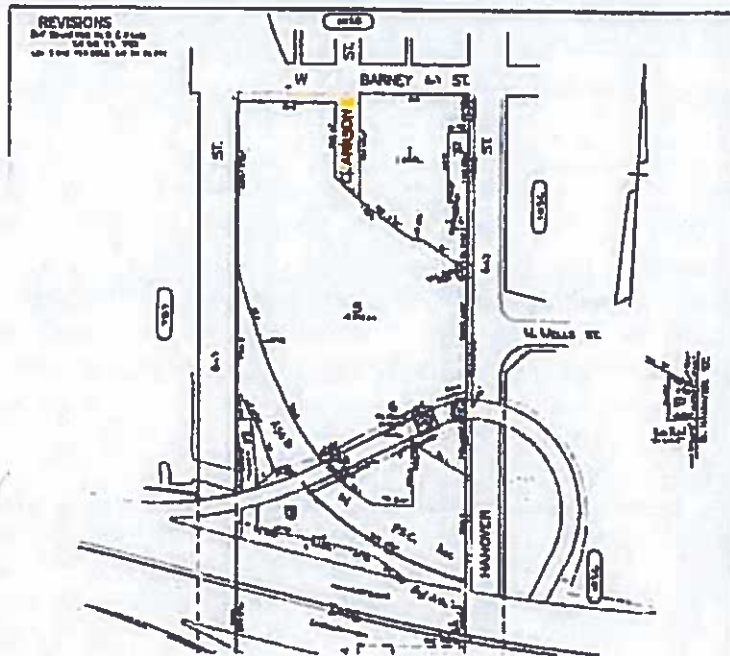
**General Area:** The streets proposed to be closed are located in the South Baltimore Neighborhood in south Baltimore. The streets and abutting parcels are within the larger site known as 1800 S. Hanover Street and back up to the I-95 on ramp.

#### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site.

#### **ANALYSIS**

**Proposal:** The applicant has requested the Department of Transportation to close Clarkson Street and a portion of W. Barney Street as indicated on the plat below:



All of the abutting parcels have sole ownership and the ROW portion of W. Barney Street is currently overgrown with utility poles and no pedestrian access. As the street has already been effectively functioning as a private surface parking area, there will be no practical change as a consequence of its closing. The landowner is in the process of investigating future redevelopment of the site, and as such wishes to consolidate the street portions with the remainder of his parcels.

This action has been referred to the Planning Commission for review as an extension of the Master Plan review authority assigned by the City Charter, Art. VII, §§72 and 74. Given that the all of the parcels abutting these street portions proposed for closure are under sole ownership and comprise a possible redevelopment site, staff recommends that the Planning Commission find that there is no further need for public use of the street portions and that they can be closed. Any utilities in the area to be closed will need to either be removed or will require an easement.

**Community Notification:** The Riverside Neighborhood Association, South Baltimore Business Alliance, South Baltimore Neighborhood Association, and South Baltimore Partnership have been notified of this action.

**Thomas J. Stosur**  
Director



**CALL TO ORDER**

**INTRODUCTIONS**

**ATTENDANCE**

- Present** 6 - Member John T. Bullock, Member Isaac "Yitzy" Schleifer, Member Kristerfer Burnett, Member Bill Henry, Member Shannon Sneed, and Member Zeke Cohen
- Absent** 1 - Member Ryan Dorsey

**ITEMS SCHEDULED FOR PUBLIC HEARING**

**18-0303**

**City Streets - Closing - A Portion of West Barney Street**

For the purpose of condemning and closing a portion of West Barney Street, extending Easterly 208 feet, more or less, to the east side of Clarkson Street from the intersection of the south side of West Barney Street east side of Race Street, as shown on Plat 128-A-36A in the Office of the Department of Transportation; and providing for a special effective date.

**Sponsors:** City Council President (Administration)

**A motion was made by Member Burnett, seconded by Member Henry, that this Ordinance be Recommended Favorably. The motion carried by the following vote:**

- Yes:** 6 - Member Bullock, Member "Yitzy" Schleifer, Member Burnett, Member Henry, Member Sneed, and Member Cohen
- Absent:** 1 - Member Dorsey

**ADJOURNMENT**

**THIS MEETING IS OPEN TO THE PUBLIC**



CITY OF BALTIMORE

CATHERINE E. PUGLI, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: CC 18-0303

Ordinance - City Streets - Closing - A Portion of West Barney Street

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

Hearing Date: February 26, 2019
Time (Beginning): 2:05 PM
Time (Ending): 2:10 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: 16
Committee Members in Attendance:
John Bullock Bill Henry
Isaac "Yitzy" Schleifer
Kristerfer Burnett
Sharon Sneed
Zeke Cohen

Bill Synopsis in the file? [X] yes [ ] no [ ] n/a
Attendance sheet in the file? [X] yes [ ] no [ ] n/a
Agency reports read? [X] yes [ ] no [ ] n/a
Hearing televised or audio-digitally recorded? [ ] yes [ ] no [X] n/a
Certification of advertising/posting notices in the file? [ ] yes [ ] no [X] n/a
Evidence of notification to property owners? [ ] yes [ ] no [X] n/a
Final vote taken at this hearing? [X] yes [ ] no [ ] n/a
Motioned by: Councilmember Burnett
Seconded by: Councilmember Henry
Final Vote: Favorable

Major Speakers

(This is not an attendance record.)

• Joseph Wollman

Attorney for Developer











**CITY OF BALTIMORE  
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: \* Housing and Urban Affairs

Chairperson: \* John Bullock

Date: February 26, 2019

Time: 2:00 PM

Place: \*Council Chambers

Subject: \* - Ordinance - City Streets - Closing- A Portion of West Barney Street

CC Bill Number 18-0303

**PLEASE PRINT**

**IF YOU WANT TO TESTIFY PLEASE CHECK HERE**



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
FRANK	MURPHY		DEPT. OF TRANSPORTATION		FRANK.MURPHY@BALTIMOREMD.GOV	<input checked="" type="checkbox"/>				
Elena	Dr. Petri									
Rebecca	Valb B. Sharp									
Michael	Hullock									
Jeff	Brown									
Law	Boris									

(\* ) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland  
21202

## Meeting Agenda - Final

### Housing and Urban Affairs Committee

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Tuesday, February 26, 2019

2:00 PM

Du Burns Council Chamber, 4th floor, City Hall

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18-0303

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

#### **ITEMS SCHEDULED FOR PUBLIC HEARING**

18-0303

##### **City Streets - Closing - A Portion of West Barney Street**

For the purpose of condemning and closing a portion of West Barney Street, extending Easterly 208 feet, more or less, to the east side of Clarkson Street from the intersection of the south side of West Barney Street east side of Race Street, as shown on Plat 128-A-36A in the Office of the Department of Transportation; and providing for a special effective date.

#### **ADJOURNMENT**

**THIS MEETING IS OPEN TO THE PUBLIC**





## BILL SYNOPSIS

Committee: Housing and Urban Affairs

Bill CC 18-0303

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### Ordinance - City Streets – Closing – A Portion of West Barney Street

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*Sponsor: President Young (The Administration) \**  
*Introduced: November 19, 2018*

**Purpose:**

For the purpose of condemning and closing a portion of West Barney Street, extending Easterly 208 feet, more or less, to the east side of Clarkson Street from the intersection of the south side of West Barney Street east side of Race Street, as shown on Plat 128-A-36A in the Office of the Department of Transportation; and providing for a special effective date.

**Effective:** Upon enactment

**Hearing Date/Time/Location:** February 26, 2019 at 2:00 PM in the Council Chambers

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### Agency Reports

Baltimore Development Corporation	Favorable
Department of Law	
Planning Commission	Favorable
Department of Housing and Community Development	
Department of Transportation	No Objection

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## Analysis

### Current Law

Article II Sections 2, 34 and 35 establishes a process for condemning streets. The final step is enactment of an Ordinance of the Mayor and City Council.

### Background

This legislation is designed to aid development in the South Baltimore Community. The following property is being transferred

An approximately 1/12<sup>th</sup> of an acre Portion of Barney Street near the intersection of Clarkson Street. The site has no public use and is functioning as a surface parking lot for adjacent businesses.

CC 18-0282 condemns and closes the above described property.

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### Additional Information

**Fiscal Note:** Not Available

**Information Source(s):** Bill File

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Analysis by: Richard G. Krummerich *RK* Direct Inquiries to: 410 -396-1266  
Analysis Date: 2-22-19



**CITY OF BALTIMORE  
COUNCIL BILL 18-0303  
(First Reader)**

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: November 19, 2018  
Assigned to: Housing and Urban Affairs Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Transportation, Baltimore Development Corporation

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**  
3 **A Portion of West Barney Street**

4 FOR the purpose of condemning and closing a portion of West Barney Street, extending Easterly  
5 208 feet, more or less, to the east side of Clarkson Street from the intersection of the south  
6 side of West Barney Street east side of Race Street, as shown on Plat 128-A-36A in the  
7 Office of the Department of Transportation; and providing for a special effective date.

8 BY authority of  
9 Article I - General Provisions  
10 Section 4  
11 and  
12 Article II - General Powers  
13 Sections 2, 34, 35  
14 Baltimore City Charter  
15 (1996 Edition)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
17 Department of Transportation shall proceed to condemn and close a portion of West Barney  
18 Street, extending Easterly 208 feet, more or less, to the east side of Clarkson Street from the  
19 intersection of the south side of West Barney Street east side of Race Street, and more  
20 particularly described as follows:

21 Beginning for Parcel No. 1 at the point formed by the intersection of a point offset  
22 16 feet from the south side of West Barney Street 66 feet wide, so projected, and  
23 the east side of Clarkson Street 40 feet wide, so projected, the point of beginning  
24 being distant Westerly 188 feet, more or less, measured along the south side of  
25 West Barney Street from the point formed by the intersection of the south side of  
26 West Barney Street and the west side of South Hanover Street 66 feet wide;  
27 thence binding on the west side of Clarkson Street Southerly 16 feet, to the south  
28 side of West Barney Street; thence binding on the south side of West Barney  
29 Street Westerly 208 feet, more or less, to intersect the east side of Race Street 66

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

**Council Bill 18-0303**

1 feet wide; thence binding on the east side of Race Street Northerly 16 feet, to a  
2 point offset 16 feet from the south side of Barney Street; and thence Easterly 208  
3 feet, more or less, to the place of beginning.

4 Containing 3,328 square feet or 0.076 acres, more or less.

5 As delineated on Plat 128-A-36A, prepared by the Survey Section and filed on October 30, 2018,  
6 in the Office of the Department of Transportation.

7 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and  
8 closing of a portion of West Barney Street and the rights of all interested parties shall be  
9 regulated by and in accordance with all applicable provisions of state and local law and with all  
10 applicable rules and regulations adopted by the Director of Transportation and filed with the  
11 Department of Legislative Reference.

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

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

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

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

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

**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**

APPROVED FOR FORM STYLE, AND TEXTUAL SUFFICIENCY
11-5-18
DEPT LEGISLATIVE REFERENCE

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

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets -- Closing --  
A Portion of West Barney Street**

FOR the purpose of condemning and closing a portion of West Barney Street, extending Easterly 208 feet, more or less, to the east side of Clarkson Street from the intersection of the south side of West Barney Street east side of Race Street, as shown on Plat 128-A-36A in the Office of the Department of Transportation; and providing for a special effective date.

BY authority of

Article I - General Provisions  
Section 4

and

Article II - General Powers  
Sections 2, 34, 35  
Baltimore City Charter  
(1996 Edition)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Department of Transportation shall proceed to condemn and close a portion of West Barney Street, extending Easterly 208 feet, more or less, to the east side of Clarkson Street from the intersection of the south side of West Barney Street east side of Race Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of a point offset 16 feet from the south side of West Barney Street 66 feet wide, so projected, and the east side of Clarkson Street 40 feet wide, so projected, the point of beginning being distant Westerly 188 feet, more or less, measured along the south side of West Barney Street from the point formed by the intersection of the south side of West Barney Street and the west side of South Hanover Street 66 feet wide; thence binding on the west side of Clarkson Street Southerly 16 feet, to the south side of West Barney Street; thence binding on the south side of West Barney Street Westerly 208 feet, more or less, to intersect the east side of Race Street 66 feet wide; thence binding on the east side of Race Street Northerly 16 feet, to a point offset 16 feet from the south side of Barney Street; and thence Easterly 208 feet, more or less, to the place of beginning.

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

Containing 3,328 square feet or 0.076 acres, more or less.

As delineated on Plat 128-A-36A, prepared by the Survey Section and filed on October 30, 2018, in the Office of the Department of Transportation.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and closing of a portion of West Barney Street and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Transportation and filed with the Department of Legislative Reference.

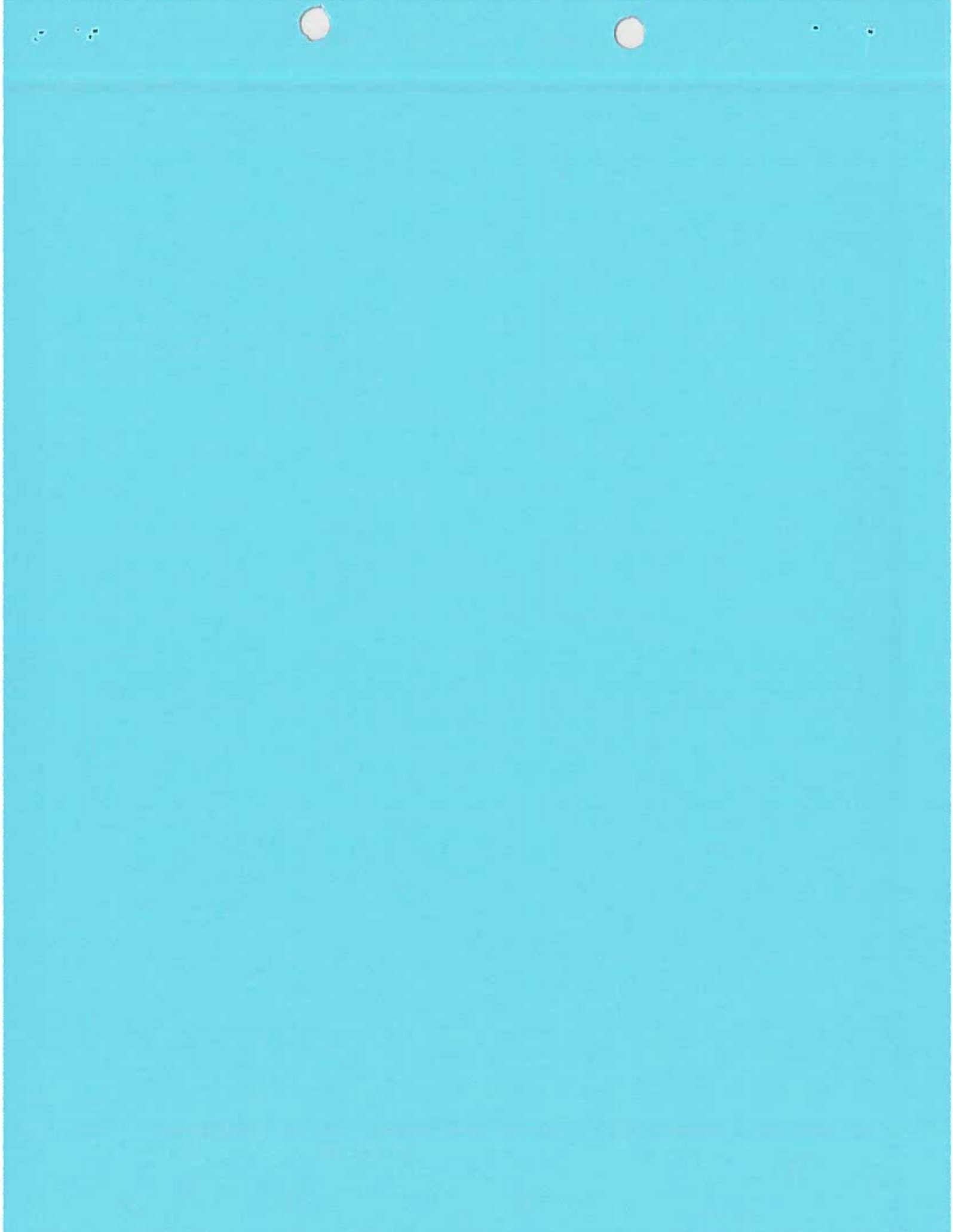
**SECTION 3. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the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

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

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

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

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



ACTION BY THE CITY COUNCIL

NOV 19 2018

FIRST READING (INTRODUCTION) \_\_\_\_\_ 20 \_\_\_\_\_

PUBLIC HEARING HELD ON 2-26 \_\_\_\_\_ 20 19

COMMITTEE REPORT AS OF 3-11- \_\_\_\_\_ 20 19

FAVORABLE \_\_\_\_\_ UNFAVORABLE \_\_\_\_\_ FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

 \_\_\_\_\_  
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

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

MAR 11 2019

\_\_\_\_\_ 20 \_\_\_\_\_

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

THIRD READING \_\_\_\_\_ MAR 18 2019

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

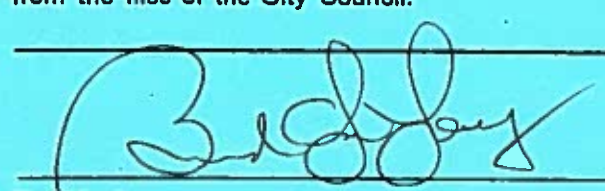
THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

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

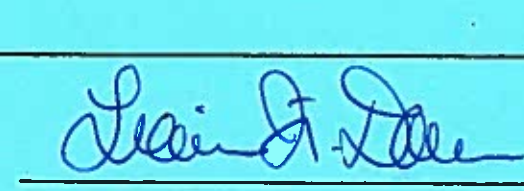
THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

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.

 \_\_\_\_\_

President

 \_\_\_\_\_

Chief Clerk