

**CITY OF BALTIMORE
COUNCIL BILL 19-0383
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: April 29, 2019
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, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing – Bauernschmidt Alley and 2 10-Foot Alleys Bounded by**
3 **North Gay Street, East Oliver Street, North Washington Street, and Federal Street**

4 FOR the purpose of condemning and closing Bauernschmidt Alley and 2 10-foot alleys bounded
5 by North Gay Street, East Oliver Street, North Washington Street, and Federal Street, as
6 shown on Plat 309-A-29A in the Office of the Department of Transportation; and providing
7 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 Bauernschmidt Alley and 2
18 10-foot alleys bounded by North Gay Street, East Oliver Street, North Washington Street, and
19 Federal Street, and more particularly described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of the south
21 side of Federal Street 66 feet wide and the west side of a 10-foot alley, the point
22 of beginning being distant Easterly 75 feet, more or less, measured along the south
23 side of Federal Street from the east side of North Washington Street 70 feet wide;
24 thence binding on the south side of Federal Street Easterly 10 feet, more or less, to
25 the east side of the 10-foot alley; thence binding on the east side of the 10-foot
26 alley Southerly 131.9 feet, more or less, to intersect the northeast side of
27 Bauernschmidt Alley 15 feet wide; thence binding on the northwest side of
28 Bauernschmidt Alley Southwesterly 11.2 feet, more or less, to the west side of the

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

Council Bill 19-0383

1 10-foot alley and thence binding on the west side of the 10-foot alley Northerly
2 137 feet, more or less, to the place of beginning.

3 Containing 1344.55 square feet or 0.03 acres, more or less.

4 Beginning for parcel No. 2 at the point formed by the intersection of the south
5 side of Federal Street 66 feet wide and the west side of Bauernschmidt Alley 15
6 feet wide, the point of beginning being distant Easterly 220.4 feet, more or less,
7 measured along the south side of Federal Street from the east side of North
8 Washington Street 70 feet wide; thence binding on the south side of Federal Street
9 Easterly 21.5 feet, more or less, to the southeast side of Bauernschmidt Alley;
10 thence along the southeast side of Bauernschmidt Alley Southwesterly 224.2 feet,
11 more or less, to the east side of a 10-foot alley; thence crossing the 10-foot alley
12 Southwesterly 16.6 feet, more or less; thence binding on the south side of
13 Bauernschmidt Alley Westerly 67 feet, more or less, to intersect the east side of
14 North Washington Street; thence binding on the east side of North Washington
15 Street Northerly 15 feet, more or less, to the north side of Bauernschmidt Alley;
16 thence with the north and northwest side of the alley, the following 4 courses and
17 distances Easterly 66 feet; thence Northeasterly 15.8 feet; thence Northeasterly
18 11.2 feet and thence Northeasterly 189.0 feet, more or less, to the place of
19 beginning.

20 Containing 4449.66 square feet or 0.102 acres, more or less.

21 Beginning for Parcel No. 3 at the point formed by the intersection of the south
22 side of Bauernschmidt Alley 15 feet wide and the west side of a 10-foot alley, the
23 point of beginning being distant Easterly 67 feet, more or less, measured along the
24 south side of Bauernschmidt Alley from the east side of North Washington Street
25 70 feet wide; thence leaving the west side of the 10-foot alley Northeasterly 16.6
26 feet, more or less, to the east side of the 10-foot alley; thence binding on the east
27 side of the 10-foot alley Southwesterly 108.9 feet, more or less to a point on the
28 southwest side of the 10-foot alley there situate; thence binding on the southwest
29 side of the 10-foot alley Southwesterly 7.3 feet, more or less, to the south side of
30 the 10-foot alley; thence binding on the south side of the 10-foot alley Westerly
31 33.5 feet, more or less, to intersect the east side of North Washington Street;
32 thence binding on the east side of North Washington Street Northerly 10 feet,
33 more or less, to the north side of the 10-foot alley; thence Easterly 32.0 feet, more
34 or less, to the west side of the 10-foot alley; thence Northeasterly 92.4 feet, more
35 or less, to the place of beginning.

36 Containing 1369.14 square feet or 0.031 acres, more or less.

37 As delineated on Plat 309-A-29A, prepared by the Survey Section and filed on October 17, 2018,
38 in the Office of the Department of Transportation.

39 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
40 closing of Bauernschmidt Alley and 2 10-foot alleys bounded by North Gay Street, East Oliver
41 Street, North Washington Street, and Federal Street and the rights of all interested parties shall be
42 regulated by and in accordance with all applicable provisions of state and local law and with all

Council Bill 19-0383

1 applicable rules and regulations adopted by the Transportation and filed with the Department of
2 Legislative Reference.

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

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

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

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

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