

**CITY OF BALTIMORE
COUNCIL BILL 19-0325
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: January 28, 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 –**
3 **Air Rights Area Over a Portion of the Public Right of Way of the**
4 **4100 Block of Hillen Road**

5 FOR the purpose of condemning and closing the air rights area over a portion of the public right
6 of way of the 4100 Block of Hillen Road, as shown on Plat 347-A-76A in the Office of the
7 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 the air rights area over a
18 portion of the public right of way of the 4100 Block of Hillen Road, and more particularly
19 described as follows:

20 Beginning for the same at a point on the west side of Hillen Road 120 feet wide
21 the point of beginning being distant Northerly 596.6 feet, more or less, from a
22 point formed by the intersection of the west side of Hillen Road and the north side
23 of Argonne Drive 80 feet wide, the point also being in a horizontal plane 14.75
24 feet above street level at its lowest point; thence binding on the west side of
25 Hillen Road North 16 degrees 24 minutes 40 seconds East 19.80 feet to a point on
26 the north side of the air rights over a portion of the public right of way of the 4100
27 block of Hillen Road; thence crossing Hillen Road North 81 degrees 49 minutes
28 21 seconds East 131.49 feet to intersect the east side of Hillen Road; thence
29 binding on the east side of Hillen Road South 15 degrees 44 minutes 42 seconds

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

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1 West 19.69 feet to a point on the south side of the air rights over a portion of the
2 public right of way of the 4100 block of Hillen Road; thence crossing Hillen Road
3 South 81 degrees 49 minutes 21 seconds West 131.74 feet to the point of
4 beginning.

5 Containing 2,370 square feet or 0.054 acres, more or less.

6 As delineated on Plat 347-A-76A, prepared by the Survey Section and filed on March 7, 2018, in
7 the Office of the Department of Transportation.

8 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
9 closing of the air rights area over a portion of the public right of way of the 4100 Block of Hillen
10 Road and the rights of all interested parties shall be regulated by and in accordance with all
11 applicable provisions of state and local law and with all applicable rules and regulations adopted
12 by the Director of Transportation and filed with the Department of Legislative Reference.

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

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

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

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

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