

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 16-0721**

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: August 8, 2016  
Assigned to: Housing and Community Development Committee  
Committee Report: Favorable  
Council action: Adopted  
Read second time: October 20, 2016

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**AN ORDINANCE CONCERNING**

**City Streets – Closing –  
Portion of a 12-Foot Alley**

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3 FOR the purpose of condemning and closing a portion of a 12-foot alley, extending from another  
4 12-foot alley Northeasterly 52 feet more or less to the southernmost extremity of Block  
5 3563A, Lot 42B, as shown on Plat 128-A-35B in the Office of the Department of  
6 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 a 12-foot alley,  
17 extending from another 12-foot alley Northeasterly 52 feet more or less to the southernmost  
18 extremity of Block 3563A, Lot 42B, and more particularly described as follows:

19 Beginning for Parcel 1 at the point formed by the intersection of a point on the  
20 east side of a 12-foot alley and a point on the westerly outline of the property  
21 known as 3818 Roland Avenue, said point of beginning being distant 155 feet,  
22 more or less, measured along the east side of said alley northerly from the north  
23 side of West 38<sup>th</sup> Street 60 feet, wide; thence crossing said alley Northerly 12 feet  
24 to intersect the west side of said alley; thence binding on the west side of said  
25 alley Northerly 52 feet, more or less, to intersect the southern outline of the  
26 property known as lot 42B of Block 3563A; thence binding on the southern  
27 outline of said property, Easterly 12 feet, to intersect the east side of said 12-foot  
28 alley; and thence Southerly 52 feet, more or less, to the place of beginning.

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.

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1 As delineated on Plat 128-A-35B, prepared by the Survey Control Section and filed on March 15,  
2 2016, in the Office of the Department of Transportation.

3 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and  
4 closing of a portion of a 12-foot alley and the rights of all interested parties shall be regulated by  
5 and in accordance with all applicable provisions of state and local law and with all applicable  
6 rules and regulations adopted by the Director of Transportation and filed with the Department of  
7 Legislative Reference.

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

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

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

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

32 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect when it is  
33 enacted.

**Council Bill 16-0721**

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\_\_

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Mayor, Baltimore City