

**Introduced by:** The Council President

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

**Prepared by:** Department of Legislative Reference

**Date:** January 11, 2019

**Referred to:** TAXATION, FINANCE & ECONOMIC DEVELOPMENT Committee

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

CITY COUNCIL 19 - 0326

**A BILL ENTITLED**

**AN ORDINANCE** concerning

**Sale of Property – Air Rights Area Over a Portion of the  
Public Right of Way of the 4100 Block of Hillen Road**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road and no longer needed for public use; and providing for a special effective date.

BY authority of

Article V - Comptroller  
Section 5(b)  
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

_____	Baltimore City Public School System
_____	Baltimore Development Corporation
_____	City Solicitor
_____	Comptroller's Office
_____	Department of Audits
_____	Department of Finance
_____	Department of General Services
_____	Department of Housing and Community Development
_____	Department of Human Resources
_____	Department of Planning
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Department of Public Works
_____	Department of Real Estate
_____	Department of Recreation and Parks
_____	Department of Transportation
_____	Fire Department
_____	Health Department
_____	Mayor's Office of Employment Development
_____	Mayor's Office of Human Services
_____	Mayor's Office of Information Technology
_____	Office of the Mayor
_____	Police Department
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Board of Estimates
_____	Board of Ethics
_____	Board of Municipal and Zoning Appeals
_____	Comm. for Historical and Architectural Preservation
_____	Commission on Sustainability
_____	Employees' Retirement System
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Environmental Control Board
_____	Fire & Police Employees' Retirement System
_____	Labor Commissioner
_____	Parking Authority Board
_____	Planning Commission
_____	Wage Commission
_____	Other: _____
_____	Other: _____
_____	Other: _____

Boards and Commissions

CITY OF BALTIMORE  
ORDINANCE **19-268**  
Council Bill 19-0326

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: January 28, 2019  
Assigned to: Taxation, Finance and Economic Development Committee

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Committee Report: Favorable  
Council action: Adopted  
Read second time: June 17, 2019

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AN ORDINANCE CONCERNING

1                                   **Sale of Property – Air Rights Over a Portion of the**  
2                                   **Public Right of Way of the 4100 Block of Hillen Road**

3       FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public  
4       or private sale, all its interest in the air rights area over a portion of the public right of way of  
5       the 4100 Block of Hillen Road and no longer needed for public use; and providing for a  
6       special effective date.

7       BY authority of  
8       Article V - Comptroller  
9       Section 5(b)  
10       Baltimore City Charter  
11       (1996 Edition)

12       **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That, in  
13       accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either  
14       public or private sale, all the interest of the Mayor and City Council of Baltimore in the air rights  
15       over a portion of the public right of way of the 4100 Block of Hillen Road, and more particularly  
16       described as follows:

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

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 19-0326

1 21 seconds East 131.49 feet to intersect the east side of Hillen Road; thence  
2 binding on the east side of Hillen Road South 15 degrees 44 minutes 42 seconds  
3 West 19.69 feet to a point on the south side of the air rights over a portion of the  
4 public right of way of the 4100 Block of Hillen Road; thence crossing Hillen  
5 Road South 81 degrees 49 minutes 21 seconds West 131.74 feet to the point of  
6 beginning.

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

8 This property being no longer needed for public use.

9 SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance  
10 unless the deed has been approved by the City Solicitor.

11 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is  
12 enacted.

JUN 24 2019

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_


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

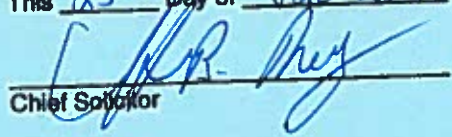
Certified as duly delivered to his Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

JUN 24 2019

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

Approved this 26<sup>th</sup> day of June, 2019

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

Approved For Form and Legal Sufficiency  
This 25<sup>th</sup> Day of June 2019.  
  
\_\_\_\_\_  
Chief Solicitor

160

CITY OF BALTIMORE

BOARD OF ESTIMATES

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



BRANDON SCOTT  
PRESIDENT, CITY COUNCIL

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

BERNARD C. "JACK" YOUNG  
MAYOR

ANDRE M. DAVIS  
CITY SOLICITOR

JOAN M. PRATT  
COMPTROLLER

BERNICE H. TAYLOR  
DEPUTY COMPTROLLER  
AND CLERK TO THE BOARD

May 29, 2019

Honorable President and Members  
of the City Council

Ladies and Gentlemen:

On May 29, 2019 the Board had before it for consideration the following Pending City Council Bill:

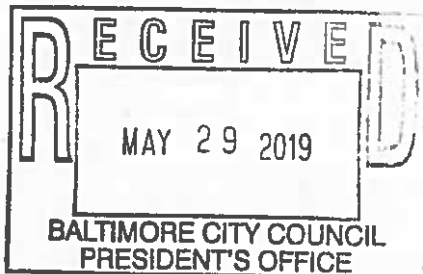
19-0326 Sale of Property - Air Rights Area Over a Portion of the Public Right of Way of the 4100 Block of Hillen Road for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in the air rights over a portion of the public right of way of the 4100 Block of Hillen Road and no longer needed for public use; and providing for a special effective date.

After NOTING AND CONCURRING in all favorable reports received, the Board approved the Bill and referred it to the City Council with the recommendation that it be approved and passed by that Honorable Body,

The Mayor **ABSTAINED** from voting. The President **ABSTAINED** from voting.

Sincerely,

*Joan M. Pratt 5/29/19*  
Joan M. Pratt  
Secretary to the Board of Estimates



**CITY OF BALTIMORE  
COUNCIL BILL 19-0326  
(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: Taxation, Finance and Economic Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Transportation, Department of Real Estate, Baltimore City Parking Authority Board, Department of Finance, Board of Estimates

**A BILL ENTITLED**

1 AN ORDINANCE concerning

2 **Sale of Property – Air Rights Area Over a Portion of the**  
3 **Public Right of Way of the 4100 Block of Hillen Road**

4 FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public  
5 or private sale, all its interest in the air rights area over a portion of the public right of way of  
6 the 4100 Block of Hillen Road and no longer needed for public use; and providing for a  
7 special effective date.

8 BY authority of

9 Article V - Comptroller  
10 Section 5(b)  
11 Baltimore City Charter  
12 (1996 Edition)

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That, in  
14 accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either  
15 public or private sale, all the interest of the Mayor and City Council of Baltimore in the air rights  
16 area over a portion of the public right of way of the 4100 Block of Hillen Road, and more  
17 particularly described as follows:

18 Beginning for the same at a point on the west side of Hillen Road 120 feet wide  
19 the point of beginning being distant Northerly 596.6 feet, more or less, from a  
20 point formed by the intersection of the west side of Hillen Road and the north side  
21 of Argonne Drive 80 feet wide, the point also being in a horizontal plane 14.75  
22 feet above street level at its lowest point; thence binding on the west side of  
23 Hillen Road North 16 degrees 24 minutes 40 seconds East 19.80 feet to a point on  
24 the north side of the air rights over a portion of the public right of way of the 4100  
25 block of Hillen Road; thence crossing Hillen Road North 81 degrees 49 minutes  
26 21 seconds East 131.49 feet to intersect the east side of Hillen Road; thence  
27 binding on the east side of Hillen Road South 15 degrees 44 minutes 42 seconds  
28 West 19.69 feet to a point on the south side of the air rights over a portion of the

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

**Council Bill 19-0326**

1 public right of way of the 4100 block of Hillen Road; thence crossing Hillen Road  
2 South 81 degrees 49 minutes 21 seconds West 131.74 feet to the point of  
3 beginning.

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

5 This property being no longer needed for public use.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That no deed may pass under this Ordinance  
7 unless the deed has been approved by the City Solicitor.

8 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
9 enacted.

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG  
Mayor



DEPARTMENT OF LAW  
ANDRE M. DAVIS, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

May 13, 2019

Honorable President and Members  
of the Baltimore City Council  
Attn: Executive Secretary  
Room 409, City Hall  
100 North Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 19-0326 - Sale of Property – Air Rights Over a  
of the Portion Public Right of Way of the 4100 Block of Hillen Road

Dear President and Members:

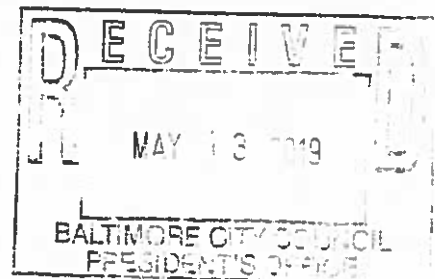
The Law Department has reviewed City Council Bill 19-0326 for form and legal sufficiency. The bill allows the City to sell all of its interest in the air rights over a portion of the public right of way in the 4100 Block of Hillen Road, declaring it no longer needed for public use declaring it no longer needed of public use. Generally, "ownership of space above lands and waters is vested in the owner of the surface." See e.g., *Macht v. Department of Assessments*, 266 Md. 602, 604 (1972).  
davis

Art. V, Section 5(b) of the City Charter grants the Department of Real the power to sell property that the Mayor and City Council deems by ordinance no longer needed for public use, subject to the approval of the Board of Estimates. This bill is the appropriate means by which to initiate that process. The Law Department, therefore, approves the bill for form and legal sufficiency.

Sincerely yours

*Elena R. DiPietro*


Elena R. DiPietro  
Division Chief  
Chief Solicitor



*Favorable*



cc: Andre M. Davis, City Solicitor  
Jeff Amoros  
Hilary Ruley, Chief Solicitor  
Victor Tervalo, Chief Solicitor  
Ashlea Brown, Assistant Solicitor  
Avery Aisenstark

<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0326/ SALE OF PROPERTY - AIR RIGHTS AREA OVER A PORTION OF THE PUBLIC RIGHT OF WAY OF THE 4100 BLOCK OF HILLEN ROAD		

TO

DATE:

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

February 25, 2019

The Department of Planning is in receipt of City Council Bill #19-0326, which is for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road and no longer needed for public use; and providing for a special effective date.


The Department of Planning recommends approval of City Council Bill #19-0326, as this will allow for a pedestrian bridge over Hillen Road for use specifically by students accessing Morgan State University, as well as the public generally.

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

CR/ewt

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. Jeff Amoros, 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, DCHD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Michael Castagnola, DOT  
Ms. Natawna Austin, Council Services  
Mr. Ervin Bishop, Council Services

*Favorable*

<b>F R O M</b>	<b>NAME &amp; TITLE</b>	Michelle Pourciau, Director. <i>MS</i>	<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 19-0326		

TO: Mayor Catherine E. Pugh  
TO: Taxation, Finance and Economic Development Committee  
FROM: Department of Transportation  
POSITION: Support  
RE: Council Bill – 19-0326

DATE: 2/8/19

**INTRODUCTION** – Sale of Property – Air Rights Area Over a Portion of the Public Right of Way of the 4100 Block of Hillen Road

**PURPOSE/PLANS** – For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road and no longer needed for public use; and providing for a special effective date.

**COMMENTS** – The closing of air rights allow a bridge way for safe passage of students across Hillen Rd to the Morgan St campus.

**AGENCY/DEPARTMENT POSITION** –

The Department of Transportation supports City Council bill 19-0326.

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

Sincerely,

*Michelle Pourciau*

Michelle Pourciau  
Director

*Favorable*

**F  
R  
O  
M**

Name & Title	Walter J. Hillen, Director, Department of Real Estate
Agency Name & Address	Department of Real Estate 100 Holliday Street Room 304 Baltimore, MD 21202
Subject	City Council Bill 19-0326 Sale of Air Rights over a portion of the public right of way in the 4100 block of Hillen Road

CITY OF BALTIMORE

**MEMO**



**TO:**

**DATE:** March 5, 2019

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

The Department of Real Estate has reviewed City Council Bill 19-0326, for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private all its interest in the air rights over a portion of the public right of way in the 4100 block of Hillen Road and no longer needed for public use; and providing for a special effective date.

If enacted, this bill would allow for a pedestrian bridge over Hillen Road for use by Morgan State University students as well as the general public.

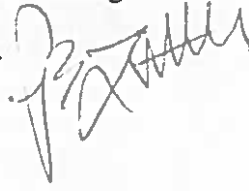
The Department of Real Estate supports the passage of City Council Bill 19-0326.

WJH/mcs

*Favorable*

TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young  
FROM: Peter Little, Executive Director  
DATE: February 28, 2019  
RE: City Council Bill 19-0326



**PARKING**  
OF BALTIMORE CITY  
**AUTHORITY**

I am herein reporting on City Council Bill 19-0326 introduced by The Council President at the request of The Administration (Department of Transportation.)

The purpose of this bill is to authorize the Mayor and City Council to sell, at either public or private sale, all its interest in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road.

The Parking Authority of Baltimore City reviewed the proposed legislation. The legislation does not reference parking. This site is not located where the Parking Authority administers any on-street parking programs. While there is parking on-street near the location, this bill will have no negative effect on parking.

Based on the comments above, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 19-0326.

*No objection*

FROM

Robert Cennamo, Chief  
Bureau of the Budget and Management Research  
Room 432, City Hall (410) 396-4941  
City Council Bill #19-0326  
Sale of Property-Air Above Hillen Road

*Handwritten signature*

CITY OF  
BALTIMORE  
**MEMO**



TO

The Honorable President and  
Members of the City Council  
Room 400, City Hall

April 26, 2019

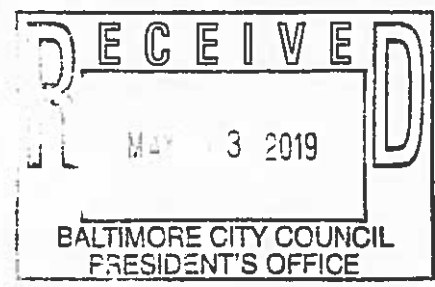
City Council Bill #19-0326 is being introduced for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road, which is no longer needed for public use.

The parcel contains 2,370 square feet (0.054 acres) and is no longer needed for public use. There is no anticipated fiscal impact.

The Department of Finance has no objection to the passage of Council Bill 19-0326.

cc: Henry Raymond  
Jeffrey Amoros

*No objection*



# BALTIMORE CITY COUNCIL TAXATION, FINANCE AND ECONOMIC DEVELOPMENT VOTING RECORD

DATE: May 16, 2019

BILL#: 19-0326

BILL TITLE: Sale of Property – Air Rights Area Over a Portion of the Public Right of Way of the 4100 Block of Hillen Road


MOTION BY: Stokes                      SECONDED BY: Costello

- FAVORABLE                       FAVORABLE WITH AMENDMENTS  
 UNFAVORABLE                       WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Middleton, Sharon, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, Edward	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TOTALS</b>	<u>3</u>			

CHAIRPERSON: Sharon Middleton

COMMITTEE STAFF: Samuel Johnson                      Initials: SL

<b>FROM</b>	NAME & TITLE	Robert Cename, Chief <i>for [Signature]</i>	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941		
	SUBJECT	City Council Bill #19-0326 Sale of Property-Air Above Hillen Road		

DATE:

TO

The Honorable President and  
Members of the City Council  
Room 400, City Hall

April 26, 2019

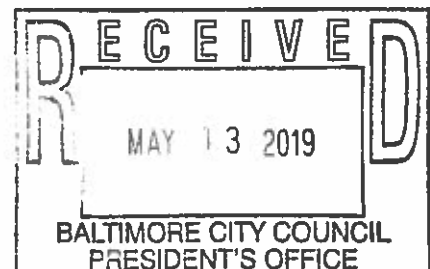
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cc: Henry Raymond  
Jeffrey Amoros

*NO 052*





CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG  
Mayor



DEPARTMENT OF LAW  
ANDRE M. DAVIS, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

May 13, 2019

Honorable President and Members  
of the Baltimore City Council  
Attn: Executive Secretary  
Room 409, City Hall  
100 North Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 19-0326 - Sale of Property – Air Rights Over a  
of the Portion Public Right of Way of the 4100 Block of Hillen Road

Dear President and Members:

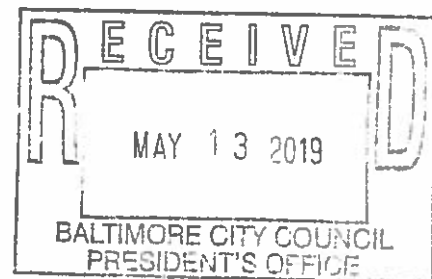
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davis

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Sincerely yours


A handwritten signature in cursive script that reads "Elena R. DiPietro".

Elena R. DiPietro  
Division Chief  
Chief Solicitor



A

cc: Andre M. Davis, City Solicitor  
Jeff Amoros  
Hilary Ruley, Chief Solicitor  
Victor Tervalo, Chief Solicitor  
Ashlea Brown, Assistant Solicitor  
Avery Aisenstark

<b>FROM</b>	<b>NAME &amp; TITLE</b>	CHRIS RYER, DIRECTOR	CITY of <b>BALTIMORE</b>  <b>MEMO</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	<b>SUBJECT</b>	CITY COUNCIL BILL #19-0326/ SALE OF PROPERTY - AIR RIGHTS AREA OVER A PORTION OF THE PUBLIC RIGHT OF WAY OF THE 4100 BLOCK OF HILLEN ROAD		

**TO**

DATE:

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

February 25, 2019

The Department of Planning is in receipt of City Council Bill #19-0326, which is for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road and no longer needed for public use; and providing for a special effective date.

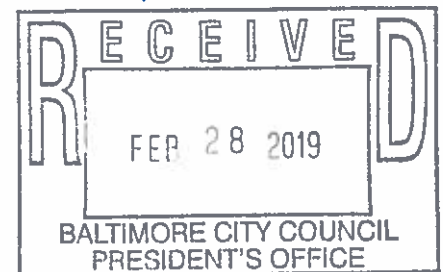
The Department of Planning recommends approval of City Council Bill #19-0326, as this will allow for a pedestrian bridge over Hillen Road for use specifically by students accessing Morgan State University, as well as the public generally.


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

CR/ewt

- 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. Jeff Amoros, 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, DCHD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Michael Castagnola, DOT  
Ms. Natawna Austin, Council Services  
Mr. Ervin Bishop, Council Services

*Favorable*



FROM	NAME & TITLE	Michelle Pourciau, Director. <i>MP</i>	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0326	MEMO	

TO: Mayor Catherine E. Pugh  
TO: Taxation, Finance and Economic Development Committee  
FROM: Department of Transportation  
POSITION: Support  
RE: Council Bill – 19-0326

DATE: 2/8/19

**INTRODUCTION** – Sale of Property – Air Rights Area Over a Portion of the Public Right of Way of the 4100 Block of Hillen Road

**PURPOSE/PLANS** – For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road and no longer needed for public use; and providing for a special effective date.

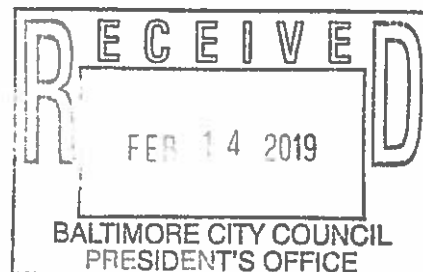
**COMMENTS** – The closing of air rights allow a bridge way for safe passage of students across Hillen Rd to the Morgan St campus.


**AGENCY/DEPARTMENT POSITION** –  
The Department of Transportation supports City Council bill 19-0326.

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

Sincerely,

*Michelle Pourciau*  
Michelle Pourciau  
Director



FROM	Name & Title	Walter J. Horton, Estate Officer <i>Walter Horton</i>	CITY OF BALTIMORE  <b>MEMO</b>  
	Agency Name & Address	Department of Real Estate 100 Holliday Street Room 304 Baltimore, MD 21202	
	Subject	City Council Bill 19-0326 Sale of Air Rights over a portion of the public right of way in the 4100 block of Hillen Road	

**TO:**

**DATE:** March 5, 2019

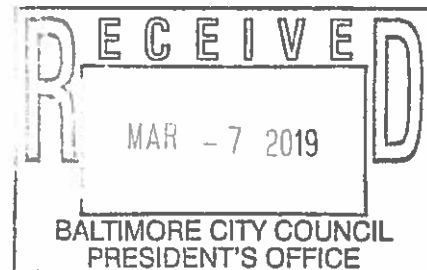
The Honorable President and Members  
of the Baltimore City Council  
C/o Natawna Austin, Executive Secretary

The Department of Real Estate has reviewed City Council Bill 19-0326, for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private all its interest in the air rights over a portion of the public right of way in the 4100 block of Hillen Road and no longer needed for public use; and providing for a special effective date.

If enacted, this bill would allow for a pedestrian bridge over Hillen Road for use by Morgan State University students as well as the general public.

The Department of Real Estate supports the passage of City Council Bill 19-0326.

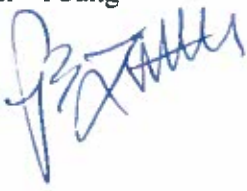
WJH/mcs



F

TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young  
FROM: Peter Little, Executive Director  
DATE: February 28, 2019  
RE: City Council Bill 19-0326



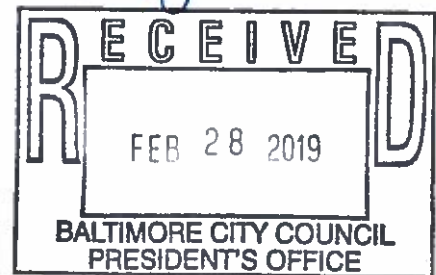
I am herein reporting on City Council Bill 19-0326 introduced by The Council President at the request of The Administration (Department of Transportation.)

The purpose of this bill is to authorize the Mayor and City Council to sell, at either public or private sale, all its interest in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road.

The Parking Authority of Baltimore City reviewed the proposed legislation. The legislation does not reference parking. This site is not located where the Parking Authority administers any on-street parking programs. While there is parking on-street near the location, this bill will have no negative effect on parking.

Based on the comments above, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 19-0326.

*No objection*



# City of Baltimore

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

## Meeting Minutes - Final

### Taxation, Finance and Economic Development Committee

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Thursday, May 16, 2019

10:05 AM

Du Burns Council Chamber, 4th floor, City Hall

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19-0326

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

**Present** 3 - Member Sharon Green Middleton, Member Eric T. Costello, and Member Robert Stokes Sr.

**Excused** 2 - Member Leon F. Pinkett III, and Member Edward Reisinger

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

19-0326

##### **Sale of Property - Air Rights Area Over a Portion of the Public Right of Way of the 4100 Block of Hillen Road**

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road and no longer needed for public use; and providing for a special effective date.

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

A motion was made by Member Stokes, Sr., seconded by Member Costello, that bill 19-0326 be Recommended Favorably. The motion carried by the following vote:

**Yes:** 3 - Member Middleton, Member Costello, and Member Stokes Sr.

#### **ADJOURNMENT**



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: 19-0326**

**Sale of Property – Air Rights Area Over a Portion of the  
Public Right of Way of the 4100 Block of Hillen Road**

**Committee:** Taxation, Finance and Economic Development  
**Chaired By:** Councilmember Sharon Green-Middleton

**Hearing Date:** May 16, 2019  
**Time (Beginning):** 10:11 a.m.  
**Time (Ending):** 10:20 a.m.  
**Location:** Clarence “Du” Burns Chambers  
**Total Attendance:** Approximately 10 – 15 people  
**Committee Members in Attendance:**  
Sharon Green Middleton  
Robert Stokes  
Eric Costello

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 checked="" type="checkbox"/> NO	<input 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 Stokes		
Seconded by: .....	Councilmember Costello		
Final Vote: .....	Favorable		

**Major Speakers**

*(This is not an attendance record.)*

- Victor Tervalá, Law Department
- Liam Davis, Department of Transportation
- Parking Authority Representative
- Pedro Aponte, Department of Finance



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**Major Issues Discussed**

1. Councilwoman Middleton read the bill into the record and introduced committee members.
  2. Victor Tervalá – Read agency report into the record.
  3. Liam Davis – Read agency report into the record.
  4. Pedro Aponte – Read agency report into the record.
  5. Parking Authority Representative – Read agency report into the record.
  6. There was no public comments.
  7. Approximately 10 – 15 people were in attendance.
  8. This hearing was adjourned, the final bill will be presented at the June 11, 2019 City Council meeting.
- 

**Further Study**

Was further study requested?

Yes  No

If yes, describe. N/A

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**Committee Vote:**

S. Middleton:..... Yea  
L. Pinkett:..... Absent  
E. Costello:..... Yea  
E. Reisinger:..... Absent  
R. Stokes: ..... Yea

---

Samuel Johnson , Committee Staff  
(410) 396-1091

Date: May 16, 2019

cc: Bill File  
OCS Chrono File

# City of Baltimore

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

## Meeting Agenda - Final

### Taxation, Finance and Economic Development Committee

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Thursday, May 16, 2019

10:05 AM

Du Burns Council Chamber, 4th floor, City Hall

---

19-0326

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

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

##### [19-0326](#)

Sale of Property - Air Rights Area Over a Portion of the Public Right of Way of the 4100 Block of Hillen Road

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road and no longer needed for public use; and providing for a special effective date.

##### **Sponsors:**

City Council President (Administration)

##### **Attachments:**

[19-0326-1st Reader](#)

[DOT 19-0326](#)

[Parking Authority 19-0326](#)

[Planning 19-0326](#)

[Real Estate 19-0326](#)

#### **ADJOURNMENT**

**THIS MEETING IS OPEN TO THE PUBLIC**



## **BALTIMORE CITY COUNCIL TAXATION, FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE**

### **Mission Statement**

*On behalf of the Citizens of Baltimore City, the mission of the Taxation, Finance and Economic Development Committee of the Baltimore City Council is to legislate policy that will deter unnecessary tax burdens while seeking and supporting projects and initiatives that will generate and increase our tax base. Reviewing and considering financing tools that impact the retention and sustainability of our economic base is essential. Introducing and enhancing legislation that perpetuates equal access to economic development for African Americans/Minorities/Women and other members of our community that will result in an improved quality of life for all citizens of Baltimore is a critical component of Baltimore's success.*

**The Honorable Sharon Green Middleton  
Chairwoman**

### **PUBLIC HEARING**

**Thursday, May 16, 2019**

**10:05 AM**

**CLARENCE "DU" BURNS COUNCIL CHAMBERS**

**Bill 19-0326**

**Sale of Property –**

**Air Rights Area Over a Portion of the  
Public Right of Way of the 4100 Block of Hillen Road**

## CITY COUNCIL COMMITTEES

### BUDGET AND APPROPRIATIONS

Eric Costello – Chair  
Leon Pinkett – Vice Chair  
Bill Henry  
Sharon Green Middleton  
Brandon M. Scott  
Isaac "Yitzy" Schleifer  
Shannon Sneed  
Staff: Marguerite Currin

### EDUCATION AND YOUTH

Zeke Cohen – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Kristofer Burnett  
Ryan Dorsey  
Staff: Matthew Peters

### EXECUTIVE APPOINTMENTS

Robert Stokes – Chair  
Kristofer Burnett – Vice Chair  
Mary Pat Clarke  
Zeke Cohen  
Isaac "Yitzy" Schleifer  
Staff: Marguerite Currin

### HOUSING AND URBAN AFFAIRS

John Bullock – Chair  
Isaac "Yitzy" Schleifer – Vice Chair  
Kristofer Burnett  
Bill Henry  
Shannon Sneed  
Zeke Cohen  
Ryan Dorsey  
Staff: Richard Krummerich

### JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Leon Pinkett  
Edward Reisinger  
Brandon Scott  
Robert Stokes  
Staff: Matthew Peters

### LABOR

Shannon Sneed – Chair  
Robert Stokes – Vice Chair  
Eric Costello  
Bill Henry  
Mary Pat Clarke  
Staff: Samuel Johnson

### LAND USE AND TRANSPORTATION

Edward Reisinger – Chair  
Sharon Green Middleton – Vice Chair  
Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Leon Pinkett  
Robert Stokes  
Staff: Jennifer Coates

### PUBLIC SAFETY

Brandon Scott – Chair  
Ryan Dorsey – Vice Chair  
Kristofer Burnett  
Shannon Sneed  
Zeke Cohen  
Leon Pinkett  
Isaac "Yitzy" Schleifer  
Staff: Richard Krummerich

### TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair  
Leon Pinkett – Vice Chair  
Eric Costello  
Edward Reisinger  
Robert Stokes  
Staff: Samuel Johnson  
- Larry Greene (pension only)



**BILL SYNOPSIS**

**Committee: Taxation, Finance and Economic Development**

**Bill 19-0326**

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**Sale of Property –  
Air Rights Area Over a Portion of the  
Public Right of Way of the 4100 Block of Hillen Road**

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**Sponsor:** *President Young (The Administration)*  
**Introduced:** *January 28, 2019*

**Purpose:**

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road and no longer needed for public use; and providing for a special effective date.

**Effective:** Date of enactment

**Hearing Date/Time/Location:** May 16, 2019 / 10:05 a.m. / Clarence "Du" Burns Chamber

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**Agency Reports**

City Solicitor	
Department of Planning	Favorable
Department of Transportation	Favorable
Department of Real Estate	Favorable
Parking Authority	No Objection
Department of Finance	

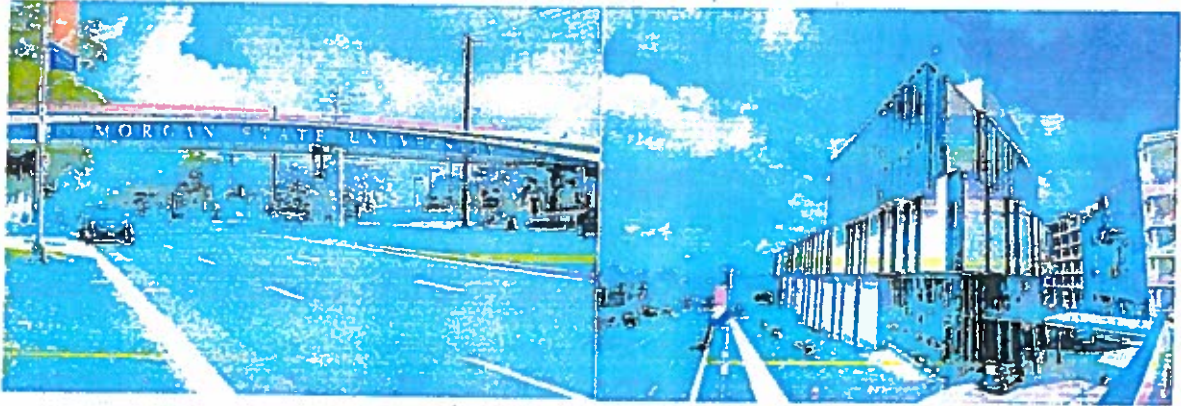
## Analysis

### Current Law:

Article V - Comptroller; Section 5(b); Baltimore City Charter; (1996 Edition)

### Background

If enacted, Bill 19-0326 would grant Morgan State University the opportunity to acquire the air rights over a portion of the public right of way in the 4100 block of Hillen Road. These air rights would allow for construction of a 30,000 square foot pedestrian bridge that will connect the university's western expansion in the Northwood Shopping Center to the existing campus. The western expansion includes the 140,000 square-foot Earl G. Graves School of Business and Management, a \$72 million project that kicked off in 2012.



The scope of this portion of the project includes construction of the architectural metal panel enclosures of the bridge structure, the elevator tower, and monumental stairs which connect the business school building's base at the main student entrance and terrace area. The area referenced in this bill is no longer needed for public use, it does not impact any park property, and is no longer needed for public purposes. No property owner should be negatively affected by the action.

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### Additional Information

**Fiscal Note:** Not Available

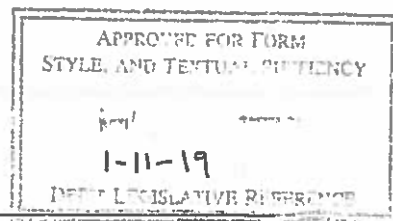
**Information Source(s):** Agency Reports, The Baltimore Sun

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Analysis by: Samuel Johnson  
Analysis Date: May 14, 2019

Direct Inquiries to: (410) 396-1091

**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

**Sale of Property – Air Rights Area Over a Portion of the  
Public Right of Way of the 4100 Block of Hillen Road**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road and no longer needed for public use; and providing for a special effective date.

BY authority of  
Article V - Comptroller  
Section 5(b)  
Baltimore City Charter  
(1996 Edition)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road, and more particularly described as follows:

Beginning for the same at a point on the west side of Hillen Road 120 feet wide the point of beginning being distant Northerly 596.6 feet, more or less, from a point formed by the intersection of the west side of Hillen Road and the north side of Argonne Drive 80 feet wide, the point also being in a horizontal plane 14.75 feet above street level at its lowest point; thence binding on the west side of Hillen Road North 16 degrees 24 minutes 40 seconds East 19.80 feet to a point on the north side of the air rights over a portion of the public right of way of the 4100 block of Hillen Road; thence crossing Hillen Road North 81 degrees 49 minutes 21 seconds East 131.49 feet to intersect the east side of Hillen Road; thence binding on the east side of Hillen Road South 15 degrees 44 minutes 42 seconds West 19.69 feet to a point on the south side of the air rights over a portion of the public right of way of the 4100 block of Hillen Road; thence crossing Hillen Road South 81 degrees 49 minutes 21 seconds West 131.74 feet to the point of beginning.

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

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

This property being no longer needed for public use.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.



**CITY OF BALTIMORE  
COUNCIL BILL 19-0326  
(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: January 28, 2019

Assigned to: Taxation, Finance and Economic Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Transportation, Department of Real Estate, Baltimore City Parking Authority Board, Department of Finance, Board of Estimates

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Sale of Property – Air Rights Area Over a Portion of the**  
3 **Public Right of Way of the 4100 Block of Hillen Road**

4 FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public  
5 or private sale, all its interest in the air rights area over a portion of the public right of way of  
6 the 4100 Block of Hillen Road and no longer needed for public use; and providing for a  
7 special effective date.

8 BY authority of  
9 Article V - Comptroller  
10 Section 5(b)  
11 Baltimore City Charter  
12 (1996 Edition)

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That, in  
14 accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either  
15 public or private sale, all the interest of the Mayor and City Council of Baltimore in the air rights  
16 area over a portion of the public right of way of the 4100 Block of Hillen Road, and more  
17 particularly described as follows:

18 Beginning for the same at a point on the west side of Hillen Road 120 feet wide  
19 the point of beginning being distant Northerly 596.6 feet, more or less, from a  
20 point formed by the intersection of the west side of Hillen Road and the north side  
21 of Argonne Drive 80 feet wide, the point also being in a horizontal plane 14.75  
22 feet above street level at its lowest point; thence binding on the west side of  
23 Hillen Road North 16 degrees 24 minutes 40 seconds East 19.80 feet to a point on  
24 the north side of the air rights over a portion of the public right of way of the 4100  
25 block of Hillen Road; thence crossing Hillen Road North 81 degrees 49 minutes  
26 21 seconds East 131.49 feet to intersect the east side of Hillen Road; thence  
27 binding on the east side of Hillen Road South 15 degrees 44 minutes 42 seconds  
28 West 19.69 feet to a point on the south side of the air rights over a portion of the

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

**Council Bill 19-0326**

1 public right of way of the 4100 block of Hillen Road; thence crossing Hillen Road  
2 South 81 degrees 49 minutes 21 seconds West 131.74 feet to the point of  
3 beginning.

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

5 This property being no longer needed for public use.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That no deed may pass under this Ordinance  
7 unless the deed has been approved by the City Solicitor.

8 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
9 enacted.

ACTION BY THE CITY COUNCIL


JAN 28 2019  
20

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

PUBLIC HEARING HELD ON \_\_\_\_\_ 20 \_\_\_\_\_

COMMITTEE REPORT AS OF \_\_\_\_\_ 20 \_\_\_\_\_

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

  
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 11 2019  
20

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

THIRD READING \_\_\_\_\_ JUN 24 2019  
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.

\_\_\_\_\_  
President

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