

CITY OF BALTIMORE
COUNCIL BILL 15-0598
(First Reader)

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: December 7, 2015
Assigned to: Housing and Community Development Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing – The Beds of Berlin Street,**
3 **Ontario Avenue, West Hamburg Street, and 2 10-Foot Alleys**
4

5 FOR the purpose of condemning and closing the beds of Berlin Street, Ontario Avenue, West
6 Hamburg Street, and 2 10-foot alleys lying between the Gwynns Falls, Wicomico Street,
7 Little Market Street, and Berlin Street in Mount Winans, as shown on Plat 101-C-60A in the
8 Office of the Department of Transportation; and providing for a special effective date.

9 BY authority of
10 Article I - General Provisions
11 Section 4
12 and
13 Article II - General Powers
14 Sections 2, 34, 35
15 Baltimore City Charter
16 (1996 Edition)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
18 Department of Transportation shall proceed to condemn and close the beds of Berlin Street,
19 Ontario Avenue, West Hamburg Street, and 2 10-foot alleys lying between the Gwynns Falls,
20 Wicomico Street, Little Market Street, and Berlin Street in Mount Winans, and more particularly
21 described as follows:

22 Beginning for Parcel No. 1 at a point on the southeast side of Berlin Street 50 feet
23 wide, the point of beginning being distant Northeasterly 25 feet, more less, from
24 the intersection of the northeast side of Little Market Street varying in width, and
25 the southeast side of Berlin Street; thence crossing the existing right of way of
26 Berlin Street, Northwesterly 50.0 feet, more or less, to intersect the northwest side
27 of Berlin Street; thence binding on the northwest side of Berlin Street,
28 Northeasterly 233.9 feet, more or less, to intersect the south side of the waters of
29 Gwynns Falls; thence binding on the south side of the waters of Gwynns Falls,
30 Southeasterly 53.9 feet, more or less, to intersect the southeast side of Berlin

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

Council Bill 15-0598

1 Street; and thence binding on the southeast side of Berlin Street, Southeasterly
2 254.0 feet, more or less, to the point of beginning.

3 Containing 12,198 square feet or 0.280 acres of land, more or less.
4 Beginning for Parcel No. 2 at the point formed by the intersection of the southeast
5 side of Berlin Street 50 feet wide, and the southwest side of Ontario Avenue 40
6 feet wide, thence crossing the existing right of way of Ontario Avenue,
7 Northeasterly 40.0 feet, more or less, to intersect the northeast side of Ontario
8 Avenue; thence binding on the northeast side of Ontario Avenue, Southeasterly
9 210.0 feet, more or less, to intersect the northwest side of West Hamburg Street
10 50 feet wide; thence crossing the existing right of way of Ontario Avenue,
11 Southwesterly 40.0 feet, more or less, to intersect the southwest side of Ontario
12 Avenue; and thence binding on the southwest side of Ontario Avenue,
13 Northwesterly 210.0 feet, more or less, to the point of beginning.

14 Containing 8,400 square feet or 0.193 acres of land, more or less.
15 Beginning for Parcel No. 3 at the point formed by the intersection of the
16 southwest side of Ontario Avenue 40 feet wide, and the southeast side of a 10-
17 foot alley, the point of beginning being distant Northwesterly 100.0 feet, more or
18 less, measured along the southwest side of Ontario Avenue from the point formed
19 by the intersection of the southwest side of Ontario Avenue and the northwest
20 side of West Hamburg Street 50 feet wide; thence departing from the southwest
21 side of Ontario Avenue and binding on the southeast side of the 10-foot alley,
22 Southwesterly 175.0 feet, more or less, to the southernmost end thereof; thence
23 crossing the southernmost end of the 10-foot alley, Northwesterly 10.0 feet, more
24 or less, to the southernmost end of the northwest side of the 10-foot alley; thence
25 binding on the northwest side of the 10-foot alley, Northeasterly 175.0 feet, more
26 or less, to intersect the southwest side of Ontario Avenue; and thence binding on
27 the southwest side of Ontario Avenue, Southeasterly 10.0 feet, more or less, to the
28 point of beginning.

29 Containing 1,750 square feet or 0.040 acres of land, more or less.
30 Beginning for Parcel No. 4 at a point on the southeast side of West Hamburg
31 Street 50 feet wide, the point of beginning being distant Northeasterly 25 feet,
32 more less, from the intersection of the northeast side of Little Market Street 30
33 feet wide, and the southeast side of West Hamburg Street; thence crossing the
34 existing right of way of West Hamburg Street, Northwesterly 50.0 feet, more or
35 less, to intersect the northwest side of West Hamburg Street; thence binding on
36 the northwest side of West Hamburg Street, Northeasterly 338.3 feet, more or
37 less, to intersect the south side of the waters of Gwynns Falls; thence binding on
38 the south side of the waters of Gwynns Falls, Southeasterly 53.7 feet, more or less,
39 to intersect the southeast side of West Hamburg Street; and thence binding on the
40 southeast side of West Hamburg Street, Southeasterly 357.8 feet, more or less, to
41 the point of beginning.

42 Containing 17,402 square feet or 0.399 acres of land, more or less.

Council Bill 15-0598

1 Beginning for Parcel No. 5 at the point formed by the intersection of the northwest
2 side of Wicomico Street 70 feet wide, and the southwest side of Ontario Avenue
3 40 feet wide, thence binding on the southwest side of Ontario Avenue,
4 Northwesterly 210.0 feet, more or less, to intersect the southeast side of West
5 Hamburg Street 50 feet wide; thence crossing the existing right of way of Ontario
6 Avenue, Northeasterly 40.0 feet, more or less, to intersect the northeast side of
7 Ontario Avenue; thence binding on part of the northeast side of Ontario Avenue,
8 Southeasterly 210.0 feet, more or less; and thence crossing the existing right of
9 way of Ontario Avenue, Southwesterly 40.0 feet, more or less, to the point of
10 beginning.

11 Containing 8,400 square feet or 0.193 acres of land, more or less.

12 Beginning for Parcel No. 6 at the point formed by the intersection of the
13 southwest side of Ontario Avenue 40 feet wide, and the southeast side of a 10-foot
14 alley, the point of beginning being distant Northwesterly 100.0 feet, more or less,
15 measured along the southwest side of Ontario Avenue from the point formed by
16 the intersection of the southwest side of Ontario Avenue and the northwest side
17 of Wicomico Street 70 feet wide; thence departing from the southwest side of
18 Ontario Avenue and binding on the southeast side of the 10-foot alley,
19 Southwesterly 200.0 feet, more or less; thence crossing the 10-foot alley,
20 Northwesterly 10.0 feet, more or less, to intersect the northwest side of the 10-foot
21 alley; thence binding on the Northwest side of the 10-foot alley, Northeasterly
22 200.0 feet, more or less, to intersect the southwest side of Ontario Avenue; thence
23 binding on the southwest side of Ontario Avenue, Southeasterly 10.0 feet, more or
24 less, to the point of beginning.

25 Containing 2,000 square feet or 0.046 acres of land, more or less.

26 As delineated on Plat 101-C-60A, prepared by the Survey Control Section and filed on
27 September 25, 2015, in the Office of the Department of Transportation.

28 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
29 closing of the beds of Berlin Street, Ontario Avenue, West Hamburg Street, and 2 10-foot alleys
30 lying between the Gwynns Falls, Wicomico Street, Little Market Street, and Berlin Street in
31 Mount Winans and the rights of all interested parties shall be regulated by and in accordance with
32 all applicable provisions of state and local law and with all applicable rules and regulations
33 adopted by the Director of Transportation and filed with the Department of Legislative
34 Reference.

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

42 **SECTION 4. AND BE IT FURTHER ORDAINED,** That no building or structure of any kind
43 (including but not limited to railroad tracks) may be constructed or erected in or on any part of

Council Bill 15-0598

1 the street closed under this Ordinance until all subsurface structures and appurtenances owned by
2 the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council
3 or, at the expense of the person seeking to erect the building or structure, have been removed and
4 relaid in accordance with the specifications and under the direction of the Director of
5 Transportation of Baltimore City.

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

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

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