

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 11-0785**

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Introduced by: The Council President  
At the request of: The Administration (Department of General Services)  
Introduced and read first time: September 26, 2011  
Assigned to: Highways and Franchises Subcommittee

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Committee Report: Favorable  
Council action: Adopted  
Read second time: November 21, 2011

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**AN ORDINANCE CONCERNING**

**City Streets – Closing – Certain Streets and Alleys Bounded by  
Poppleton Street, Fayette Street, Fremont Avenue, and Baltimore Street**

FOR the purpose of condemning and closing certain streets and alleys bounded by Poppleton Street, Fayette Street, Fremont Avenue, and Baltimore Street, as shown on Plat 341-A-44A in the Office of the Department of General Services; and providing for a special effective date.

BY authority of  
Article I - General Provisions  
Section 4  
and  
Article II - General Powers  
Sections 2, 34, 35  
Baltimore City Charter  
(1996 Edition)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Department of Public Works shall proceed to condemn and close certain streets and alleys bounded by Poppleton Street, Fayette Street, Fremont Avenue, and Baltimore Street, and more particularly described as follows:

Beginning for Parcel No. 1 at a point on the south side of Fairmount Avenue, 30 feet wide, said point of beginning being distant westerly 165.2 feet, more or less, measured along the south side of said Fairmount Avenue from the southwest side of Fremont Avenue, 66 feet wide, and running thence binding on the south side of said Fairmount Avenue, Westerly 181.1 feet, more or less, to intersect the line of west outline of the property known as No. 825 West Fayette Street, if projected southerly; thence binding reversely on said line, so projected, Northerly 30.0 feet to intersect the north side of said Fairmount Avenue; thence binding on the north side of said Fairmount Avenue, Easterly 181.1 feet, more or less, to intersect the west side of a 10-foot alley, laid out contiguous to the east outline the property

**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 11-0785**

1 known as No. 811 West Fayette Street, and thence binding on the line of the west  
2 side of said alley, if projected southerly, Southerly 30.0 feet to the place of  
3 beginning.

4 Beginning for Parcel No. 2 at the point formed by the intersection of the east side  
5 of a 10-foot alley, laid out contiguous to the east outline of the property known as  
6 No. 811 West Fayette Street and the north side of Fairmount Avenue, 30 feet  
7 wide, and running thence binding on the north side of said Fairmount Avenue,  
8 Westerly 10.0 feet, more or less, to intersect the west side of said 10-foot alley;  
9 thence binding on the west side of said 10-foot alley, Northerly 158.0 feet, more  
10 or less, to intersect the south side of Fayette Street, 66 feet wide; thence binding  
11 on the south side of said Fayette Street, Easterly 10.1 feet, more or less, to  
12 intersect the east side of said 10-foot alley, and thence binding on the east side of  
13 said 10-foot alley, Southerly 157.9 feet, more or less, to the place of beginning.

14 Beginning for Parcel No. 3 at the point formed by the intersection of the east side  
15 of an alley, varying in width, laid out contiguous to the east and north outlines of  
16 the property known as No. 802/812 West Fairmount Avenue, and the north side of  
17 Fairmount Avenue, 30 feet wide, and running thence binding on the north side of  
18 said Fairmount Avenue, Westerly 2.5 feet, to intersect the west side of said  
19 varying in width alley; thence binding on the west and south sides of said varying  
20 in width alley, the four following courses and distances; namely, Northerly 38.2  
21 feet, more or less, Westerly 18.8 feet, more or less, Northerly 9.8 feet, more or  
22 less, and Westerly 48.1 feet, more or less, to intersect the east side of a 10-foot  
23 alley, laid out contiguous to the east outline of the property known as No. 811  
24 West Fayette Street; thence binding on the east side of said 10-foot alley,  
25 Northerly 2.5 feet to intersect the north side of said varying in width alley, and  
26 thence binding on the north and east sides of said varying in width alley, the four  
27 following courses and distances; namely, Easterly 53.9 Feet, more or less,  
28 Southerly 9.8 feet, more or less, Easterly 15.5 feet, more or less, and Southerly  
29 40.7 feet, more or less, to the place of beginning.

30 As delineated on Plat 341-A-44A, prepared by the Survey Control Section and filed on August 2,  
31 2011, in the Office of the Department of General Services.

32 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and  
33 closing of certain streets and alleys and the rights of all interested parties shall be regulated by  
34 and in accordance with all applicable provisions of state and local law and with all applicable  
35 rules and regulations adopted by the Director of General Services and filed with the Department  
36 of Legislative Reference.

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

**Council Bill 11-0785**

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

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

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

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

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