

**CITY OF BALTIMORE
COUNCIL BILL 17-0039
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: March 20, 2017
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 style="text-align:center">**City Streets – Closing –**
3 style="text-align:center">**Certain Streets and Alleys Bounded by North Bond Street,**
4 style="text-align:center">**East North Avenue, Broadway, and East Lafayette Avenue**

5 FOR the purpose of condemning and closing certain streets and alleys bounded by North Bond
6 Street, East North Avenue, Broadway, and East Lafayette Avenue, as shown on Plat 311-A-
7 31A in the Office of the Department of Transportation; and providing for a special effective
8 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 certain streets and alleys
19 bounded by North Bond Street, East North Avenue, Broadway, and East Lafayette Avenue, and
20 more particularly described as follows:

21 Beginning for Parcel 1 at a point formed by the intersection of the north side of a
22 15-foot alley and the southernmost outline of the property known as number 1609
23 East North Avenue the point of beginning being distant 90 feet, measured easterly
24 from the eastern right of way line of North Bond Street, 40 foot wide, along the
25 north side of the 15-foot alley; thence binding on the southernmost outline in the
26 rear of the properties known as numbers 1609 through 1641 East North Avenue
27 Easterly 256.5 feet, more or less, to intersect the west side of a 10-foot alley so
28 projected; thence binding on the west side of the 10-foot alley so projected,
29 Southerly 15 feet, more or less, to intersect the south side of the 15-foot alley;

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

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1 thence binding on the south side of the 15-foot alley, Westerly 256.5 feet, more or
2 less, to the east side of another 10-foot alley; and thence binding on the east side
3 of that alley, so projected, Northerly 15 feet, to the place of beginning.

4 Containing 3,847.5 square feet or 0.0883 acres, more or less.

5 Beginning for Parcel 2 at a point formed by the intersection of the west side of a
6 10-foot alley located west of Broadway, 130 feet wide, and the south side of
7 another 10-foot alley located north of Eareckson Place, 39 feet wide, the point of
8 beginning being distant 256.9 feet, more or less, measured northerly from East
9 Lafayette Avenue 66 feet wide, along the west side of the 10-foot alley; thence
10 binding on the south side of the 10-foot alley in the rear of the properties known
11 as numbers 1600 through 1622 Eareckson Place, Westerly 146 feet, more or less,
12 to intersect the east side of North Bethel Street, varying in width; thence binding
13 on the east side of North Bethel Street, Northerly 10.25 feet, more or less, to the
14 north side of the 10-foot alley; thence binding on the north side of the alley,
15 Easterly 146 feet, more or less, to intersect the west side of the first mentioned 10-
16 foot alley; and thence binding on the west side of that alley, Southerly 10.25 feet,
17 more or less, to the place of beginning.

18 Containing 1,496.5 square feet or 0.0343 acres, more or less.

19 Beginning for Parcel 3 at a point formed by the intersection of the north side of a
20 10-foot alley and the west side of North Bethel Street, varying in width, the point
21 of beginning being distant 85 feet, measured northerly along the west side of
22 North Bethel Street from East Lafayette Avenue, 66 feet wide; thence binding on
23 the west side of North Bethel Street, Northerly 231.2 feet, more or less, to
24 intersect the south side of a 15-foot alley thence; thence along the south side of the
25 15-foot alley, Easterly 37.5 feet, more or less, to the east side of North Bethel
26 Street; thence binding on the east side of North Bethel Street, Southerly 231.2
27 feet, more or less, to intersect the north side of the first mentioned 10-foot alley;
28 and thence binding on the north side of that 10-foot alley, Westerly 37.5 feet,
29 more or less, to the place of beginning.

30 Containing 8,670 square feet or 0.1990 acres, more or less.

31 Beginning for Parcel 4 at a point formed by the intersection of the west side of a
32 10-foot alley and the south side of Eareckson Place, 39 feet wide, more or less, the
33 point of beginning being distant 100 feet, measured westerly along the south side
34 of Eareckson Place from the west side of Broadway, 130 feet wide; thence binding
35 on the south side of Eareckson Place, Westerly 146 feet, to intersect the east side
36 of North Bethel Street, varying in width; thence binding on the east side of North
37 Bethel Street, Northerly 39 feet, more or less, to the north side of Eareckson
38 Place; thence binding on the north side of Eareckson Place, Easterly 146 feet to
39 intersect the west side of the alley mentioned firstly herein; and thence binding on
40 the west side of that alley, Southerly 39 feet, more or less, to the place of
41 beginning.

42 Containing 5,681.88 square feet or 0.1304 acres, more or less.

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1 As delineated on Plat 311-A-31A, prepared by the Survey Section and filed on January 12, 2017,
2 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 certain streets and alleys 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 on the date it is
33 enacted.