

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0238

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: November 24, 2008
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable
Council action: Adopted
Read second time: June 8, 2009

AN ORDINANCE CONCERNING

**City Streets – Closing –
2 10-Foot Alleys**

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3 FOR the purpose of condemning and closing (1) a 10-foot alley laid out in the rear of the
4 properties formerly known as Nos. 2203 through 2227 North Howard Street and (2) a 10-foot
5 alley laid out contiguous to the north outline of the property formerly known as No. 2214
6 Mace Street, as shown on Plat 114-A-47A in the Office of the Department of Public Works;
7 and providing for a special effective date.

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

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Department of Public Works shall proceed to condemn and close (1) a 10-foot alley laid out in
18 the rear of the properties formerly known as Nos. 2203 through 2227 North Howard Street and
19 (2) a 10-foot alley laid out contiguous to the north outline of the property formerly known as No.
20 2214 Mace Street, and more particularly described as follows:

21 Beginning for Parcel No. 1 at the point formed by the intersection of the west side
22 of a 10-foot alley laid out in the rear of the properties formerly known as Nos.
23 2203 through 2227 N. Howard Street and the south side of 23rd Street, 66 feet
24 wide, said point of beginning being distant easterly 90.0 feet, more or less,
25 measured along the south side of said 23rd Street from the east side of Howard
26 Street, 66 feet wide, and running thence binding on the south side of said 23rd
27 Street, Easterly 10.0 feet to intersect the east side of said 10-foot alley; thence
28 binding on the east side of said 10-foot alley, Southerly 176.0 feet, more or less,

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 to intersect the line of the north outline of the property known as No. 2205 N.
2 Howard Street, if projected easterly; thence binding reversely on said line, so
3 projected, Westerly 10.0 feet to intersect the west side of said 10-foot alley, and

4 thence binding on the west side of said 10.0-foot alley, Northerly 176.0 feet, more
5 or less, to the place of beginning.

6 Beginning for Parcel No. 2 at the point formed by the intersection of the north
7 side of a 10-foot alley laid out contiguous to the north outline of the property
8 formerly known as No. 2214 Mace Street and the west side of Mace Street, 20
9 feet wide, said point of beginning being distant southerly 100.0 feet, more or less,
10 measured along the west side of said Mace Street, from the south side of 23rd
11 Street, 66 feet wide, and running thence binding on the west side of said Mace
12 Street, Southerly 10.0 feet to intersect the south side of said 10-foot alley; thence
13 binding on the south side of said 10-foot alley, Westerly 50.0 feet, more or less, to
14 intersect the east side of a 10-foot alley laid out in the rear of the properties
15 formerly known as Nos. 2203 through 2227 N. Howard Street; thence binding on
16 the east side of last said 10-foot alley, Northerly 10.0 feet to intersect the north
17 said of said 10-foot alley, mentioned firstly herein, and thence binding on the
18 north side of said 10-foot alley, mentioned firstly herein, Easterly 50.0 feet, more
19 or less, to the place of beginning.

20 As delineated on Plat 114-A-47A, prepared by the Survey Control Section and filed on
21 September 3, 2008, in the Office of the Department of Public Works.

22 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
23 closing of the 10-foot alleys and the rights of all interested parties shall be regulated by and in
24 accordance with all applicable provisions of state and local law and with all applicable rules and
25 regulations adopted by the Director of Public Works and filed with the Department of
26 Legislative Reference.

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

34 **SECTION 4. AND BE IT FURTHER ORDAINED,** That no building or structure of any kind
35 (including but not limited to railroad tracks) may be constructed or erected in or on any part of
36 the street closed under this Ordinance until all subsurface structures and appurtenances owned by
37 the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council
38 or, at the expense of the person seeking to erect the building or structure, have been removed and
39 relaid in accordance with the specifications and under the direction of the Director of Public
40 Works of Baltimore City.

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

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

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

Mayor, Baltimore City