

Introduced by: The Council President

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

Prepared by: Department of Legislative Reference

Date: March 20, 2018

Referred to: **HOUSING AND URBAN AFFAIRS** Committee

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

CITY COUNCIL B-0207

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Closing –
Eastbourne Avenue and a 10-Foot Alley**

FOR the purpose of condemning and closing Eastbourne Avenue, extending Westerly 284 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, as shown on Plat 336-A-34A in the Office of the Department of Transportation; 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)

NO. _____

****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

Training

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:

Boards and Commissions

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:

Others:

Other:

Environmental Control Board

Fire & Police Employees' Retirement System

Labor Commissioner

Parking Authority Board

Planning Commission

Wage Commission

Other:

Other:

Other:

CITY OF BALTIMORE
ORDINANCE
Council Bill 18-0207

18-153

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: March 26, 2018
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 4, 2018

AN ORDINANCE CONCERNING

City Streets – Closing –
Eastbourne Avenue and a 10-Foot Alley

FOR the purpose of condemning and closing Eastbourne Avenue, extending Westerly ~~284~~ 183 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, as shown on Plat 336-A-34A in the Office of the Department of Transportation; 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 Transportation shall proceed to condemn and close Eastbourne Avenue, extending Westerly ~~284~~ 183 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of a 10-foot alley and the north side of Eastbourne Avenue 40 feet wide, the point of beginning being distant Westerly 135 feet measured along the north side of Eastbourne Avenue from the west side of Elrino Street 50 feet wide, thence leaving the north side of Eastbourne Avenue Southerly 40 feet to intersect the south side of Eastbourne Avenue, thence binding on the south side of Eastbourne Avenue Westerly ~~279~~ 178 feet, more or less, to the westernmost extremity of Eastbourne Avenue, thence binding on the westernmost extremity of Eastbourne

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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Avenue Northwesterly 40 feet, more or less, to the north side of Eastbourne Avenue, and thence binding on the north side of Eastbourne Avenue Easterly ~~284~~ 183 feet, more or less, to the place of beginning.

Containing ~~11,264~~ 7,227 square feet or ~~0.259~~ 0.166 acres, more or less.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Elrino Street 50 feet wide, and the south side of a 10-foot alley, the point of beginning being distant Northerly 125 feet measured along the west side of Elrino Street from the north side of Holabird Avenue 70 feet wide, thence binding on the south side of the 10-foot alley Westerly 56.4 feet, more or less, to the westernmost extremity of the 10-foot alley, thence binding on the westernmost extremity of the 10-foot alley Northerly 10 feet to the north side of the 10-foot alley, thence binding on the north side of the 10-foot alley Easterly 56.4 feet, more or less, to intersect the west side of Elrino Street and thence binding on the west side of Elrino Street Southerly 10 feet to the place of beginning.

Containing 564 square feet or 0.0129 acres, more or less.

As delineated on Plat 336-A-34A, prepared by the Survey Section and filed on August 24, 2017, in the Office of the Department of Transportation.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of the street and a 10-foot alley and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Transportation and filed with the Department of Legislative Reference.

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

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

SECTION 5. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances owned by any person other than the Mayor and City Council of Baltimore shall be removed by and at the expense of their owners, promptly upon 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 is
8 enacted.

Certified as duly passed this _____ day of JUN 07 2018


President, Baltimore City Council

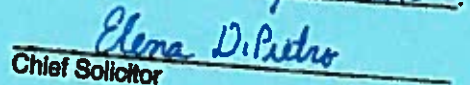
Certified as duly delivered to Her Honor, the Mayor,

this _____ day of JUN 07 2018


Chief Clerk

Approved this 20 day of June, 2018


Mayor, Baltimore City


Approved For Form and Legal Sufficiency
This 19th Day of June 2018

Chief Solicitor

THE
UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

WATER RIGHTS

STATE OF ARIZONA
COUNTY OF COCHISE
TOWNSHIP OF SIERRA
SECTION 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 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2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228,

AMENDMENTS TO COUNCIL BILL 18-0207
(1" Reader Copy)

| |
|---|
| APPROVED FOR FORM. STYLE, AND TEXTUAL SUFFICIENCY |
|  |
| S-16 -18 |
| DEPT LEGISLATIVE REFERENCE |

By: Housing and Urban Affairs Committee

Amendment No. 1

ADOPTED

On page 1, in lines 4 and 18, and on page 2, in line 1, in each instance, strike "284" and substitute "183"; and, on page 1, in line 27, strike "279" and substitute "178".

Amendment No. 2

On page 2, in line 3, strike "11,264" and substitute "7,227", and, in the same line, strike "0.259" and substitute "0.166".

ADDITION

ADDITION

BALTIMORE CITY COUNCIL

Housing And Urban Affairs Committee

VOTING RECORD

DATE: 5-15-18

BILL#CC: 18- 0207 BILL TITLE: Ordinance – City Streets – Closing – Eastbourne Avenue and a 10-Foot Alley

MOTION BY: Henry

SECONDED BY: Cohen

☐ FAVORABLE

☒ FAVORABLE WITH AMENDMENTS

☐ UNFAVORABLE

☐ WITHOUT RECOMMENDATION

| NAME | YEAS | NAYS | ABSENT | ABSTAIN |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Bullock, J. Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Schleifer, I. Vice Chair | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Burnett, K. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Henry, B. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sneed ,S. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Cohen, Z | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dorsey, R. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| TOTALS | <u>7</u> | <u>0</u> | | |

CHAIRPERSON: [Signature]

COMMITTEE STAFF: Richard G. Krummerich, Initials: RIC

The Baltimore City Department of
HOUSING & COMMUNITY
DEVELOPMENT

MEMORANDUM

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

From: Michael Braverman, Housing Commissioner 

Date: May 10, 2018

Re: City Council Bill 18-0207- City Streets – Closing –
Eastbourne Avenue and a 10-Foot Alley

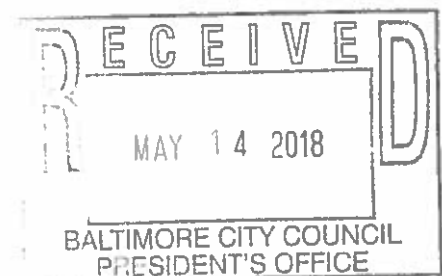
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0207, for the purpose of condemning and closing Eastbourne Avenue, extending Westerly 284 feet, more or less, from a 10-foot alley to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, as shown on Plat 336-A-34 in the Office of the Department of Transportation; and providing for a special effective date.

If enacted, this bill, a companion bill to CC Bill 18-0206 (Opening– Eastbourne Avenue and a 10-foot Alley), would allow the consolidation of lots to support the expansion of a Royal Farms at 1600 Holobird Avenue.

The Department of Housing and Community Development supports the passage of City Council Bill 18-0207.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*



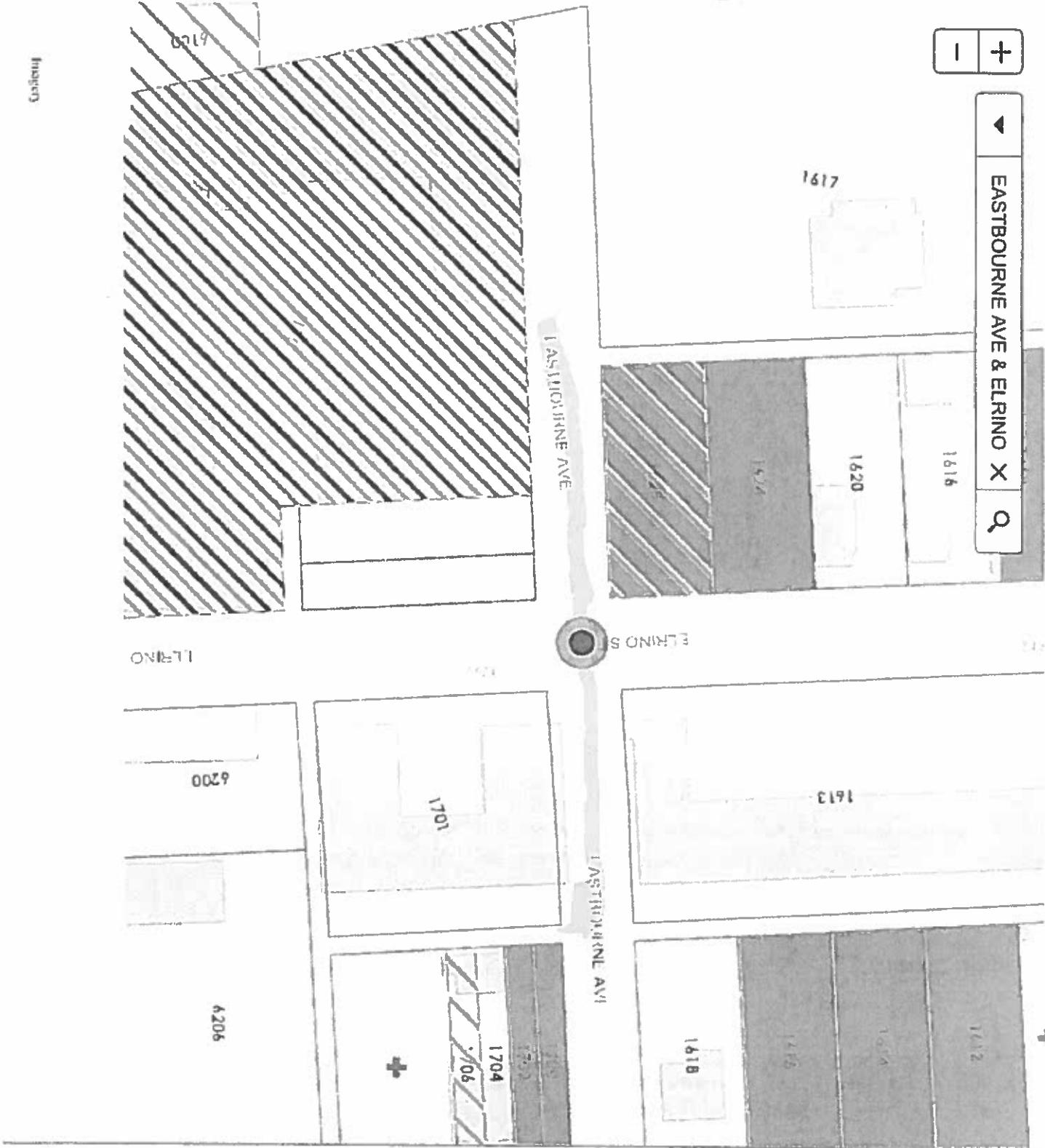
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▼

EASTBOURNE AVE & ELRINO X

🔍



codeMa

☒ Focus Areas

☒ Project COI

☒ Phase 1

☒ Phase 2

☒ Phase 3

☐ Comm De

☒ Major Rede

☒ Major R

☐ Popplet

☐ Streamline

☐ Opportunill

☒ CE Internal

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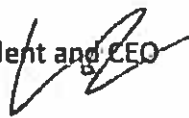
☐ Unkl



Baltimore
Development Corporation

MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO 

DATE: April 16, 2018

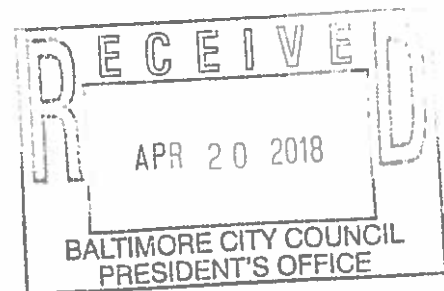
SUBJECT: City Council Bill No. 18-0207
City Streets – Closing – Eastbourne Avenue and a 10-foot Alley

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 18-0207, a bill for the purpose of condemning and closing Eastbourne Avenue, and a 10-foot alley.

Two Farms Inc. owns all of the parcels that surround the street and alley proposed to be closed by this legislation. The closing of this street and alley is necessary to create a consolidated development parcel, on which Two Farms Inc. plans to redevelop and expand the Royal Farms store located at 1600 Holabird Avenue.

BDC supports the expansion of this business and respectfully requests that Bill No. 18-0207 be given favorable consideration by the City Council.

cc: Kyron Banks



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR
100 N. Holliday Street
Suite 101, City Hall
Baltimore, Maryland 21202

April 17, 2018

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

Re: City Council Bill 18-0207 – City Streets – Closing – Eastbourne Avenue
and a 10-Foot Alley

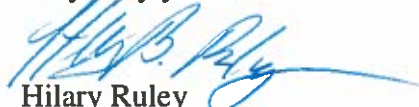
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0207 for form and legal sufficiency. The bill would allow the City to condemn and close Eastbourne Avenue and a 10-Foot Alley. The bill expressly reserves the rights the Mayor and City Council has in the structures located under the street bed, including access rights.

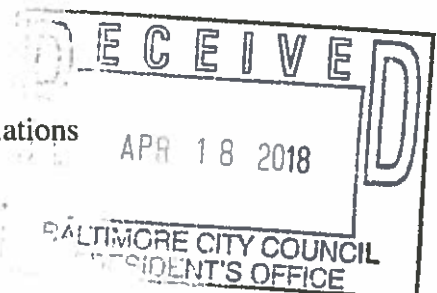

Section (34) of Article II of the City Charter grants the Mayor and City Council the power to “construct, open, extend, widen, straighten or close streets, bridges, tunnels or approaches to them and other public ways of every kind within the bounds of the City.” Section 116(b)(2) of Article VII of the City Charter requires the Department of Transportation to prepare all ordinances for the opening and closing of streets.


The Department of Transportation prepared the ordinance but notes that there was a typographical error: “284 feet” should be changed to “184 feet” in every instance. Subject to this amendment, the Law Department approves the bill for form and legal sufficiency.

Very truly yours,


Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark



| | | | | |
|------|-----------------------|--|---|---|
| FROM | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET | | |
| | SUBJECT | City Council Bill #18-0207 - Closing - Eastbourne Avenue and a 10-Foot Alley | | |

TO

DATE:

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

April 2, 2018

The Planning Department is in receipt of City Council Bill 18-0207, which is for the purpose of condemning and closing Eastbourne Avenue, extending Westerly 284 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, as shown on Plat 336-A-34A in the Office of the Department of Transportation; and providing for a special effective date.

The petitioner, Two Farms, Inc., requested the opening, closing, and sale of the subject parcels to incorporate them into the redevelopment of the Royal Farms store located at 6100 Holabird Avenue. Together, the street beds abut 6100 Holabird Avenue, 6110 Holabird Avenue, 1617 Broening Highway and Block 6809, lots 8 and 9, which are also a part of the redevelopment project. Since the petitioner owns all of the properties abutting the subject parcels, the parcels are no longer needed to provide access to adjacent properties or right-of-ways. No other property owner should be negatively affected by the action.

The Planning Commission considered this request at a preliminary hearing on April 13, 2017 and voted in support of action. For this reason, the Planning Department has no objection to City Council Bill 18-0207 and request that favorable consideration is given by City Council.

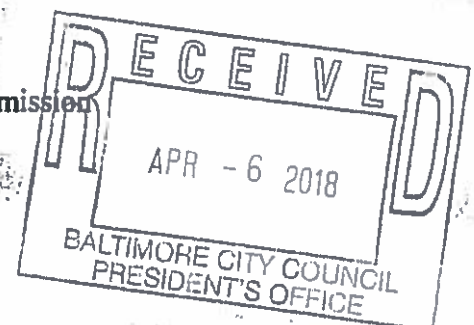
If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

TJS/ewt


Attachment

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. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA

no obj, Fav



Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Katelyn McCauley, DOT
Ms. Natawna Austin, Council Services
Ms. Caroline Hecker, Esq., RGM, Petitioner's representative

| | | | | |
|------|-----------------------|--|--|---|
| FROM | NAME & TITLE | Michelle Pourciau, Director | CITY of BALTIMORE M E M O |  |
| | AGENCY NAME & ADDRESS | Department of Transportation (DOT) 417 E Fayette Street, Room 527 | | |
| | SUBJECT | City Council Bill Report 18-0207 | | |

TO Mayor Catherine E. Pugh

DATE: April 6, 2018

TO: Respective City Council Housing and Urban Affairs Committee

FROM: Department of Transportation

POSITION: Support

RE: City Council Bill 18-0207 - City Streets - Closing - Eastbourne Avenue and a 10-Foot Alley

INTRODUCTION – This bill proposes the closing of a portion of Eastbourne Avenue and a 10' alley, at the request of the adjacent property owner.

PURPOSE/PLANS – The intent of this bill is to allow for the developer, Two Farms (The parent organization of Royal Farms), to consolidate lots and renovate an existing Royal Farms Store.

BRIEF HISTORY – The street and alley to be closed are currently being used by the existing business, this closing will formally and legally allow for this use. The opening and closing of streets and alleys are covered under Article 26, Section 3 of the Baltimore City Code.

FISCAL IMPACT – Not applicable at this time.

AGENCY/DEPARTMENT POSITION –

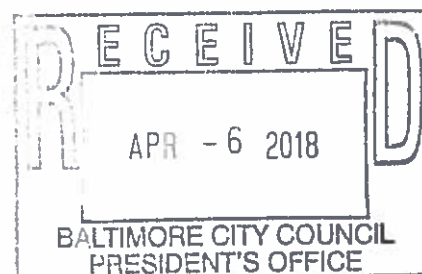
The Department of Transportation supports City Council Bill 18-0207.

If you have any questions, please do not hesitate to contact Mr. David Framm, he may be reached at david.framm@baltimorecity.gov or 410-396-5023.

Sincerely,



Michelle Pourciau
Director



F

City of Baltimore

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

Meeting Minutes - Final

Housing and Urban Affairs Committee

Tuesday, May 15, 2018

2:10 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0207

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member John T. Bullock, Member Isaac "Yitzy" Schleifer, Member Kristerfer Burnett, Member Bill Henry, Member Shannon Sneed, Member Zeke Cohen, and Member Ryan Dorsey

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0207

City Streets - Closing - Eastbourne Avenue and a 10-Foot Alley

For the purpose of condemning and closing Eastbourne Avenue, extending Westerly 284 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, as shown on Plat 336-A-34A in the Office of the Department of Transportation; and providing for a special effective date.

Sponsors: City Council President (Administration)

A motion was made by Member Henry, seconded by Member Cohen, that this Ordinance be Recommended Favorably with Amendment . The motion carried by the following vote:

Yes: 7 - Member Bullock, Member "Yitzy" Schleifer, Member Burnett, Member Henry, Member Sneed, Member Cohen, and Member Dorsey

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY F. 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: CC 18-0207

Ordinance – City Streets – Closing – Eastbourne Avenue and a 10-Foot Alley

Committee: Housing and Urban Affairs

Chaired By: Councilmember John Bullock

Hearing Date: May 15, 2018

Time (Beginning): 2:10 PM

Time (Ending): 2:50 PM

Location: Clarence "Du" Burns Chamber

Total Attendance: 23

Committee Members in Attendance:

John Bullock Zeke Cohen

Isaac "Yitzy" Schleifer Ryan Dorsey

Kristerfer Burnett

Bill Henry

Sharon Sneed

| | | | |
|---|---|-----------------------------|---|
| 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 checked="" type="checkbox"/> yes | <input 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 Henry | | |
| Seconded by: | Councilmember Cohen | | |
| Final Vote: | Fav. with Amendments | | |

Major Speakers

(This is not an attendance record.)

• Eric Tiso

- Department of Planning.

•

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Major Issues Discussed

1. The 2:00 PM Hearing continued.
2. This Bill was heard concurrently with CC 18-0206
3. This Bill was part of a package of Legislation to consider a small parcel of land for private development
4. The Bill was amended to correct typographical errors.
5. The Bill passed on a 7-0 Vote.
6. The Hearing was adjourned.

Further Study

Was further study requested?

☐ Yes ☒ No

If yes, describe.

Committee Vote:

[illegible]

Richard G. Krummerich, Committee Staff

Date: May 16, 2018

cc: Bill File
OCS Chrono File



CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD

| | | |
|--|----------------------|------------------------------------|
| Committee: * Housing and Urban Affairs | | Chairperson: * John Bullock |
| Date: May 15, 2018 | Time: 2:10 PM | Place: *Council Chambers |
| Subject: * - Ordinance – City Streets – Closing – Eastbourne Avenue and a 10-Foot Alley | | CC Bill Number:18-0207 |

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

[illegible]

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

City of Baltimore

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

Meeting Agenda - Final

Housing and Urban Affairs Committee

Tuesday, May 15, 2018

2:10 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0207

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0207

City Streets - Closing - Eastbourne Avenue and a 10-Foot Alley

For the purpose of condemning and closing Eastbourne Avenue, extending Westerly 284 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, as shown on Plat 336-A-34A in the Office of the Department of Transportation; and providing for a special effective date.

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE F. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

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

BILL SYNOPSIS

Committee: Housing and Urban Affairs

Bill CC 18-0207

Ordinance – City Streets – Closing Eastbourne Avenue, and a 10-Foot Alley

Sponsor: *President Young, (The Administrator)*

Introduced: *March 26, 2018*

Purpose:

For the purpose of condemning and closing Eastbourne Avenue, extending Westerly 284 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino street, as shown in Plat 336-A-34A in the Office of the Department of Transportation, and providing for a special effective date.

Effective: Upon enactment

Hearing Date/Time/Location: May 15, 2018 at 2:10 PM in the Council Chambers

Agency Reports

| | |
|---|-------------------|
| Department of Law | Favorable/Amended |
| Planning Commission | Favorable |
| Department of Transportation | Favorable |
| Baltimore Development Corporation | Favorable |
| Department of Housing and Community Development | |

Analysis

Current Law

Article II Sections 35 and 35 of the Baltimore City Charter establishes a process for opening and closing streets. The final step in the process is enactment on an Ordinance of the Mayor and City Council.

Background

CC 18-207 is part of a package of Bills designed to facilitate the development of a Royal Farms Store near the intersection of Holabird Avenue and Elrino Street in far Southeast Baltimore near the County line,

Two small parcels are being transferred. The developer owns all of the surrounding properties and these parcels have no further public use. They are described as:

1. An approximately $\frac{1}{4}$ of Eastbourne Avenue running between Elrino Street and a 10 Foot Alley.
2. An approximately $\frac{1}{100}^{\text{th}}$ of an acre portion of the aforementioned alley and Holabird Avenue.

CC 18-207 condemns and closes the above described properties. Transfer will be made by separate Ordinance.

Additional Information

Fiscal Note: Not Available

Information Source(s): Bill File

Analysis by: Richard G. Krummerich *RK* Direct Inquiries to: 410-396-1266
Analysis Date: 5-11-18

**CITY OF BALTIMORE
COUNCIL BILL 18-0207
(First Reader)**

Introduced by: The Council President

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

Introduced and read first time: March 26, 2018

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

AN ORDINANCE concerning

**City Streets – Closing –
Eastbourne Avenue and a 10-Foot Alley**

FOR the purpose of condemning and closing Eastbourne Avenue, extending Westerly 284 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, as shown on Plat 336-A-34A in the Office of the Department of Transportation; 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 Transportation shall proceed to condemn and close Eastbourne Avenue, extending Westerly 284 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of a 10-foot alley and the north side of Eastbourne Avenue 40 feet wide, the point of beginning being distant Westerly 135 feet measured along the north side of Eastbourne Avenue from the west side of Elrino Street 50 feet wide, thence leaving the north side of Eastbourne Avenue Southerly 40 feet to intersect the south side of Eastbourne Avenue, thence binding on the south side of Eastbourne Avenue Westerly 279 feet, more or less, to the westernmost extremity of Eastbourne Avenue, thence binding on the westernmost extremity of Eastbourne Avenue Northwesterly 40 feet, more or less, to the north side of Eastbourne

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

Council Bill 18-0207

Avenue, and thence binding on the north side of Eastbourne Avenue Easterly 284 feet, more or less, to the place of beginning.

Containing 11,264 square feet or 0.259 acres, more or less.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Elrino Street 50 feet wide, and the south side of a 10-foot alley, the point of beginning being distant Northerly 125 feet measured along the west side of Elrino Street from the north side of Holabird Avenue 70 feet wide, thence binding on the south side of the 10-foot alley Westerly 56.4 feet, more or less, to the westernmost extremity of the 10-foot alley, thence binding on the westernmost extremity of the 10-foot alley Northerly 10 feet to the north side of the 10-foot alley, thence binding on the north side of the 10-foot alley Easterly 56.4 feet, more or less, to intersect the west side of Elrino Street and thence binding on the west side of Elrino Street Southerly 10 feet to the place of beginning.

Containing 564 square feet or 0.0129 acres, more or less.

As delineated on Plat 336-A-34A, prepared by the Survey Section and filed on August 24, 2017, in the Office of the Department of Transportation.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of the street and a 10-foot alley and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Transportation and filed with the Department of Legislative Reference.

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

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

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

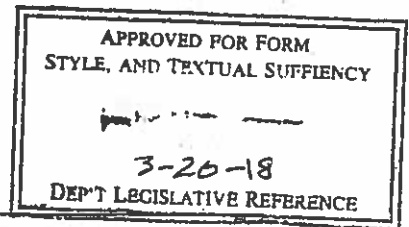
SECTION 6. AND BE IT FURTHER ORDAINED, That at all times after the closing under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized

Council Bill 18-0207

1 representatives, shall have access to the subject property and to all subsurface structures and
2 appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining,
3 repairing, altering, relocating, or replacing any of them, without need to obtain permission from
4 or pay compensation to the owner of the property.

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

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL 18-0207



Introduced by: The Council President
At the request of: The Administration (Department of Transportation)

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Closing –
Eastbourne Avenue and a 10-Foot Alley**

FOR the purpose of condemning and closing Eastbourne Avenue, extending Westerly 284 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, as shown on Plat 336-A-34A in the Office of the Department of Transportation; 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 Transportation shall proceed to condemn and close Eastbourne Avenue, extending Westerly 284 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of a 10-foot alley and the north side of Eastbourne Avenue 40 feet wide, the point of beginning being distant Westerly 135 feet measured along the north side of Eastbourne Avenue from the west side of Elrino Street 50 feet wide, thence leaving the north side of Eastbourne Avenue Southerly 40 feet to intersect the south side of Eastbourne Avenue, thence binding on the south side of Eastbourne Avenue Westerly 279 feet, more or less, to the westernmost extremity of Eastbourne Avenue, thence binding on the westernmost extremity of Eastbourne Avenue Northwesternly 40 feet, more or less, to the north side of Eastbourne Avenue, and thence binding on the north side of Eastbourne Avenue Easterly 284 feet, more or less, to the place of beginning.

Containing 11,264 square feet or 0.259 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.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Elrino Street 50 feet wide, and the south side of a 10-foot alley, the point of beginning being distant Northerly 125 feet measured along the west side of Elrino Street from the north side of Holabird Avenue 70 feet wide, thence binding on the south side of the 10-foot alley Westerly 56.4 feet, more or less, to the westernmost extremity of the 10-foot alley, thence binding on the westernmost extremity of the 10-foot alley Northerly 10 feet to the north side of the 10-foot alley, thence binding on the north side of the 10-foot alley Easterly 56.4 feet, more or less, to intersect the west side of Elrino Street and thence binding on the west side of Elrino Street Southerly 10 feet to the place of beginning.

Containing 564 square feet or 0.0129 acres, more or less.

As delineated on Plat 336-A-34A, prepared by the Survey Section and filed on August 24, 2017, in the Office of the Department of Transportation.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of the street and a 10-foot alley and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Transportation and filed with the Department of Legislative Reference.

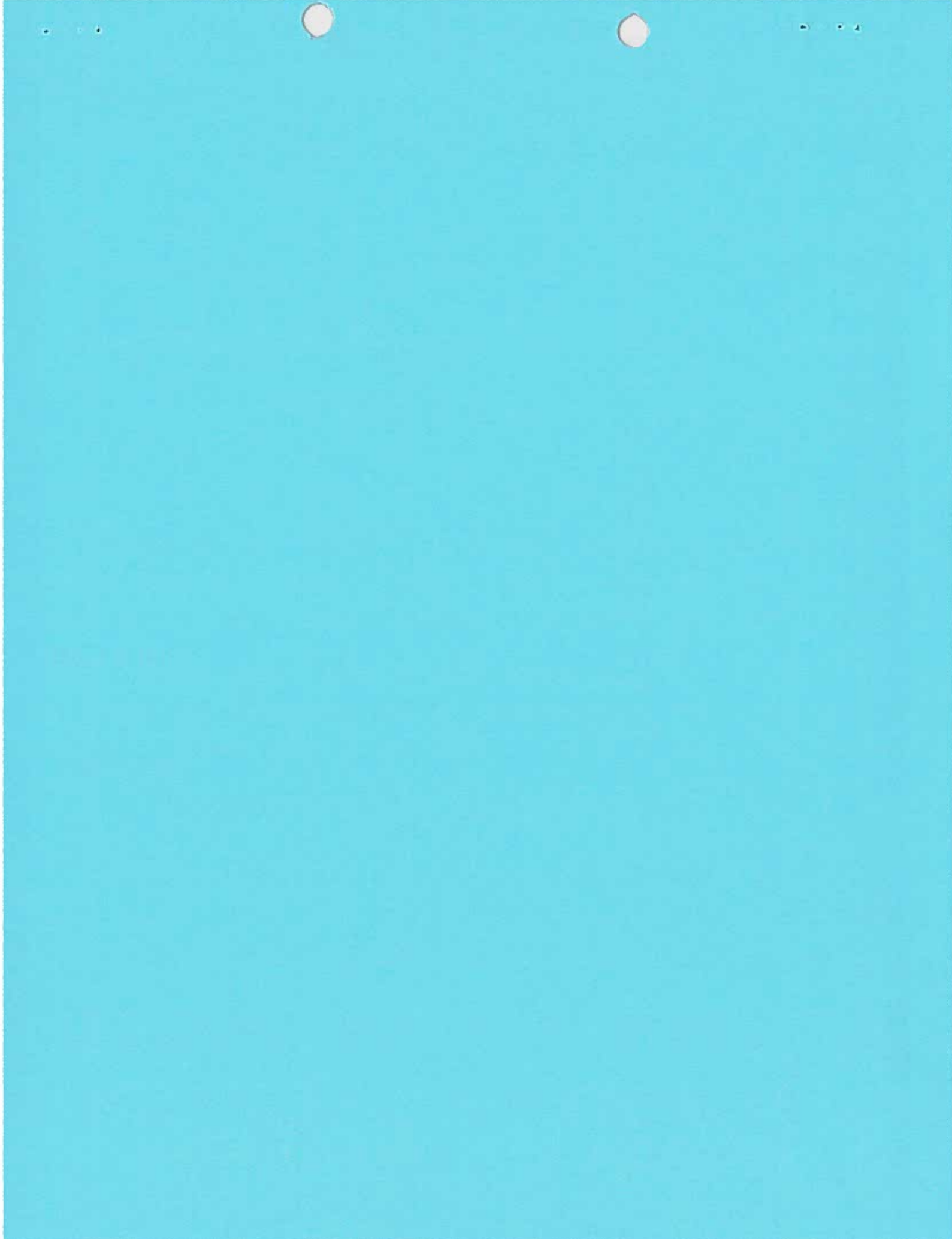
SECTION 3. AND BE IT FURTHER ORDAINED, That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor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

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

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

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

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



ACTION BY THE CITY COUNCIL

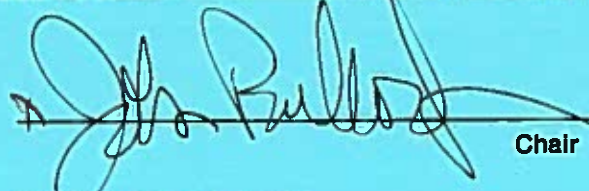
MAR 26 2018

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON MAY 15 _____ 20 18

COMMITTEE REPORT AS OF JUNE 4 _____ 20 18

_____ FAVORABLE _____ UNFAVORABLE X 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 04 2018

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

THIRD READING _____ JUN 07 2018

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

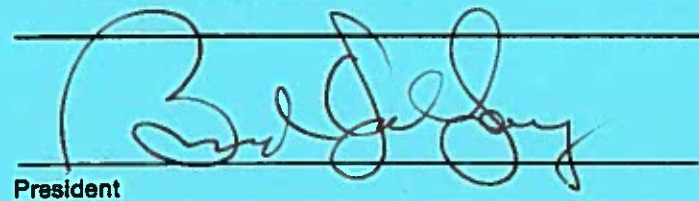
THIRD READING (ENROLLED) _____ 20 _____

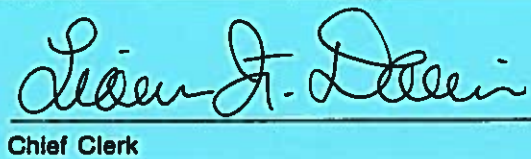
_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

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