

**CITY OF BALTIMORE
COUNCIL BILL 11-0750
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: August 15, 2011
Assigned to: Highways and Franchises Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: Planning Commission, Department of Housing and Community Development, Department of General Services, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **Eager Street**

4 FOR the purpose of condemning and closing Eager Street, extending from Chester Street,
5 Easterly 266.6 feet, more or less, to Collington Avenue and lying within the Middle East
6 Urban Renewal Project, as shown on Plat 341-A-43A in the Office of the Department of
7 General Services; 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 Eager Street, extending from
18 Chester Street, Easterly 266.6 feet, more or less, to Collington Avenue and lying within the
19 Middle East Urban Renewal Project, and more particularly described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of the south
21 side of Eager Street, 66 feet wide, and the east side of Chester Street, 70 feet
22 wide, and running thence binding on the east side of said Chester Street,
23 Northerly 66.0 feet to intersect the north side of said Eager Street; thence binding
24 on the north side of said Eager Street, Easterly 266.6 feet, more or less, to
25 intersect the west side of Collington Avenue, 70 feet wide; thence binding on the
26 west side of said Collington Avenue, Southerly 66.0 feet to intersect the south
27 side of said Eager Street, and thence binding on the south side of said Eager
28 Street, Westerly 266.6 feet, more or less, to the place of beginning.

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

Council Bill 11-0750

1 As delineated on Plat 341-A-43A, prepared by the Survey Control Section and filed on January
2 28, 2011, in the Office of the Department of General Services.

3 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
4 closing of Eager Street and the rights of all interested parties shall be regulated by and in
5 accordance with all applicable provisions of state and local law and with all applicable rules and
6 regulations adopted by the Director of General Services 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
10 Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their
11 use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or
12 interfere with them, that person must first obtain permission from the Mayor and City Council
13 and, in the application for this permission, must agree to pay all costs and expenses, of every
14 kind, arising 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 General
21 Services 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
33 is enacted.