

**CITY OF BALTIMORE
COUNCIL BILL 19-0363
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: April 15, 2019
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 **City Streets – Closing – A Variable Width Alley, Located Between 2 10-Foot Alleys**
3 **Bounded by Boone Street, East 22nd Street, Greenmount Avenue, and East 23rd Street**

4 FOR the purpose of condemning and closing a variable width alley, located between 2 10-foot
5 alleys bounded by Boone Street, East 22nd Street, Greenmount Avenue, and East 23rd Street,
6 as shown on Plat 284-A-15A in the Office of the Department of Transportation; and
7 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 Transportation shall proceed to condemn and close a variable width alley, located
18 between 2 10-foot alleys bounded by Boone Street, East 22nd Street, Greenmount Avenue, and
19 East 23rd Street, 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 a 10-foot alley and the north side of a variable width alley, the point of
22 beginning being distant Westerly 100.2 feet, more or less, measured along the
23 south side of the 10-foot alley from the west side of Boone Street 45 feet wide;
24 thence binding on the east side of the variable width alley Southerly 60.1 feet,
25 more or less, to the north side of a 10-foot alley; thence binding on the north side
26 of the 10-foot alley Westerly 17.6 feet, more or less, to the west side of the
27 variable width alley; thence binding on the west side of the variable width alley

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

Council Bill 19-0363

1 Northerly 59.9 feet, more or less, to the south side of the 10-foot alley mentioned
2 firstly herein; and thence binding on the south side of the 10-foot alley mentioned
3 firstly herein Easterly 12.9 feet, more or less, to the place of beginning.

4 Containing 912.72 square feet or 0.021 acres, more or less.
5 As delineated on Plat 284-A-15A, prepared by the Survey Section and filed on December 7,
6 2018, in the Office of the Department of Transportation.

7 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
8 closing of a variable width alley, located between 2 10-foot alleys bounded by Boone Street, East
9 22nd Street, Greenmount Avenue, and East 23rd Street and the rights of all interested parties shall
10 be regulated by and in accordance with all applicable provisions of state and local law and with
11 all applicable rules and regulations adopted by the Director of Transportation and filed with the
12 Department of Legislative Reference.

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

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

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

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

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