

**CITY OF BALTIMORE
COUNCIL BILL 07-0736
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: July 16, 2007
Assigned to: Highways and Franchises Subcommittee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **Certain Streets and Alleys Lying Within the Area Bounded by**
4 **North Avenue, Thomas Avenue, Presbury Street, and the CSX Railroad Right-of-Way**

5 FOR the purpose of condemning and closing certain streets and alleys lying within the area
6 bounded by North Avenue, Thomas Avenue, Presbury Street, and the CSX Railroad Right-
7 of-Way, as shown on Plat 114-A-23A in the Office of the Department of Public Works; and
8 providing for a special effective 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 Public Works shall proceed to condemn and close certain streets and alleys lying
19 within the area bounded by North Avenue, Thomas Avenue, Presbury Street, and the CSX
20 Railroad Right-of-Way, and more particularly described as follows:

21 Beginning for Parcel No. 1 at the point formed by the intersection of the south
22 side of a 10-foot alley, laid out in the rear of the properties known as Nos. 2527
23 through 2551/2553 W. North Avenue and the east side of Whitmore Avenue, 66
24 feet wide, and running thence binding on the east side of said Whitmore Avenue,
25 Southerly 238.5 feet, more or less, to the southernmost extremity of said
26 Whitmore Avenue; thence binding on the southernmost extremity of said
27 Whitmore Avenue, Westerly 66.0 feet to intersect the west side of said Whitmore
28 Avenue; thence binding on the west side of said Whitmore Avenue, Northerly
29 238.5 feet, more or less, to intersect the line of the south side of said 10-foot alley,

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

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1 if projected westerly, and thence binding reversely on said line, so projected,
2 Easterly 66.0 feet to the place of beginning.

3 Beginning for Parcel No. 2 at the point formed by the intersection of the north
4 side of a 10-foot alley, laid out in the rear of the properties known as Nos. 2601
5 through 2607 W. North Avenue, and the west side of Whitmore Avenue, 66 feet
6 wide, said point of beginning being distant southerly 80.0 feet, more or less,
7 measured along the west side of said Whitmore Avenue from the south side of
8 North Avenue, 100 feet wide, and running thence binding on the west side of said
9 Whitmore Avenue, Southerly 10.0 feet to intersect the south side of said 10-foot
10 alley; thence binding on the south side of said 10-foot alley, Westerly 60.9 feet,
11 more or less, to the westernmost extremity of said 10-foot alley; thence binding
12 on the westernmost extremity of said 10-foot alley, Northerly 10.0 feet to
13 intersect the north side of said 10-foot alley, and thence binding on the north side
14 of said 10-foot alley, Easterly 60.9 feet, more or less, to the place of beginning.

15 Beginning for Parcel No. 3 at the point formed by the intersection of the east side
16 of Whitmore Avenue, 66 feet wide, and the north side of Westwood Avenue, 33
17 feet wide, and running thence binding on the north side of said Westwood
18 Avenue, Easterly 95.0 feet, more or less, to intersect the line of the west side of a
19 20-foot alley, laid out in the rear of the properties known as Nos. 1801 through
20 1829 Whitmore Avenue; thence binding on the line of the west side of said 20-
21 foot alley, so projected, Southerly 33.0 feet, to intersect the south side of said
22 Westwood Avenue; thence binding on the south side of said Westwood Avenue,
23 Westerly 95.0 feet, more or less, to intersect the east side of said Whitmore
24 Avenue, and thence binding on the east side of said Whitmore Avenue, Northerly
25 33.0 feet to the place of beginning.

26 As delineated on Plat 114-A-23A, prepared by the Survey Control Section and filed on June 7,
27 2007, in the Office of the Department of Public Works.

28 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
29 closing of the streets and alleys and the rights of all interested parties shall be regulated by and in
30 accordance with all applicable provisions of state and local law and with all applicable rules and
31 regulations adopted by the Director of Public Works and filed with the Department of
32 Legislative Reference.

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

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

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1 relaid in accordance with the specifications and under the direction of the Director of Public
2 Works of Baltimore City.

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

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

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