

Introduced by: The Council President

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

Prepared by: Department of Legislative Reference

Date: February 22, 2017

Referred to: HOUSING AND URBAN AFFAIRS Committee

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

CITY COUNCIL 17 - 0022

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Closing –
Bed of Duker Alley**

FOR the purpose of condemning and closing the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as shown on Plat 232-A-15A 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)

****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.**

CITY OF BALTIMORE
ORDINANCE 17-012
Council Bill 17-0022

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: February 27, 2017
Assigned to: Housing and Urban Affairs Committee

Committee Report: Favorable
Council action: Adopted
Read second time: April 3, 2017

AN ORDINANCE CONCERNING

1 City Streets – Closing –
2 Bed of Duker Alley

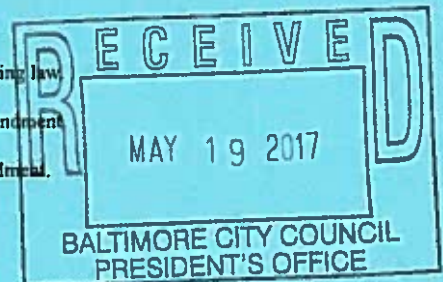
3 FOR the purpose of condemning and closing the bed of Duker Alley, extending westerly 92 feet,
4 more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as
5 shown on Plat 232-A-15A in the Office of the Department of Transportation; and providing
6 for a special effective date.

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

15 SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the
16 Department of Transportation shall proceed to condemn and close the bed of Duker Alley,
17 extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side
18 of Albemarle Street, and more particularly described as follows:

19 Beginning for Parcel No. 1 at a point formed by the intersection of the west side
20 of Albemarle Street 60 feet wide, and the south side of Duker Alley 10 feet wide,
21 said point of beginning being distant northerly 191 feet, more or less, measured
22 along the west side of said Albemarle Street from the point formed by the
23 intersection of the west side of said Albemarle Street and the north side of South
24 President Street varying width; thence binding on the south side of said Duker
25 Alley Westerly 92 feet, more or less, to the westernmost extremity of said Duker
26 Alley; thence binding on the westernmost extremity of said Duker Alley Northerly
27 10 feet to the north side of said Duker Alley; thence binding on the north side of
28 said Duker Alley Easterly 92 feet, more or less, to intersect the west side of said

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.



Council Bill 17-0022

1 Albemarle Street; and thence crossing said Duker Alley Southerly 10 feet to the
2 place of beginning.

3 As delineated on Plat 232-A-15A , prepared by the Survey Control Section and filed on February
4 6, 2017, in the Office of the Department of Transportation.

5 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
6 closing of the bed of Duker Alley and the rights of all interested parties shall be regulated by and
7 in accordance with all applicable provisions of state and local law and with all applicable rules
8 and regulations adopted by the Director of Transportation and filed with the Department of
9 Legislative Reference.

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

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

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

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

34 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect when it is
35 enacted.

Council Bill 17-0022

Certified as duly passed this _____ day of APR 24, 2017



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of APR 24, 2017



Chief Clerk

MAY 3 2017

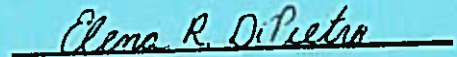
Approved this _____ day of _____, 20____



Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 28th Day of April 2017.



Chief Solicitor

1023 1-44

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BALTIMORE CITY COUNCIL
Housing And Urban Affairs Committee
VOTING RECORD

DATE: 3-30-17

BILL#CC: 17- 0022 BILL TITLE: Ordinance –City Streets – Closing – Bed of Duker Alley

MOTION BY: COHEN 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sneed, S.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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	4	0		

CHAIRPERSON: [Signature]
 COMMITTEE STAFF: Richard G. Krummerich, Initials: RIC



Baltimore
Development Corporation

MEMORANDUM

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

FROM: William H. Cole, President & CEO

DATE: March 22, 2017

SUBJECT: City Council Bill No. 17-0022
City Streets – Closing – Bed of Duker Alley

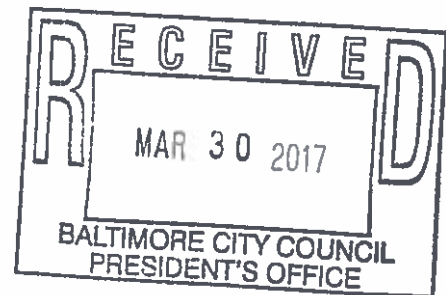
The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 17-0022 for the purpose of condemning and closing the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street.

The condemning and closing of the bed of Duker Alley will support a proposed mixed-use development project at 800 Fleet Street, which consist of a 380-unit luxury apartment tower with 8,000 square feet of ground floor retail and a parking garage.

BDC supports Bill No. 17-0022 and respectfully requests that favorable consideration is given by the City Council.

Cc: Kyron Banks, Mayor's Office
Colin Tarbert, Mayor's Office

A handwritten signature in blue ink, appearing to be 'W. Cole', written over a faint circular stamp.



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

March 29, 2016

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

Re: City Council Bill 17-0022 – City Streets – Closing – Bed of Duker Alley

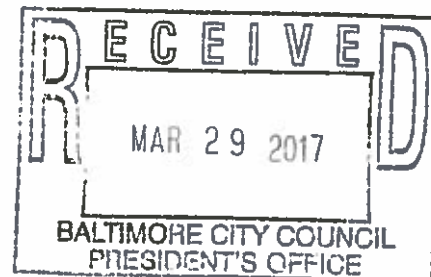
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0022 for form and legal sufficiency. The bill would allow the City to condemn and close the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as shown on Plat 232-A-15A in the Office of the Department of Transportation. The bill also provides for a special effective date.

Section (34)(a) 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. As this bill conforms to the applicable sections of the Charter, the Law Department approves it for form and legal sufficiency.

Sincerely,

Jennifer Landis
Assistant Solicitor



cc: David Ralph, Acting City Solicitor
Karen Stokes, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Hilary Ruley, Chief Solicitor



**BALTIMORE
HOUSING**

CATHERINE PUGH
Mayor

MICHAEL BRAVERMAN
Acting Executive Director, HA/BC
Acting Commissioner, HCD

MEMORANDUM

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

From: Michael Braverman, Acting Commissioner *MBR*

Date: March 24, 2017

Re: City Council Bill 17-0022 - City Streets – Closing – Bed of Duker Alley

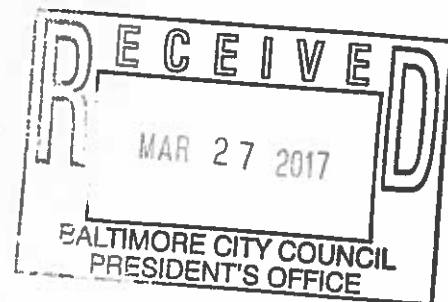
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0022, for the purpose of condemning and closing the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as shown on Plat 232-A-15A in the Office of the Department of Transportation; and providing for a special effective date.


If enacted, this bill would allow for the property that is currently part of the alley to be incorporated into the redevelopment of the adjacent property.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0022.

MB:sd

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



F R O M	NAME & TITLE	Frank J. Murphy, Acting Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0022		

March 22, 2017

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

I am herein reporting on City Council Bill 17-0022 for the purpose condemning and closing the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as shown on Plat 232-A-15A in the Office of the Department of Transportation; and providing for a special effective date.

The alley is currently owned by the adjacent property owner. If utilities exist under this alley they will be relocated at the property owners expense. This alley will be incorporated into the redevelopment of the adjacent property.

The Department of Transportation supports this bill.

Thank you for this opportunity to comment.

Respectfully,

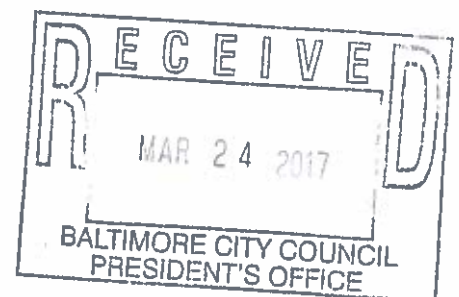


Frank J. Murphy
Acting Director

FJM/PAF

Cc: Karen Stokes, Mayor's Office
Kyron Banks, Mayor's Office

F



FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #17-0022 / CITY STREETS - CLOSING-BED OF DUKER ALLEY

CITY of
BALTIMORE
MEMO



TO

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

DATE: March 6, 2017

The Department of Planning has been asked to review City Council Bill #17-0022, for the purpose of condemning and closing the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as shown on Plat 232-A-15A in the Office of the Department of Transportation; and providing for a special effective date.

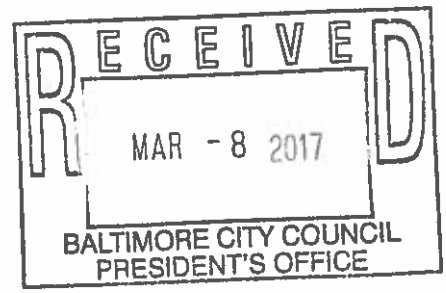
This proposed street closing is part of the site assembly for a large development project that includes 502 Albemarle Street and 801-809 Eastern Avenue. On October 29, 2015, the Planning Commission voted to approve that this portion of Duker Alley was no longer needed for public purpose. In addition, the City Council rezoned the right-of-way, along with 502 Albermarle Street as part of Ordinance 16-452. The Department of Planning has no objection to this and recommends approval of City Council Bill #17-0022.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

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
- The Honorable Edward Reisinger, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Mr. Patrick Fleming, DOT
- Ms. Elena DiPietro, Law Department
- Ms. Natawna Austin, Council Services
- Mr. Francis Burnszynski, PABC
- Ms. Catherine Zoppo, Real Estate
- Mr. Jon Laria, Ballard Spahr LLP



No
obj



HEARING NOTES

Bill: CC 17 - 0022

Ordinance – City Streets – Closing – Bed of Duker Alley

Committee: Housing and Community Development

Chaired By: Councilmember John Bullock

Hearing Date: March 30, 2017

Time (Beginning): 1:56 PM

Time (Ending): 2:01 PM

Location: Council Chambers

Total Attendance: 63

Committee Members in Attendance:

John Bullock

Isaac "Yitzy" Schleifer

Kristerfer Burnett

Zeke Cohen

Ryan Dorsey

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 type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" 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 Cohen		
Seconded by:	Councilmember Burnett		
Final Vote:	Favorable		

Major Speakers

(This is not an attendance record.)

- Patrick Fleming - Department of Transportation
- Alyssa Domzel - Attorney for Developer
-

Major Issues Discussed

- Chair Bullock called the Hearing to order and welcomed the assembled guests.
- This Bill will help facilitate the transfer of an approximately 900 square foot portion of an unused alley in Little Italy to a private developer for inclusion in a multi-use development.
- Councilman Zeke Cohen (D.1st) spoke in favor of the project.
- The Bill was moved Favorable and passed on a 5-0 Vote with two Members absent.

Further Study

Was further study requested? Yes No

If yes, describe.

Committee Vote:

J. Bullock:.....	Yea
I. Schleifer:	Yea
K. Burnett:	Yea
Z. Cohen:	Yea
R. Dorsey:.....	Yea
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Richard G. Krummerich, Committee Staff

Date: 3-31-17

cc: Bill File
OCS Chrono File



CITY OF BALTIMORE CITY COUNCIL HEARING ATTEN

Committee: * Housing and Urban Affairs

Date: March 30, 2017

Time: 1:55 PM

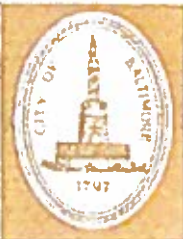
Place:

Subject: * - Ordinance - City Streets - Closing - Bed of Duker Alley

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	Z
John	Doe	100	North Charles Street	2120
Patrick	Fleming		DCI	
Christina	O'Conor		St Ambrose	212
Charlotte	Clarke		St. Ambrose	212
Gaylord	Dutton		BDC	2122
Allyssa	Danzon		Ballard Spahr	212
John	Lain		Avum Spn	212



BILL SYNOPSIS

Committee: Housing and Urban Affairs

Bill CC 17-0022

Ordinance – City Streets – Closing – Bed of Duker Alley

Sponsor: President Young (Administration), et al

Introduced: February 27, 2017

Purpose:

For the purpose of condemning and closing the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity from the west side of Albemarle Street, as shown on Plat 232-A-15 in the Office of the Department of Transportation; and providing for a special effective date.'

Effective: Upon enactment

Hearing Date/Time/Location: March 30, 2017 at 1:55 PM in the Council Chambers

Agency Reports

Planning Commission	No Objection
Department of Law	
Department of Housing and Community Development	Favorable
Department of Transportation	Favorable
Baltimore Development Corporation	

Analysis

Current Law

Sections, 2, 34, and 35 of Article II of the Baltimore City Charter establish a process of the closing and sale of City Streets. The final step in the process is the enactment of an Ordinance of the Mayor and City Council.

Background

This legislation aids the development of a multi-use project in the Little Italy Community of Southeast Baltimore.

An approximately 1/3 of an acre section of Duker Alley parallel to Eastern Avenue between Albemarle and President Street will be transferred to the developer who will then be responsible for removing all utilities from the site

CC 17-0022 condemns and closes the above described property. Transfer will be made by separate Ordinance.

Additional Information

Fiscal Note: Not Available

Information Source(s): Bill File

Analysis by: Richard G. Krummerich *RKC* Direct Inquiries to: 410-396-1266
Analysis Date: 4-28-17

**CITY OF BALTIMORE
COUNCIL BILL 17-0022
(First Reader)**

Introduced by: The Council President

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

Introduced and read first time: February 27, 2017

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

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Council Bill 17-0022

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23 Transportation of Baltimore City.

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25 subsurface structures and appurtenances owned by any person other than the Mayor and City
26 Council of Baltimore shall be removed by and at the expense of their owners, promptly upon
27 notice to do so from the Director of Public Works.

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30 representatives, shall have access to the subject property and to all subsurface structures and
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5 more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as
6 shown on Plat 232-A-15A in the Office of the Department of Transportation; and providing
7 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 the bed of Duker Alley,
18 extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side
19 of Albemarle Street, and more particularly described as follows:

20 Beginning for Parcel No. 1 at a point formed by the intersection of the west side
21 of Albemarle Street 60 feet wide, and the south side of Duker Alley 10 feet wide,
22 said point of beginning being distant northerly 191 feet, more or less, measured
23 along the west side of said Albemarle Street from the point formed by the
24 intersection of the west side of said Albemarle Street and the north side of South
25 President Street varying width; thence binding on the south side of said Duker
26 Alley Westerly 92 feet, more or less, to the westernmost extremity of said Duker
27 Alley; thence binding on the westernmost extremity of said Duker Alley Northerly
28 10 feet to the north side of said Duker Alley; thence binding on the north side of
29 said Duker Alley Easterly 92 feet, more or less, to intersect the west side of said

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

Council Bill 17-0022

1 Albemarle Street; and thence crossing said Duker Alley Southerly 10 feet to the
2 place of beginning.

3 As delineated on Plat 232-A-15A , prepared by the Survey Control Section and filed on February
4 6, 2017, in the Office of the Department of Transportation.

5 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
6 closing of the bed of Duker Alley and the rights of all interested parties shall be regulated by and
7 in accordance with all applicable provisions of state and local law and with all applicable rules
8 and regulations adopted by the Director of Transportation and filed with the Department of
9 Legislative Reference.

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

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

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

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

34 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect when it is
35 enacted.



Catherine E. Pugh
Mayor

Room 250, City Hall
Baltimore, MD 21202

February 22, 2017

TO: Avery Aisenstark, Director Department of Legislative Reference

FROM: Kyron Banks, Mayor's Legislative Liaison to City Council *KB* 

SUBJECT: Bill Introduction for the Administration

An Bill Concerning:

City Streets – Closing – The Bed of Duker Alley

Please prepare the attached for introduction at the City Council meeting scheduled for Monday, February 27, 2017. This bill is introduced at the request of the Administration (Department of Transportation). Please return legislation to the office when completed.

If you have any questions regarding this legislation, please contact Patrick Fleming at 443. 865. 4492.

Thank you

Kyron Banks
Legislative Liaison to City Council

KB: sw

cc: Karen Stokes, Director, Mayor's Office of Government Relations

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

APPROVED FOR FORM STYLE AND TEXTUAL SUFFICIENCY
2-22-17
DEPT LEGISLATIVE REFERENCE

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

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Closing –
Bed of Duker Alley**

FOR the purpose of condemning and closing the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as shown on Plat 232-A-15A 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 the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street, and more particularly described as follows:

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* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

As delineated on Plat 232-A-15A , prepared by the Survey Control Section and filed on February 6, 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 bed of Duker 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.

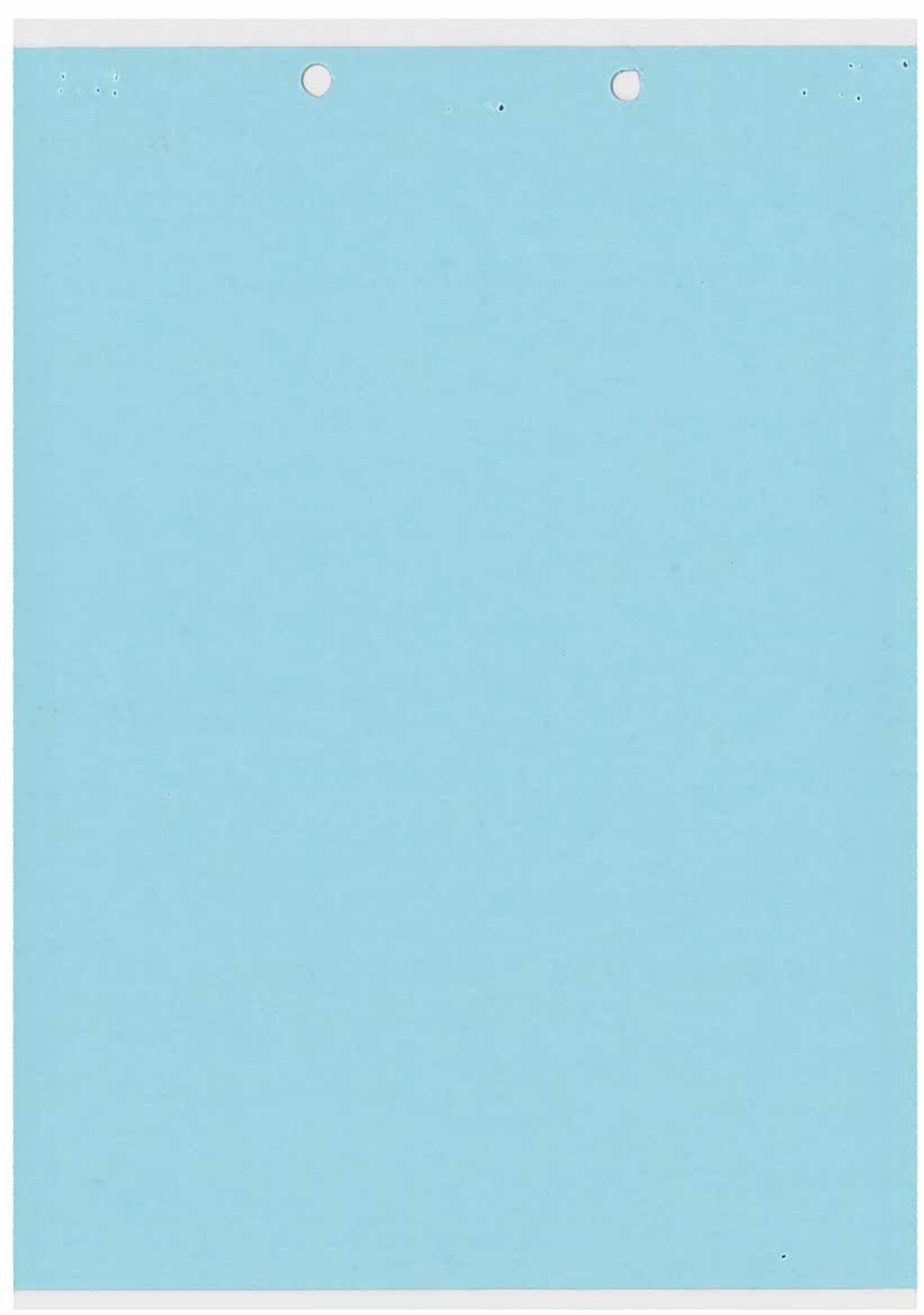
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SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect when it is enacted.



ACTION BY THE CITY COUNCIL

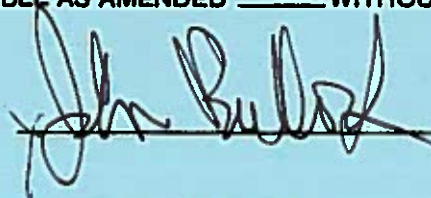
FEB 27 2017

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON ~~APRIL 20~~ MAR 31 _____ 20 17

COMMITTEE REPORT AS OF APRIL 3 _____ 20 17

FAVORABLE _____ UNFAVORABLE _____ 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:

APR 03 2017
20 _____

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

THIRD READING _____ APR 24 2017
20 _____

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

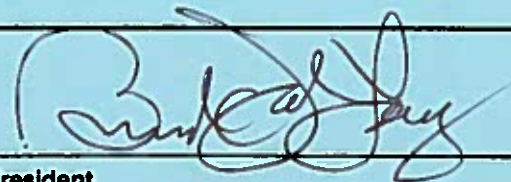
THIRD READING (ENROLLED) _____ 20 _____

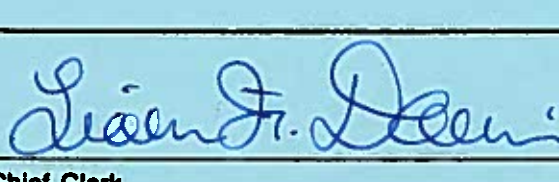
_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.


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

F R O M	NAME & TITLE	Frank J. Murphy, Acting Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0022		

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

March 22, 2017

I am herein reporting on City Council Bill 17-0022 for the purpose condemning and closing the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as shown on Plat 232-A-15A in the Office of the Department of Transportation; and providing for a special effective date.

The alley is currently owned by the adjacent property owner. If utilities exist under this alley they will be relocated at the property owners expense. This alley will be incorporated into the redevelopment of the adjacent property.

The Department of Transportation supports this bill.

Thank you for this opportunity to comment.

Respectfully,

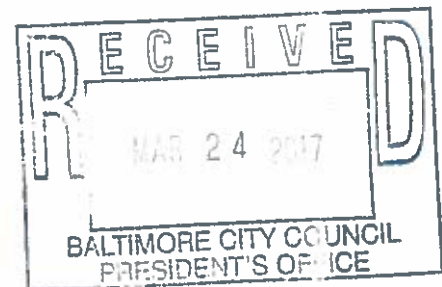
Frank J. Murphy


Frank J. Murphy
Acting Director

FJM/PAF

Cc: Karen Stokes, Mayor's Office
Kyron Banks, Mayor's Office

F



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 #17-0022 / CITY STREETS - CLOSING-BED OF DUKER ALLEY		

TO

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

DATE: March 6, 2017

The Department of Planning has been asked to review City Council Bill #17-0022, for the purpose of condemning and closing the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as shown on Plat 232-A-15A in the Office of the Department of Transportation; and providing for a special effective date.

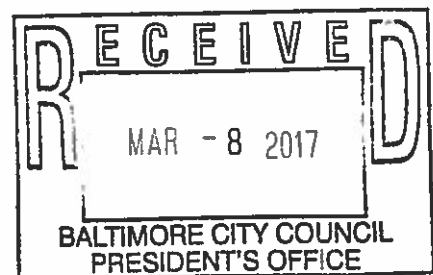
This proposed street closing is part of the site assembly for a large development project that includes 502 Albemarle Street and 801-809 Eastern Avenue. On October 29, 2015, the Planning Commission voted to approve that this portion of Duker Alley was no longer needed for public purpose. In addition, the City Council rezoned the right-of-way, along with 502 Albermarle Street as part of Ordinance 16-452. The Department of Planning has no objection to this and recommends approval of City Council Bill #17-0022.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

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
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Department
Ms. Natawna Austin, Council Services
Mr. Francis Burnszynski, PABC
Ms. Catherine Zoppo, Real Estate
Mr. Jon Laria, Ballard Spahr LLP



W obj

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

March 29, 2016

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

Re: City Council Bill 17-0022 – City Streets – Closing – Bed of Duker Alley

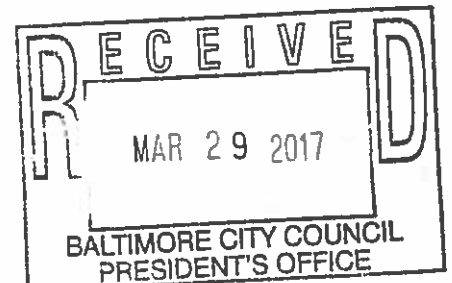
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0022 for form and legal sufficiency. The bill would allow the City to condemn and close the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as shown on Plat 232-A-15A in the Office of the Department of Transportation. The bill also provides for a special effective date.

Section (34)(a) 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. As this bill conforms to the applicable sections of the Charter, the Law Department approves it for form and legal sufficiency.

Sincerely,

Jennifer Landis
Assistant Solicitor



cc: David Ralph, Acting City Solicitor
Karen Stokes, Mayor's Office of Government Relations
Kyrn Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Terval, Chief Solicitor
Hilary Ruley, Chief Solicitor

F



MEMORANDUM

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

FROM: William H. Cole, President & CEO

DATE: March 22, 2017

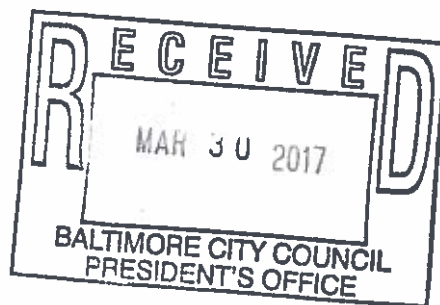
SUBJECT: City Council Bill No. 17-0022
City Streets – Closing – Bed of Duker Alley

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 17-0022 for the purpose of condemning and closing the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street.

The condemning and closing of the bed of Duker Alley will support a proposed mixed-use development project at 800 Fleet Street, which consist of a 380-unit luxury apartment tower with 8,000 square feet of ground floor retail and a parking garage.

BDC supports Bill No. 17-0022 and respectfully requests that favorable consideration is given by the City Council.

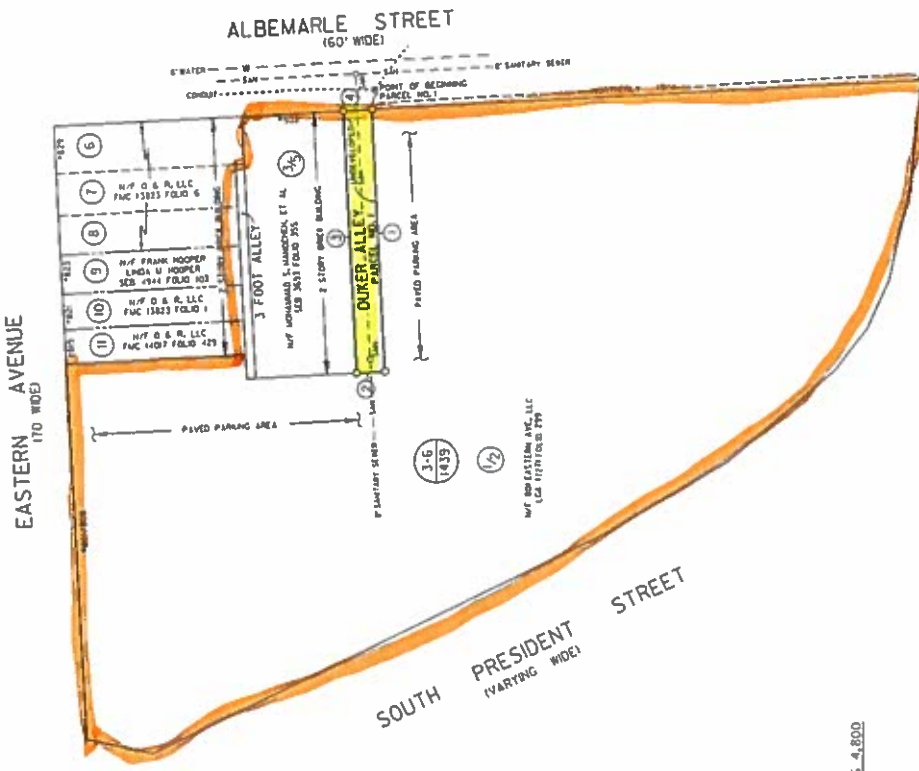
Cc: Kyron Banks, Mayor's Office
Colin Tarbert, Mayor's Office





BALTIMORE CITY SURVEY CONTROL SYSTEM

REV.	DATE	BY



- GENERAL NOTES**
1. THIS PLAN HAS BEEN PREPARED USING AVAILABLE RECORDS AND BALTIMORE CITY RECORDS. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR RECORD.
 2. THIS PLAN HAS BEEN PREPARED WITH THE BEST OF THE AVAILABLE RECORDS PROVIDED BY RESIDENTIAL TITLE & ESCROW COMPANY, DATED DECEMBER 11, 2008.
 3. AN EASEMENT WILL BE RETAINED FOR ALL UTILITIES NOT TO BE REMOVED.
 4. THE PROPOSED UTILITIES SHOWN HEREON ARE BASED ON THE RECORDS PROVIDED BY THE USER OF THE DRAWING. THE CITY OF BALTIMORE CITY UTILITIES RECORDS ON RECORDS AND RECORDS ON RECORDS ARE NOT GUARANTEED. THE CITY OF BALTIMORE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR RECORD. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR RECORD. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR RECORD. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR RECORD.
 5. NOT A SIDE OF PARKWAY.
 6. MOST OF THE NOTES SHOWN HEREON ARE BASED ON INFORMATION PROVIDED BY MAP AND RECORDS SECTION.

- COURSES AND DISTANCES**
- PARCEL NO. 1
 - 1. WESTERLY 92.7'
 - 2. NORTHERLY 92.7'
 - 3. EASTERLY 92.7'
 - 4. SOUTHERLY 92.7'



351-11-042
 CITY OF BALTIMORE
 DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION ENGINEERING AND CONSTRUCTION DIVISION

PRELIMINARY PLAN FOR THE CONCORDATION AND CLOSING OF DUKER ALLEY EXTENDING WESTERLY 92 FEET, AND THE ESTABLISHMENT OF THE WESTERLY EASEMENT THEREON FROM THE WEST SIDE OF ALBEMARLE STREET

WARD 3, SECTION 6, BLOCK 1439

DATE	BY	REVISION

DATE: JANUARY 27, 2011
 SHEET NO. 1
 WARD 3, SECTION 6, BLOCK 1439

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 17-0022

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: February 27, 2017
Assigned to: Housing and Urban Affairs Committee

Committee Report: Favorable
Council action: Adopted
Read second time: April 3, 2017

AN ORDINANCE CONCERNING

**City Streets – Closing –
Bed of Duker Alley**

1
2
3 FOR the purpose of condemning and closing the bed of Duker Alley, extending westerly 92 feet,
4 more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as
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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.

Council Bill 17-0022

1 Albemarle Street; and thence crossing said Duker Alley Southerly 10 feet to the
2 place of beginning.

3 As delineated on Plat 232-A-15A , prepared by the Survey Control Section and filed on February
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33 or pay compensation to the owner of the property.

34 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect when it is
35 enacted.

Council Bill 17-0022

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

the user's information needs, and the user's information-seeking behaviour.

It is important to note that the user's information-seeking behaviour is not necessarily a direct result of the user's information needs. The user's information-seeking behaviour is also influenced by the user's information-seeking skills, the user's information-seeking resources, and the user's information-seeking environment.

The user's information-seeking skills are the user's ability to identify, locate, evaluate, and use information. The user's information-seeking resources are the user's access to information sources. The user's information-seeking environment is the user's access to information sources.

The user's information-seeking behaviour is also influenced by the user's information-seeking motivation. The user's information-seeking motivation is the user's desire to seek information. The user's information-seeking motivation is also influenced by the user's information-seeking needs, the user's information-seeking resources, and the user's information-seeking environment.

The user's information-seeking behaviour is also influenced by the user's information-seeking habits. The user's information-seeking habits are the user's regular patterns of information-seeking behaviour. The user's information-seeking habits are also influenced by the user's information-seeking needs, the user's information-seeking resources, and the user's information-seeking environment.

The user's information-seeking behaviour is also influenced by the user's information-seeking attitudes. The user's information-seeking attitudes are the user's beliefs and feelings about information-seeking. The user's information-seeking attitudes are also influenced by the user's information-seeking needs, the user's information-seeking resources, and the user's information-seeking environment.

The user's information-seeking behaviour is also influenced by the user's information-seeking personality. The user's information-seeking personality is the user's individual characteristics that influence information-seeking. The user's information-seeking personality is also influenced by the user's information-seeking needs, the user's information-seeking resources, and the user's information-seeking environment.

The user's information-seeking behaviour is also influenced by the user's information-seeking social norms. The user's information-seeking social norms are the user's beliefs and feelings about information-seeking that are shared by a group of people. The user's information-seeking social norms are also influenced by the user's information-seeking needs, the user's information-seeking resources, and the user's information-seeking environment.

The user's information-seeking behaviour is also influenced by the user's information-seeking culture. The user's information-seeking culture is the user's beliefs and feelings about information-seeking that are shared by a community.

The user's information-seeking behaviour is also influenced by the user's information-seeking technology. The user's information-seeking technology is the user's use of information-seeking tools and techniques. The user's information-seeking technology is also influenced by the user's information-seeking needs, the user's information-seeking resources, and the user's information-seeking environment.

The user's information-seeking behaviour is also influenced by the user's information-seeking policy. The user's information-seeking policy is the user's rules and regulations about information-seeking. The user's information-seeking policy is also influenced by the user's information-seeking needs, the user's information-seeking resources, and the user's information-seeking environment.

The user's information-seeking behaviour is also influenced by the user's information-seeking law. The user's information-seeking law is the user's legal requirements about information-seeking. The user's information-seeking law is also influenced by the user's information-seeking needs, the user's information-seeking resources, and the user's information-seeking environment.

The user's information-seeking behaviour is also influenced by the user's information-seeking ethics. The user's information-seeking ethics are the user's moral principles about information-seeking. The user's information-seeking ethics are also influenced by the user's information-seeking needs, the user's information-seeking resources, and the user's information-seeking environment.

The user's information-seeking behaviour is also influenced by the user's information-seeking religion. The user's information-seeking religion is the user's religious beliefs about information-seeking. The user's information-seeking religion is also influenced by the user's information-seeking needs, the user's information-seeking resources, and the user's information-seeking environment.

The user's information-seeking behaviour is also influenced by the user's information-seeking philosophy. The user's information-seeking philosophy is the user's beliefs and feelings about information-seeking that are based on a set of principles. The user's information-seeking philosophy is also influenced by the user's information-seeking needs, the user's information-seeking resources, and the user's information-seeking environment.

The user's information-seeking behaviour is also influenced by the user's information-seeking ideology. The user's information-seeking ideology is the user's beliefs and feelings about information-seeking that are based on a set of ideas. The user's information-seeking ideology is also influenced by the user's information-seeking needs, the user's information-seeking resources, and the user's information-seeking environment.

The user's information-seeking behaviour is also influenced by the user's information-seeking worldview. The user's information-seeking worldview is the user's beliefs and feelings about information-seeking that are based on a set of values. The user's information-seeking worldview is also influenced by the user's information-seeking needs, the user's information-seeking resources, and the user's information-seeking environment.