

**CITY OF BALTIMORE
COUNCIL BILL 16-0684
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: June 6, 2016
Assigned to: Housing and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Department, Department of Housing and Community Development, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**City Streets – Closing –**
3 style="text-align:center">**The Beds of Henneman Avenue, a 10-Foot Alley, and a 20-Foot Alley**

4 FOR the purpose of condemning and closing the beds of Henneman Avenue, a 10-foot alley, and
5 a 20-foot alley, bounded by East Biddle Street, North Wolfe Street, East Chase Street, and
6 Rutland Avenue, as shown on Plat 299-A-16A in the Office of the Department of
7 Transportation; 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 Transportation shall proceed to condemn and close the beds of Henneman
18 Avenue, a 10-foot alley, and a 20-foot alley, bounded by East Biddle Street, North Wolfe Street,
19 East Chase Street, and Rutland Avenue, and more particularly described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of the east side
21 of Rutland Avenue 70 feet wide, and the north side of Henneman Avenue 28 feet
22 wide; thence binding on the north side of Henneman Avenue Easterly 307.0 feet,
23 more or less, to intersect the west side of North Wolfe Street 70 feet wide; thence
24 crossing the existing right of way of Henneman Avenue Southerly 28.0 feet, more
25 or less, to intersect the south side of Henneman Avenue; thence binding on the
26 south side of Henneman Avenue Westerly 307.0 feet, more or less, to intersect the
27 east side of Rutland Avenue; thence crossing the existing right of way of
28 Henneman Avenue Northerly 28.0 feet, more or less, to the Point of Beginning.

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

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1 Beginning for Parcel No. 2 at the point formed by the intersection of the east side
2 of Rutland Avenue 70 feet wide, and the south side of a 10-foot alley, said point
3 of beginning being distant Northerly 63.0 feet, more or less, measured along the
4 east side of Rutland Avenue from the point formed by the intersection of the east
5 side of Rutland Avenue and the north side of East Chase Street 66 feet wide;
6 thence crossing said 10-foot alley, Northerly 10.0 feet; thence departing from the
7 east side of Rutland Avenue and binding on the north side of said 10-foot alley
8 Easterly 307.0 feet, more or less, to intersect the west side of North Wolfe Street
9 70 feet wide; thence crossing said 10-foot alley, Southerly 10.0 feet; thence
10 departing from the west side of North Wolfe Street and binding on the south side
11 of said 10-foot alley Westerly 307.0 feet, more or less, to the Point of Beginning.

12 Beginning for Parcel No. 3 at the point formed by the intersection of the west side
13 of North Wolfe Street 70 feet wide, and the north side of a 20-foot alley, said
14 point of beginning being distant Southerly 80.0 feet, more or less, measured along
15 the west side of North Wolfe Street from the point formed by the intersection of
16 the south side of East Biddle Street 66 feet wide, and North Wolfe Street; thence
17 crossing said 20-foot alley, Southerly 20 feet; thence departing from the west side
18 of North Wolfe Street and binding on the south side of said 20-foot alley Westerly
19 307.0 feet, more or less, to intersect the east side of Rutland Avenue 70 feet wide;
20 thence crossing said 20-foot alley, Northerly 20 feet; thence departing from the
21 east side of Rutland Avenue and binding on the north side of said 20-foot alley
22 Easterly 307.0 feet, more or less, to the Point of Beginning.

23 As delineated on Plat 299-A-16A, prepared by the Survey Section and filed on February 12,
24 2016, in the Office of the Department of Transportation.

25 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
26 closing of the beds of Henneman Avenue, a 10-foot alley, and a 20-foot alley and the rights of all
27 interested parties shall be regulated by and in accordance with all applicable provisions of state
28 and local law and with all applicable rules and regulations adopted by the Director of
29 Transportation and filed with the Department of Legislative Reference.

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

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

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

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

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