

**CITY OF BALTIMORE
COUNCIL BILL 24-0565
(First Reader)**

Introduced by: Councilmember Torrence
At the request of: The Administration (Department of Transportation)
Introduced and read first time: July 22, 2024
Assigned to: Ways and Means Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing – Subterranean Portions of Certain**
3 **Streets and Alleys Bounded by Westwood Avenue,**
4 **North Mount Street, Presstman Street, and Appleton Street**

5 FOR the purpose of condemning and closing subterranean portions of certain streets and alleys
6 bounded by Westwood Avenue, North Mount Street, Presstman Street, and Appleton Street,
7 as shown on a plat numbered 316-C-4A, Sheets 1 through 5, dated September 26, 2023,
8 prepared by Whitman, Requardt and Associates, LLP, and filed in the Department of
9 Transportation; and providing for a special effective date.

10 BY authority of
11 Article I - General Provisions
12 Section 4
13 and
14 Article II - General Powers
15 Sections 2, 34, 35
16 Baltimore City Charter
17 (1996 Edition)

18 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
19 Department of Transportation shall proceed to condemn and close subterranean portions of
20 certain streets and alleys bounded by Westwood Avenue, North Mount Street, Presstman Street,
21 and Appleton Street, and more particularly described as follows:

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

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**Description of
Subterranean Portions of Certain Streets and Alleys Lying Within the Area Bounded by N.
Monroe Street, Presstman Street, Appleton Street, and Baker Street**

**Ward 15, Section 38, Block 0019,
Ward 15, Section 08, Block 0020, and
Ward 15, Section 38, Block 0024**

All that land known as Parcel 1C at a horizontal plane having an elevation of plus 158.0 feet which has reference to the North American Vertical Datum of 1988 (NAVD 88) extending to an unlimited depth and contained within the following metes and bounds: BEGINNING on the west side of N. Monroe Street at its intersection with the south side of Presstman Street, thence leaving N. Monroe Street and binding on the south side of Presstman Street, with all courses of this description referred to the meridian established in the Baltimore City Survey Control System, South 87 degrees 27 minutes 46 seconds West 183.20 feet to the east side of Appleton Street, thence binding thereon, North 02 degrees 31 minutes 42 seconds West 66.00 feet to the north side of Presstman Street, thence binding thereon, North 87 degrees 27 minutes 46 seconds East 183.13 feet to the west side of N. Monroe Street, thence binding thereon, South 02 degrees 35 minutes 24 seconds East 66.00 feet to the place of beginning.

Containing 12,089 sq. ft. or 0.278 acres, more or less.

All that land known as Parcel 1D at a horizontal plane having an elevation of plus 158.0 feet which has reference to the North American Vertical Datum of 1988 (NAVD 88) extending to an unlimited depth and contained within the following metes and bounds: BEGINNING on the west side of N. Monroe Street, at a point distant 69.00 feet from the north side of Presstman Street, thence binding on the west side of N. Monroe Street, with all courses of this description referred to the meridian established in the Baltimore City Survey Control System, North 02 degrees 36 minutes 17 seconds West 331.72 feet, thence by a new line of division, North 87 degrees 23 minutes 43 seconds East 66.00 feet to the east side of N. Monroe Street, thence binding thereon, South 02 degrees 36 minutes 17 seconds East 331.72 feet, thence by a new line of division, South 87 degrees 23 minutes 43 seconds West 66.00 feet to the place of beginning.

Containing 21,893 sq. ft. or 0.503 acres, more or less.

All that land known as Parcel 1E at a horizontal plane having an elevation of plus 158.00 feet which has reference to the North American Vertical Datum of 1988 (NAVD 88) extending to an unlimited depth and contained within the following metes and bounds: BEGINNING on the north side of Presstman Street at its intersection with the west side of a 10 foot wide Alley lying parallel to and distant 83 feet, more or less, easterly from Appleton Street, thence binding on the west side of said Alley, with all courses of this description referred to the meridian established in the Baltimore City Survey Control System, North 02 degrees 31 minutes 07 seconds West 98.95 feet, thence by a new line of division, North 87 degrees 28 minutes 53 seconds East 10.00 feet to the east side of said Alley, thence binding thereon, South 02 degrees 31 minutes 07 seconds East 98.95 feet to the north side of Presstman Street aforesaid, thence binding thereon, South 87 degrees 27 minutes 46 seconds West 10.00 feet to the place of beginning.

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**Description of
Subterranean Portions of Certain Streets and Alleys Lying Within the Area Bounded by
Presbury Street, McKean Avenue, Baker Street and N. Monroe Street**

**Ward 15, Section 15, Block 0013a and
Ward 15, Section 15, Block 0014**

All that land known as Parcel 2F at a horizontal plane having an elevation of plus 158 feet which has reference to the North American Vertical Datum of 1988 (NAVD 88) extending to an unlimited depth and contained within the following metes and bounds: BEGINNING on the west side of McKean Avenue at its intersection with the north side of Baker Street, thence binding on the west side of McKean Avenue, with all courses of this description referred to the meridian established in the Baltimore City Survey Control System, North 02 degrees 34 minutes 10 seconds West 279.92 feet, thence by a new line of division, North 87 degrees 25 minutes 50 seconds East 66.00 feet to the east side of McKean Avenue, thence binding thereon, South 02 degrees 34 minutes 10 seconds East 280.08 feet to the north side of Baker Street, thence binding thereon, South 87 degrees 34 minutes 18 seconds West 66.00 feet to the place of beginning.

Containing 18,480 sq. ft. or 0.424 acres, more or less.

All that land known as Parcel 2G at a horizontal plane having an elevation of plus 158.00 feet which has reference to the North American Vertical Datum of 1988 (NAVD 88) extending to an unlimited depth and contained within the following metes and bounds: BEGINNING on the north side of Baker Street at its intersection with the west side of a 10 foot wide Alley lying parallel to and distant 80 feet, more or less, easterly from the east side of N. Monroe Street, thence binding on the west side of said Alley, with all courses of this description referred to the meridian established in the Baltimore City Survey Control System, North 02 degrees 34 minutes 19 seconds West 90.12 feet, thence by a new line of division, North 87 degrees 31 minutes 40 seconds East 10.00 feet to the east side of said Alley, thence binding thereon, South 02 degrees 34 minutes 19 seconds East 90.12 feet to the north side of Baker Street, thence binding thereon, South 87 degrees 31 minutes 40 seconds West 10.00 feet to the place of beginning.

Containing 901 sq. ft. or 0.021 acres, more or less.

All that land known as Parcel 2H at a horizontal plane having an elevation of plus 158.00 feet which has reference to the North American Vertical Datum of 1988 (NAVD 88) extending to an unlimited depth and contained within the following metes and bounds: BEGINNING on the west side of McKean Avenue at its intersection with the south side of a 10 foot wide Alley lying parallel to and distant 80 feet, more or less, northerly of the north side of Baker Street, thence binding on the south side of said Alley, with all courses of this description referred to the meridian established in the Baltimore City Survey Control System, South 87 degrees 31 minutes 40 seconds West 80.18 feet to the east side of another 10 foot wide Alley there situate, lying parallel to and distant 80 feet, more or less, easterly from the east side of N. Monroe Street, thence binding thereon, North 02 degrees 34 minutes 19 seconds West 10.00 feet to the north side of the firstly abovementioned Alley, thence binding thereon, North 87 degrees 31 minutes 40 seconds East 80.18 feet to the west side of McKean Avenue aforesaid, thence binding thereon, South 02 degrees 34 minutes 10 seconds East 10.00 feet to the place of beginning.

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1 All that land known as Parcel 3A2 at a horizontal plane having an elevation of plus 113
2 feet which has reference to the North American Vertical Datum of 1988 (NAVD 88)
3 extending to an unlimited depth and contained within the following metes and bounds:
4 BEGINNING on the north side of Presbury Street at its intersection with the west side of
5 N. Fulton Avenue, thence binding on the west side of N. Fulton Avenue, with all courses
6 of this description referred to the meridian established in the Baltimore City Survey
7 Control System, North 02 degrees 55 minutes 53 seconds West 173.45 feet, thence by a
8 new line of division, North 87 degrees 04 minutes 07 seconds East 100.00 feet to the east
9 side of N. Fulton Avenue, thence binding thereon, the three following courses and
10 distances: South 02 degrees 55 minutes 53 seconds East 174.35 feet, South 02 degrees 40
11 minutes 01 seconds East 66.00 feet, and South 02 degrees 24 minutes 18 seconds East
12 56.49 feet, thence by a new line of division, South 87 degrees 52 minutes 29 seconds
13 West 100.00 feet to the west side of N. Fulton Avenue, thence binding thereon, North 02
14 degrees 24 minutes 18 seconds West 55.99 feet to the south side of Presbury Street,
15 thence continuing to bind on the west side of N. Fulton Avenue, North 02 degrees 40
16 minutes 14 seconds West 66.00 feet to the place of beginning.

17 Containing 29,614 sq. ft. or 0.680 acres, more or less.

18 As delineated on a plat numbered 316-C-4A, Sheet 4 of 5, prepared by the Whitman, Requardt
19 and Associates, LLP, and filed on September 26, 2023 in the Office of the Department of
20 Transportation.

21 **Description of**
22 **Subterranean Portions of Certain Streets and Alleys Lying Within the Area Bounded by**
23 **Westwood Avenue, N. Mount Street, Presbury Street, and N. Fulton Avenue**

24 **Ward 15, Section 15, Block 0009**

25 All that land known as Parcel 3B at a horizontal plane having an elevation of plus 113
26 feet which has reference to the North American Vertical Datum of 1988 (NAVD 88)
27 extending to an unlimited depth and contained within the following metes and bounds:
28 BEGINNING on the south side of Westwood Avenue at its intersection with the east side
29 of Bruce Street, thence binding on the east side of Bruce Street, with all courses of this
30 description referred to the meridian established in the Baltimore City Survey Control
31 System, South 02 degrees 24 minutes 11 seconds East 100.00 feet, thence by a new line
32 of division, South 87 degrees 32 minutes 32 seconds West 20.00 feet to the west side of
33 Bruce Street, thence binding thereon, North 02 degrees 24 minutes 11 seconds West
34 100.00 feet to the south side of Westwood Avenue, thence binding thereon, North 87
35 degrees 32 minutes 32 seconds East 20.00 feet to the place of beginning.

36 Containing 2,000 sq. ft. or 0.046 acres, more or less.

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1 All that land known as Parcel 3D at a horizontal plane having an elevation of plus 113
2 feet which has reference to the North American Vertical Datum of 1988 (NAVD 88)
3 extending to an unlimited depth and contained within the following metes and bounds:
4 BEGINNING on the south side of Westwood Avenue at its intersection with the east side
5 of a 10 foot wide Alley lying parallel to and distant 80 feet, more or less, easterly of the
6 east side of N. Fulton Avenue, thence leaving Westwood Avenue and binding on the east
7 side of said Alley, with all courses of this description referred to the meridian established
8 in the Baltimore City Survey Control System, South 02 degrees 29 minutes 13 seconds
9 East 184.04 feet, thence by a new line of division, South 87 degrees 29 minutes 32
10 seconds West 10.00 feet to the west side of said Alley, thence binding thereon, North 02
11 degrees 29 minutes 13 seconds West 184.05 feet to the south side of Westwood Avenue
12 aforesaid, thence binding thereon, North 87 degrees 32 minutes 32 seconds East 10.00
13 feet to the place of beginning.

14 Containing 1,840 sq. ft. or 0.042 acres, more or less.

15 All that land known as Parcel 3E at a horizontal plane having an elevation of plus 113.0
16 feet which has reference to the North American Vertical Datum of 1988 (NAVD 88)
17 extending to an unlimited depth and contained within the following metes and bounds:
18 BEGINNING on the west side of Bruce Street at its intersection with the south side of an
19 8 foot wide Alley lying parallel to and 80 feet, more or less, southerly of the south side of
20 Westwood Avenue, thence leaving Bruce Street and binding on the south side of said
21 Alley, with all courses of this description referred to the meridian established in the
22 Baltimore City Survey Control System, South 87 degrees 29 minutes 33 seconds West
23 56.17 feet to the east side of a 10 foot Alley there situate, thence binding thereon, North
24 02 degrees 29 minutes 13 seconds West 8.00 feet to the north side of the 8 foot Alley
25 aforesaid, thence binding thereon, North 87 degrees 29 minutes 33 seconds East 56.18
26 feet to the west side of Bruce Street aforesaid, thence binding thereon, South 02 degrees
27 24 minutes 11 seconds East 8.00 feet to the place of beginning.

28 Containing 449 sq. ft. or 0.010 acres, more or less.

29 As delineated on a plat numbered 316-C-4A, Sheet 5 of 5, prepared by the Whitman, Requardt
30 and Associates, LLP, and filed on September 26, 2023 in the Office of the Department of
31 Transportation.

32 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
33 closing of subterranean portions of certain streets and alleys bounded by Westwood Avenue,
34 North Mount Street, Presstman Street, and Appleton Street and the rights of all interested parties
35 shall be regulated by and in accordance with all applicable provisions of state and local law and
36 with all applicable rules and regulations.

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

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

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

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

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