

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 11-0680**

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Introduced by: The Council President  
At the request of: The Administration (Department of General Services)  
Introduced and read first time: April 11, 2011  
Assigned to: Highways and Franchises Subcommittee

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Committee Report: Favorable  
Council action: Adopted  
Read second time: September 26, 2011

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**AN ORDINANCE CONCERNING**

**City Streets – Closing –  
Certain Streets and Alleys Bounded by Reisterstown Road, Rogers Avenue,  
Gist Avenue, and Hayward Avenue**

FOR the purpose of condemning and closing certain streets and alleys bounded by Reisterstown Road, Rogers Avenue, Gist Avenue, and Hayward Avenue, as shown on Plat 254-A-40A in the Office of the Department of General Services; 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 General Services shall proceed to condemn and close certain streets and alleys bounded by Reisterstown Road, Rogers Avenue, Gist Avenue, and Hayward Avenue, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the northwest side of Lewiston Avenue, 50 feet wide, and the southwest side of Tippett Avenue, 50 feet wide, and running thence binding on the southwest side of said Tippett Avenue North 47° 24' 19" West 531.15 feet to intersect the line of the southeast side of a 15 foot alley laid out in the rear of the properties known as Nos. 4001 through 4017 W. Rogers Avenue, if projected southwesterly; thence binding reversely on said line, so projected, North 47° 05' 45" East 50.15 feet to intersect the northeast side of said Tippett Avenue; thence binding on the northeast side of said Tippett Avenue South 47° 24' 19" East 527.21 feet to intersect the northwest side of said Lewiston Avenue, and thence binding on the

**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.

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1 northwest side of said Lewiston Avenue South 42° 35' 41" West 50.00 feet to the  
2 place of beginning.

3 Beginning for Parcel No. 2 at the point formed by the intersection of the  
4 southwest side of Tippett Avenue, 50 feet wide, and the southeast side of a 10  
5 foot alley laid out in the rear of the properties known as Nos. 4026 through 4032  
6 Lewiston Avenue, said point of beginning being distant North 47° 24' 19" West  
7 140.0 feet, more or less, measured along the southwest side of said Tippett  
8 Avenue from the northwest side of Lewiston Avenue, 50 feet wide, and running  
9 thence binding on the southeast side of said 10 foot alley South 42° 35' 41" West  
10 91.21 feet to the southwesternmost extremity of said 10 foot alley, there situate;  
11 thence binding on the southwesternmost extremity of said 10 foot alley North 47°  
12 24' 19" West 10.00 feet to intersect the northwest side of said 10 foot alley;  
13 thence binding on the northwest side of said 10 foot alley North 42° 35' 41" East  
14 91.21 feet to intersect the southwest side of said Tippett Avenue, and thence  
15 binding on the southwest side of said Tippett Avenue South 47° 24' 19" East  
16 10.00 feet to the place of beginning.

17 Beginning for Parcel No. 3 at the point formed by the intersection of the southeast  
18 side of Rockfield Avenue, 50 feet wide, and the northeast side of Tippett Avenue,  
19 50 feet wide, and running thence binding on the northeast side of said Tippett  
20 Avenue North 47° 24' 19" West 50.14 feet to intersect the northwest side of said  
21 Rockfield Avenue; thence binding on the northwest side of said Rockfield  
22 Avenue North 38° 22' 24" East 85.23 feet to intersect the line of the southwest  
23 side of a 16 foot alley laid out in the rear of the property known as No. 5401/5443  
24 Tippett Avenue, if projected northwesterly; thence binding reversely on said line,  
25 so projected, South 47° 24' 19" East 50.14 feet to intersect the southeast side of  
26 said Rockfield Avenue, and thence binding on the southeast side of said Rockfield  
27 Avenue South 38° 22' 24" West 85.23 feet to the place of beginning.

28 Beginning for Parcel No. 4 at the point formed by the intersection of southeast  
29 side of Lewiston Avenue, 50 feet wide, and the northeast side of a 12 foot alley  
30 laid out contiguous to the southwest outline of the property known as No. 4041  
31 Lewiston Avenue, said point of beginning being distant South 42° 35' 41" West  
32 100.0 feet, more or less, measured along the southeast side of said Lewiston  
33 Avenue from the southwest side of Tippett Avenue, 50 feet wide, and running  
34 thence binding on the northeast side of said 12 foot alley South 47° 24' 19" East  
35 100.00 feet to the southeasternmost extremity of said 12 foot alley, there situate;  
36 thence binding on the southeasternmost extremity of said 12 foot alley South 42°  
37 35' 41" West 12.00 feet to intersect the southwest side of said 12 foot alley;  
38 thence binding on the southwest side of said 12 foot alley North 47° 24' 19" West  
39 100.00 feet to intersect the southeast side of said Lewiston Avenue, and thence  
40 binding on the southeast side of said Lewiston Avenue North 42° 35' 41" East  
41 12.00 feet to the place of beginning.

42 Beginning for Parcel No. 5 at the point formed by the intersection of the  
43 southwest side of Tippett Avenue, 50 feet wide, and the southeast side of  
44 Rockfield Avenue, variable width, and running thence binding on the southeast  
45 and southwest sides of said Rockfield Avenue the three following courses and  
46 distances; namely, South 38° 22' 24" West 150.41 feet, South 47° 24' 19" East  
47 6.24 feet and South 38° 22' 24" West 150.41 feet to intersect the northeast side of

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1 Reisterstown Road, 66 feet wide; thence binding on the northeast side of said  
2 Reisterstown Road North 47° 24' 19" West 21.28 feet to intersect the northwest  
3 side of said Rockfield Avenue; thence binding on the northwest side of said  
4 Rockfield Avenue North 38° 22' 24" East 300.82 feet to intersect the southwest  
5 side of said Tippett Avenue, and thence binding on the southwest side of said  
6 Tippett Avenue South 47° 24' 19" East 15.04 feet to the place of beginning.

7 Beginning for Parcel No. 6 at the point formed by the intersection of the  
8 southwest side of a varying in width alley laid out through the property now or  
9 formerly owned by Hilltop Development Associates, L.L.C., known as No.  
10 5431/5455 Reisterstown Road and the southeast side of Rogers Avenue, 80 feet  
11 wide, said point of beginning being distant North 43° 44' 44" East 159.2 feet,  
12 more or less, measured along the southeast side of said Rogers Avenue from the  
13 northeast side of Reisterstown Road, 66 feet wide, and running thence binding on  
14 the southeast side of said Rogers Avenue North 43° 44' 44" East 20.01 feet to  
15 intersect the northeast side of said varying in width alley; thence binding on the  
16 northeast and north sides of said varying in width alley the six following courses  
17 and distances; namely, South 47° 48' 41" East 65.88 feet, South 89° 11' 41" East  
18 35.55 feet, South 47° 48' 41" East 51.00 feet, North 86° 58' 09" East 46.38 feet,  
19 South 47° 48' 41" East 82.00 feet and North 42° 11' 19" East 62.54 feet to  
20 intersect the southwest side of Tippett Avenue, 50 feet wide; thence binding on  
21 the southwest side of said Tippett Avenue South 47° 24' 19" East 10.00 feet to  
22 intersect the southwest side of said varying in width alley, and thence binding on  
23 the southwest and south sides of said varying in width alley the six following  
24 courses and distances; namely, South 42° 11' 19" West 79.80 feet, North 47° 48'  
25 41" West 72.00 feet, South 42° 11' 19" West 32.92 feet, North 47° 48' 41" West  
26 98.75 feet, South 42° 11' 19" West 26.17 feet and North 47° 48' 41" West 98.02  
27 feet to the place of beginning.

28 As delineated on Plat 254-A-40A, prepared by the Survey Control Section and filed on February  
29 9, 2011, in the Office of the Department of General Services.

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

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

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

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1 structure, have been removed and relaid in accordance with the specifications and under the  
2 direction of the Director of General Services 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.

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\_\_

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Mayor, Baltimore City