

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 13-0181

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: January 28, 2013
Assigned to: Housing and Community Development Committee
Committee Report: Favorable
Council action: Adopted
Read second time: July 15, 2013

AN ORDINANCE CONCERNING

City Streets – Closing –
A Portion of Fremont Avenue and 2 Portions of Martin Luther King, Jr. Boulevard

FOR the purpose of condemning and closing a portion of Fremont Avenue and 2 portions of Martin Luther King, Jr. Boulevard, lying between Fairmount Avenue and Hollins Street, as shown on Plat 329-A-23A 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 a portion of Fremont Avenue and 2 portions of Martin Luther King, Jr. Boulevard, lying between Fairmount Avenue and Hollins Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Baltimore Street, 66 feet wide, and the northeast side of Fremont Avenue, 66 feet wide, the northeast side of said Fremont Avenue is also the southwest side of Martin Luther King, Jr. Boulevard, varying in width, there situate, and running thence binding on the northeast side of said Fremont Avenue and the southwest side of said Martin Luther King, Jr. Boulevard, as shown on Boundary and Topographic Survey Plat Drawing No. 401960 entitled – “South Martin Luther King, Jr. Boulevard at West Baltimore Street” – prepared by STV Incorporated, dated March 8, 2011, and also shown on Interstate Division for Baltimore City Plat No. U-14-077, South 23° 06’ 05” East 150.41 feet, to the point formed by 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.

Council Bill 13-0181

1 intersection of the southwest side of said Martin Luther King, Jr. Boulevard and
2 the southeasternmost extremity of said Fremont Avenue, there situate, and shown
3 on said plats; thence binding on the southeast side of said Martin Luther King, Jr.
4 Boulevard and the southeasternmost extremity of said Fremont Avenue, as shown
5 on said plats, South 66° 53' 55" West 11.58 feet, to the northwest side of Fremont
6 Avenue, as condemned and closed under this Ordinance from its former width of
7 66 feet to a variable width right of way, and also referred to as the southwest
8 outline of Acquisition Area No. 2 as shown on Exhibit Plat No. 3014350 for the
9 Proposed ROW Closing entitled - "South Martin Luther King, Jr. Boulevard at
10 West Baltimore Street (Proposed Acquisition Area)" - prepared by STV
11 Incorporated, dated March 8, 2011, and thence by straight lines through the bed of
12 said Fremont Avenue, mentioned firstly herein, and along the southwest and
13 northwest sides of last said Fremont Avenue, as realigned and closed and shown
14 on last said plat, the three following courses and distances; namely, North 25° 15'
15 53" West 35.91 feet, North 23° 06' 05" West 106.12 feet, and North 32° 39' 02"
16 East 15.63 feet, to the place of beginning.

17 Beginning for Parcel No. 2 at the point formed by the intersection of the south
18 side of Baltimore Street, 66 feet wide, and the southwest side of Martin Luther
19 King, Jr. Boulevard, varying in width, the southwest side of said Martin Luther
20 King, Jr. Boulevard is also the northeast side of Fremont Avenue, 66 feet wide,
21 there situate; and running thence binding in part on the south side of said
22 Baltimore Street, in part on the line of the south side of said Baltimore Street, if
23 projected easterly through the bed of said Martin Luther King, Jr. Boulevard,
24 which is also the north side of Acquisition Area No. 2 as shown on Exhibit Plat
25 No. 3014350 for the Proposed ROW Closing entitled – "South Martin Luther
26 King, Jr. Boulevard at West Baltimore Street (Proposed Acquisition Area)" –
27 prepared by STV Incorporated, dated March 8, 2011, North 86° 47' 42" East
28 125.70 feet; thence by lines through the street bed of said Martin Luther King, Jr.
29 Boulevard, and along the southeast, south and southwest outlines of said
30 Acquisition Area No. 2 as shown on said Plat, the four following courses and
31 distances; namely, South 14° 31' 18" West 198.25 feet, by a non-tangent line
32 curving to the right with a radius of 178.10 feet the distance of 5.82 feet, which
33 arc is subtended by a chord bearing North 79° 42' 56" West 5.82 feet, by a non-
34 tangent line curving to the left with a radius of 174.30 feet the distance of 28.02
35 feet, which arc is subtended by a chord bearing North 29° 39' 42" West 27.99 feet
36 and by a non-tangent line North 25° 15' 53" West 18.40 feet, to the
37 southeasternmost extremity of said Fremont Avenue, there situate, which is also a
38 point on the southwest side of Acquisition Area No. 2, as shown on said Plat;
39 thence binding on the southeasternmost extremity of said Fremont Avenue, and
40 through Acquisition Area No. 2 as shown on said Plat, and on the northwest side
41 of Martin Luther King, Jr. Boulevard as shown on Boundary and Topographic
42 Survey Plat Drawing No. 401960 entitled – "South Martin Luther King, Jr.
43 Boulevard at West Baltimore Street" – prepared by STV Incorporated, dated
44 March 8, 2011, and also shown on Interstate Division for Baltimore City Plat No.
45 U-14-077, North 66° 53' 55" East 11.58 feet to the point formed by the
46 intersection of the northeast side of said Fremont Avenue and the southwest side
47 of said Martin Luther King, Jr. Boulevard, as also shown on the last said two
48 plats, and running thence binding on the northeast side of said Fremont Avenue

Council Bill 13-0181

1 and the southwest side of said Martin Luther King, Jr. Boulevard, as shown on the
2 last said two plats, North 23° 06' 05" West 150.41 feet, to the place of beginning.

3 Beginning for Parcel No. 3 at the point formed by the intersection of the line of
4 the south side of Fairmount Avenue, 30 feet wide, if projected easterly through the
5 bed of Martin Luther King, Jr. Boulevard, varying in width, and the southeast
6 outline of Acquisition Area No. 1 as shown on Exhibit Plat Drawing No. 3014350
7 for the Proposed ROW Closing entitled – “South Martin Luther King, Jr.
8 Boulevard at West Baltimore Street” – prepared by STV Incorporated and dated
9 March 8, 2011, and running thence through the street bed of said Martin Luther
10 King, Jr. Boulevard and along the southeast and south outlines of said Acquisition
11 Area No. 1, the two following courses and distances; namely, South 14° 31' 18"
12 West 160.81 feet and South 86° 47' 12" West 90.51 feet to the west outline of
13 said Acquisition Area No. 1 and to a line drawn parallel with and distant 10.00
14 feet easterly from the west side of said Martin Luther King, Jr. Boulevard, the
15 west side of said Martin Luther King, Jr. Boulevard is shown on Interstate
16 Division for Baltimore City Plat No. U-14-077; thence binding on the west outline
17 of said Acquisition Area No. 1 and on said line so drawn, North 04° 15' 16" West
18 153.20 feet to intersect the south side of said Fairmount Avenue; and thence
19 binding in part on the south side of said Fairmount Avenue, in part on the line of
20 south side of said Fairmount Avenue, so projected, and on the north side of said
21 Acquisition Area No. 1, and in all, North 86° 47' 42" East 142.48 feet to the place
22 of beginning.

23 As delineated on Plat 329-A-23A, prepared by the Survey Control Section and filed in July 2012,
24 in the Office of the Department of General Services.

25 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
26 closing of the portions of the streets and the rights of all interested parties shall be regulated by
27 and in accordance with all applicable provisions of state and local law and with all applicable
28 rules and regulations adopted by the Director of General Services and filed with the Department
29 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 General
43 Services of Baltimore City.

Council Bill 13-0181

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 on the date it is
12 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__

Mayor, Baltimore City