

**CITY OF BALTIMORE  
COUNCIL BILL 08-0238  
(First Reader)**

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Introduced by: The Council President  
At the request of: The Administration (Department of Public Works)  
Introduced and read first time: November 24, 2008  
Assigned to: Highways and Franchises Subcommittee

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

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**  
3 **2 10-Foot Alleys**

4 FOR the purpose of condemning and closing (1) a 10-foot alley laid out in the rear of the  
5 properties formerly known as Nos. 2203 through 2227 North Howard Street and (2) a 10-foot  
6 alley laid out contiguous to the north outline of the property formerly known as No. 2214  
7 Mace Street, as shown on Plat 114-A-47A in the Office of the Department of Public Works;  
8 and providing for a special effective date.

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

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
18 Department of Public Works shall proceed to condemn and close (1) a 10-foot alley laid out in  
19 the rear of the properties formerly known as Nos. 2203 through 2227 North Howard Street and  
20 (2) a 10-foot alley laid out contiguous to the north outline of the property formerly known as No.  
21 2214 Mace Street, and more particularly described as follows:

22 Beginning for Parcel No. 1 at the point formed by the intersection of the west side  
23 of a 10-foot alley laid out in the rear of the properties formerly known as Nos.  
24 2203 through 2227 N. Howard Street and the south side of 23rd Street, 66 feet  
25 wide, said point of beginning being distant easterly 90.0 feet, more or less,  
26 measured along the south side of said 23rd Street from the east side of Howard  
27 Street, 66 feet wide, and running thence binding on the south side of said 23rd  
28 Street, Easterly 10.0 feet to intersect the east side of said 10-foot alley; thence  
29 binding on the east side of said 10-foot alley, Southerly 176.0 feet, more or less,

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

**Council Bill 08-0238**

1 to intersect the line of the north outline of the property known as No. 2205 N.  
2 Howard Street, if projected easterly; thence binding reversely on said line, so  
3 projected, Westerly 10.0 feet to intersect the west side of said 10-foot alley, and  
4 thence binding on the west side of said 10.0-foot alley, Northerly 176.0 feet, more  
5 or less, to the place of beginning.

6 Beginning for Parcel No. 2 at the point formed by the intersection of the north  
7 side of a 10-foot alley laid out contiguous to the north outline of the property  
8 formerly known as No. 2214 Mace Street and the west side of Mace Street, 20  
9 feet wide, said point of beginning being distant southerly 100.0 feet, more or less,  
10 measured along the west side of said Mace Street, from the south side of 23rd  
11 Street, 66 feet wide, and running thence binding on the west side of said Mace  
12 Street, Southerly 10.0 feet to intersect the south side of said 10-foot alley; thence  
13 binding on the south side of said 10-foot alley, Westerly 50.0 feet, more or less, to  
14 intersect the east side of a 10-foot alley laid out in the rear of the properties  
15 formerly known as Nos. 2203 through 2227 N. Howard Street; thence binding on  
16 the east side of last said 10-foot alley, Northerly 10.0 feet to intersect the north  
17 side of said 10-foot alley, mentioned firstly herein, and thence binding on the  
18 north side of said 10-foot alley, mentioned firstly herein, Easterly 50.0 feet, more  
19 or less, to the place of beginning.

20 As delineated on Plat 114-A-47A, prepared by the Survey Control Section and filed on  
21 September 3, 2008, in the Office of the Department of Public Works.

22 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and  
23 closing of the 10-foot alleys and the rights of all interested parties shall be regulated by and in  
24 accordance with all applicable provisions of state and local law and with all applicable rules and  
25 regulations adopted by the Director of Public Works and filed with the Department of  
26 Legislative Reference.

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

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

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

**Council Bill 08-0238**

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

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