

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0235

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

Committee Report: Favorable
Council action: Adopted
Read second time: March 23, 2009

AN ORDINANCE CONCERNING

**City Streets – Closing –
Diamond Street**

FOR the purpose of condemning and closing Diamond Street, extending from Fayette Street northerly 220.2 feet, more or less, to Shad Alley, as shown on Plat 347-A-63A in the Office of the Department of Public Works; 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 Public Works shall proceed to condemn and close Diamond Street, extending from Fayette Street northerly 220.2 feet, more or less, to Shad Alley, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Fayette Street, 66 feet wide, and the east side of Diamond Street, 20 feet wide, said point of beginning being distant westerly 150.0 feet, more or less, measured along the north side of said Fayette Street from the west side of Paca Street, 82.5 feet wide, and running thence binding on the north side of said Fayette Street, Westerly 20.0 feet to intersect the west side of said Diamond Street; thence binding on the west side of said Diamond Street, Northerly 220.2 feet, more or less, to intersect the line of the south side of Shad Alley, 12 feet wide, if projected easterly; thence binding on the line of the south side of said Shad Alley, so projected, and at a right angle to said Diamond Street, Easterly

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 20.0 feet to intersect the east side of said Diamond Street, and thence binding on
2 the east side of said Diamond Street, Southerly 220.2 feet, more or less, to the
3 place of beginning.

4 As delineated on Plat 347-A-63A, prepared by the Survey Control Section and filed on October
5 3, 2003, in the Office of the Department of Public Works.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
7 closing of Diamond Street and the rights of all interested parties shall be regulated by and in
8 accordance with all applicable provisions of state and local law and with all applicable rules and
9 regulations adopted by the Director of Public Works and filed with the Department of
10 Legislative Reference.

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

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

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

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

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

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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