

CITY OF BALTIMORE
COUNCIL BILL 18-0283
(First Reader)

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: September 17, 2018

Assigned to: Housing and Urban Affairs Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing – A 10-Foot Alley Bounded by**
3 **North Howard Street, West 24th Street, Mace Street, and West 23rd Street**

4
5 FOR the purpose of condemning and closing a 10-foot alley bounded by North Howard Street,
6 West 24th Street, Mace Street, and West 23rd Street, as shown on Plat 105-B-50A in the
7 Office of the Department of Transportation; and providing for a special effective date.

8 BY authority of

9 Article I - General Provisions

10 Section 4

11 and

12 Article II - General Powers

13 Sections 2, 34, 35

14 Baltimore City Charter

15 (1996 Edition)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
17 Department of Transportation shall proceed to condemn and close a 10-foot alley bounded by
18 North Howard Street, West 24th Street, Mace Street, and West 23rd Street, and more particularly
19 described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of the east side
21 of North Howard Street 66 feet wide, and the south side of a 10-foot alley, the
22 point of beginning being distant Northerly 100.0 feet, more or less, measured
23 along the east side of North Howard Street from the point formed by the
24 intersection of the east side of North Howard Street and the north side of West
25 23rd Street 66 feet wide; thence crossing the 10-foot alley, Northerly 10.0 feet;
26 thence departing from the east side of North Howard Street and binding on the
27 north side of the 10-foot alley, Easterly 150.0 feet, more or less, to intersect the
28 west side of Mace Street 20 feet wide; thence crossing the 10-foot alley, Southerly
29 10.0 feet; thence departing from the west side of Mace Street and binding on the

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

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1 south side of the 10-foot alley, Westerly 150.0 feet, more or less, to the point of
2 beginning.

3 Containing 1,500 square feet or 0.034 acres of land, more or less.

4 As delineated on Plat 105-B-50A, prepared by the Survey Section and filed on April 17, 2018, in
5 the Office of the Department of Transportation.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
7 closing of the 10-foot alley 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 Transportation 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 Baltimore
13 continue to be the property of the Mayor and City Council, in fee simple, until their use has been
14 abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with
15 them, that person must first obtain permission from the Mayor and City Council and, in the
16 application for this permission, must agree to pay all costs and expenses, of every kind, arising
17 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
24 Transportation 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 is
36 enacted.