

**CITY OF BALTIMORE
COUNCIL BILL 09-0409
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: October 19, 2009
Assigned to: Highways and Franchises Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of General Services,
Planning Commission, Department of Real Estate, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Release of Right of Way – a 20-Foot Right of Way (Lovegrove Street) –**
3 **2 10-Foot Alleys – and an Unnamed Street Granted to the**
4 **Mayor and City Council of Baltimore Through the Property of the**
5 **State of Maryland for the Benefit of the University System of Maryland on Behalf**
6 **of its Constituent Institution, University of Baltimore (Formerly Known Variously as**
7 **State of Maryland to the Use of the Board of Trustees of the State Colleges**
8 **or as University of Baltimore, a Public Institution Governed by the Board of**
9 **Trustees of the Maryland State Universities and Colleges)**

10 FOR the purpose of authorizing the release and surrender by the Mayor and City Council of
11 Baltimore of all its interests in and to (1) a 20-foot right of way, formerly known as
12 Lovegrove Street, (2) the former bed of a 10-foot alley laid out 90.0 feet north of the north
13 side of Mount Royal Avenue, (3) the former bed of a 10-foot alley laid out parallel with and
14 distant 90.0 feet east of the east side of Charles Street, and (4) the former bed of an unnamed
15 street, extending from Charles Street to the west right-of-way line of the Jones Falls
16 Expressway heretofore granted to the Mayor and City Council of Baltimore through the
17 property of the State of Maryland for the benefit of the University System of Maryland on
18 behalf of its constituent institution, University of Baltimore (formerly known as State of
19 Maryland to the use of the Board of Trustees of the State Colleges or as University of
20 Baltimore, a public institution governed by the Board of Trustees of the Maryland State
21 Universities and Colleges). The location and courses of the rights-of-way to be released are
22 shown on a plat numbered R.W.20-36300, prepared by the Survey Control Section; and
23 providing for a special effective date.

24 BY authority of
25 Article I - General Provisions
26 Section 4
27 and
28 Article II - General Powers
29 Section 31
30 Baltimore City Charter
31 (1996 Edition)

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

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Recitals

Whereas, by Deed dated November 7, 1973 and recorded among the Land Records of Baltimore City in Liber RHB No. 3080, page 784, the Mayor and City Council of Baltimore granted and conveyed to the University of Baltimore, Inc. (now known as State of Maryland for the use of the University System of Maryland on behalf of its constituent institution, University of Baltimore) certain land subject to and reserving for the benefit of the Mayor and City Council of Baltimore the rights granted to it by the University of Baltimore, Inc., pursuant to an unrecorded Agreement dated July 8, 1968 and an unrecorded Supplemental Agreement dated October 30, 1973, specifically, (A) the right-of-way shown on a plat numbered R.W.20-35343 and dated February 18, 1969, which plat is recorded as an attachment to an Agreement by which the University of Baltimore, a public institution governed by the Board of Trustees of the Maryland State Universities and Colleges (now known as the State of Maryland for the use of the University System of Maryland on behalf of its constituent institution, University of Baltimore) granted to the Mayor and City Council of Baltimore rights to construct and maintain utility services, which Agreement is recorded among the Land Records aforesaid in Liber RHB No. 3080, page 781 and (B) Easements retained under Closing Ordinance Number 329, approved January 13, 1969, and shown on a plat numbered 303-A-5B and dated November 18, 1968; and

Whereas, the portion of the rights-of-way hereinafter described is no longer needed for public use, the public utilities which had previously been therein having been abandoned and/or relocated to another right-of-way that was granted to the Mayor and City Council of Baltimore.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Comptroller of Baltimore City be and is hereby authorized on behalf of the Mayor and City Council of Baltimore to execute and deliver to the owner or owners of the land within the right-of-way hereinafter described, a release and surrender of all the interest of the City of Baltimore in the portions of rights-of-way granted it pursuant to the Deed from the Mayor and City Council of Baltimore to the University of Baltimore (now known as the State of Maryland for the use of the University System of Maryland on behalf of its constituent institution, University of Baltimore) dated November 7, 1973, and recorded among the Land Records aforesaid in Liber RHB No. 3080, page 784, including specifically those rights granted to it in the unrecorded Agreement dated July 8, 1968, and the unrecorded Supplemental Agreement dated October 30, 1973, referred to such Deed and pursuant to an Agreement recorded among the Land Records aforesaid in Liber RHB No. 3080, page 781, and described as follows:

Beginning for a 20-Foot Right-of-Way to be extinguished at the point formed by the intersection of the north side of Mount Royal Avenue, 125 feet wide and the west outline of a 20-Foot Right-of-Way for Municipal Utilities and Services as shown on a plat entitled, "Plat To Accompany Agreement For A 20-Foot Right-of-Way For Municipal Utilities And Services Thru The Property Of The University Of Baltimore, Inc. (now known as the State of Maryland for the use of the University System of Maryland on behalf of its constituent institution, University of Baltimore)" numbered R.W.20-35343, dated February 18, 1969, and filed in the Office of the Department of General Services of Baltimore City, the point of beginning being distant North 87° 00' 00" East 184.25 feet measured along the north side of Mount Royal Avenue from the east side of Charles Street,

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1 66 feet wide, the 20-Foot Right-of-Way also being designated as Parcel Number 1
2 (Lovegrove Street) as shown on the Opening and Closing Plats numbered 303-A-
3 5 and 303-A-5A, dated November 18, 1968, and having a coordinate value of
4 East 66.726 feet and North 2969.405 feet, and running thence binding on the west
5 outline of the Right-of-Way by a straight line through the property now or
6 formerly owned by the State of Maryland for the use of the University System of
7 Maryland on behalf of its constituent institution, University of Baltimore, North
8 $02^{\circ} 52' 05''$ West 104.23 feet to intersect the southwest Right-of-Way Line of the
9 Jones Falls Expressway; thence binding on the southwest Right-of-Way Line of
10 the Jones Falls Expressway, the two following courses and distances; namely,
11 South $53^{\circ} 01' 20''$ East 4.49 feet and by a line curving to the right with a radius of
12 109.81 feet a distance of 23.91 feet which arc is subtended by a chord bearing
13 South $46^{\circ} 47' 04''$ East 23.87 feet to intersect the east outline of the Right-of-Way
14 to be extinguished; thence binding on the east outline of the Right-of-Way Line to
15 be extinguished and through said property, South $02^{\circ} 52' 05''$ East 84.11 feet to
16 intersect the north side of Mount Royal Avenue, and thence binding on the north
17 side of Mount Royal Avenue, South $87^{\circ} 00' 00''$ West 20.00 feet to the place of
18 beginning.

19 Beginning for a 10-Foot Right-of-Way to be extinguished at the point formed by
20 the intersection of the east side of the former bed of a 10-foot alley laid out
21 parallel with and distant 90.0 feet east of the east side of Charles Street, 66 feet
22 wide, and the south side of the former bed of a 10-foot alley laid out 90.0 feet
23 north of the north side of Mount Royal Avenue, 125 feet wide, the 10-foot alley
24 being designated as Parcel Number 2 as shown on the Opening and Closing Plats
25 numbered 303-A-5 and 303-A-5A, dated November 18, 1968, and having a
26 coordinate value of West 21.915 feet and North 3054.953 feet, and running thence
27 binding on the east side of the former bed of the 10-foot alley, mentioned firstly
28 herein, North $02^{\circ} 52' 05''$ West 10.00 feet to intersect the north side of the former
29 bed of the 10-foot alley, mentioned secondly herein; thence binding on the north
30 side of the former bed of the 10-foot alley, mentioned secondly herein, North 86°
31 $57' 35''$ East 84.25 feet to intersect the west side of the former bed of Lovegrove
32 Street, 20 feet wide; thence binding on the west side of the former bed of
33 Lovegrove Street, South $02^{\circ} 52' 05''$ East 10.00 feet to intersect the south side of
34 the former bed of the 10-foot alley, mentioned secondly herein, and thence
35 binding on the south side of the former bed of the 10-foot alley, mentioned
36 secondly herein, South $86^{\circ} 57' 35''$ West 84.25 feet to the place of beginning.

37 Beginning for a 10-Foot Right-of-Way to be extinguished at the point formed by
38 the intersection of the north side of Mount Royal Avenue, 125 feet wide, and the
39 west side of the former bed of a 10-foot alley, being distant North $87^{\circ} 00' 00''$
40 East 90.00 feet measured along the north side of said Mount Royal Avenue from
41 the east side of Charles Street, 66 feet wide, the 10-foot alley being designated as
42 Parcel Number 3 as shown on the Opening and Closing Plats numbered 303-A-5
43 and 303-A-5A, dated November 18, 1968, and having a coordinate value of West
44 27.394 feet and North 2964.472 feet, and running thence binding on the west,
45 north and east sides of the former bed of the 10-foot alley by straight lines
46 through the property now or formerly owned by the State of Maryland for the use
47 of the University System of Maryland on behalf of its constituent institution,
48 University of Baltimore, the three following courses and distances; namely, North
49 $02^{\circ} 52' 05''$ West 100.06 feet, North $86^{\circ} 57' 35''$ East 10.00 feet and South 02°

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1 52' 05" East 100.07 feet to intersect the north side of Mount Royal Avenue, and
2 thence binding on the north side of Mount Royal Avenue, South 87° 00' 00" West
3 10.00 feet to the place of beginning.

4 Beginning for a 20-Foot Right-of-Way to be extinguished at the point formed by
5 the intersection of the east side of Charles Street, 66 feet wide, and the south side
6 of the former bed of an unnamed street, 26 feet wide, being distant North 02° 52'
7 05" West 100.00 feet measured along the east side of Charles Street from the
8 north side of Mount Royal Avenue, 125 feet wide, the unnamed street being
9 designated as Parcel Number 4 as shown on the Opening and Closing Plats
10 numbered 303-A-5 and 303-A-5A, dated November 18, 1968, and having a
11 coordinate value of West 122.275 feet and North 3059.637 feet, and running
12 thence binding on the east side of Charles Street, North 02° 52' 05" West 26.12
13 feet to intersect the north side of the former bed of the unnamed street; thence
14 binding on the north side of the former bed of the unnamed street, North 86° 57'
15 35" East 123.73 feet to intersect the southwest Right-of-Way Line of the Jones
16 Falls Expressway; thence binding on the southwest Right-of-Way Line of the
17 Jones Falls Expressway, the three following courses and distances; namely, by a
18 line curving to the left with a radius of 256.52 feet the distance of 42.29 feet
19 which arc is subtended by a chord bearing South 72° 23' 54" East 42.24 feet,
20 South 77° 07' 15" East 19.58 feet and South 53° 01' 17" East 2.74 feet to intersect
21 the west side of the former bed of Lovegrove Street, 20 feet wide; thence binding
22 on the west side of the former bed of Lovegrove Street, South 02° 52' 05" East
23 4.10 feet to intersect the south side of the former bed of the unnamed street, and
24 thence binding on the south side of the former bed of the unnamed street, South
25 86° 57' 35" West 184.25 feet to the place of beginning.

26 The use of the rights-of-way described hereinabove is no longer needed for public purposes.

27 **SECTION 2. AND BE IT FURTHER ORDAINED,** That no deed or release agreement may pass
28 under this Ordinance unless the deed or release agreement has been approved by the City
29 Solicitor.

30 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
31 enacted.