

**CITY OF BALTIMORE
COUNCIL BILL 18-0207
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: March 26, 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 style="text-align:center">**City Streets – Closing –**
3 style="text-align:center">**Eastbourne Avenue and a 10-Foot Alley**

4 FOR the purpose of condemning and closing Eastbourne Avenue, extending Westerly 284 feet,
5 more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley,
6 extending Westerly 56.4 feet, more or less, from Elrino Street, as shown on Plat 336-A-34A
7 in the 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 Eastbourne Avenue, extending
18 Westerly 284 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a
19 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, and more
20 particularly described as follows:

21 Beginning for Parcel No. 1 at the point formed by the intersection of the west side
22 of a 10-foot alley and the north side of Eastbourne Avenue 40 feet wide, the point
23 of beginning being distant Westerly 135 feet measured along the north side of
24 Eastbourne Avenue from the west side of Elrino Street 50 feet wide, thence
25 leaving the north side of Eastbourne Avenue Southerly 40 feet to intersect the
26 south side of Eastbourne Avenue, thence binding on the south side of Eastbourne
27 Avenue Westerly 279 feet, more or less, to the westernmost extremity of
28 Eastbourne Avenue, thence binding on the westernmost extremity of Eastbourne
29 Avenue Northwesterly 40 feet, more or less, to the north side of Eastbourne

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

Council Bill 18-0207

1 Avenue, and thence binding on the north side of Eastbourne Avenue Easterly 284
2 feet, more or less, to the place of beginning.

3 Containing 11,264 square feet or 0.259 acres, more or less.

4 Beginning for Parcel No. 2 at the point formed by the intersection of the west side
5 of Elrino Street 50 feet wide, and the south side of a 10-foot alley, the point of
6 beginning being distant Northerly 125 feet measured along the west side of Elrino
7 Street from the north side of Holabird Avenue 70 feet wide, thence binding on the
8 south side of the 10-foot alley Westerly 56.4 feet, more or less, to the westernmost
9 extremity of the 10-foot alley, thence binding on the westernmost extremity of the
10 10-foot alley Northerly 10 feet to the north side of the 10-foot alley, thence
11 binding on the north side of the 10-foot alley Easterly 56.4 feet, more or less, to
12 intersect the west side of Elrino Street and thence binding on the west side of
13 Elrino Street Southerly 10 feet to the place of beginning.

14 Containing 564 square feet or 0.0129 acres, more or less.

15 As delineated on Plat 336-A-34A, prepared by the Survey Section and filed on August 24, 2017,
16 in the Office of the Department of Transportation.

17 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
18 closing of the street and a 10-foot alley and the rights of all interested parties shall be regulated
19 by and in accordance with all applicable provisions of state and local law and with all applicable
20 rules and regulations adopted by the Director of Transportation and filed with the Department of
21 Legislative Reference.

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

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

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

40 **SECTION 6. AND BE IT FURTHER ORDAINED,** That at all times after the closing under this
41 Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized

Council Bill 18-0207

1 representatives, shall have access to the subject property and to all subsurface structures and
2 appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining,
3 repairing, altering, relocating, or replacing any of them, without need to obtain permission from
4 or pay compensation to the owner of the property.

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