

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 07-0798

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: September 17, 2007
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable
Council action: Adopted
Read second time: November 19, 2007

AN ORDINANCE CONCERNING

1 **City Streets – Closing – A Certain Street and Alleys Lying Within the Area Bounded**
2 **by Pleasant Street, St. Paul Place, the Orleans Street Viaduct, and Calvert Street**

3 FOR the purpose of condemning and closing a certain street and alleys lying within the area
4 bounded by Pleasant Street, St. Paul Place, the Orleans Street Viaduct, and Calvert Street, as
5 shown on Plat 114-A-26A in the Office of the Department of Public Works; and providing
6 for a special effective date.

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

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
16 Department of Public Works shall proceed to condemn and close a certain street and alleys lying
17 within the area bounded by Pleasant Street, St. Paul Place, the Orleans Street Viaduct, and
18 Calvert Street, and more particularly described as follows:

19 Beginning for Parcel No. 1 at the point formed by the intersection of the north
20 side of Pleasant Street, 49.5 feet wide, and the west side of Hargrove Alley, 20
21 feet wide, said point of beginning being distant easterly 90.00 feet measured
22 along the north side of said Pleasant Street from the east side of St. Paul Place, 54
23 feet wide, and running thence binding on the west side of said Hargrove Alley,
24 Northerly 173.0 feet, more or less, to intersect the south side of Mulberry Street,
25 50 feet wide; thence binding on the south side of said Mulberry Street, Easterly
26 20.0 feet to intersect the east side of said Hargrove Alley; thence binding on the
27 east side of said Hargrove Alley, Southerly 173.0 feet, more or less, to intersect

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 the north side of said Pleasant Street, and thence binding on the north side of said
2 Pleasant Street, Westerly 20.0 feet to the place of beginning.

3 Beginning for Parcel No. 2 at the point formed by the intersection of the east side
4 of St. Paul Place, 54 feet wide, and the north side of Mulberry Street, 50 feet
5 wide, and running thence binding on the north side of said Mulberry Street, on the
6 line of the north side of said Mulberry Street, if projected easterly, and in all,
7 Easterly 116.0 feet, more or less, to intersect the east side of Hargrove Alley, 20
8 feet wide; thence binding on the east side of said Hargrove Alley, Southerly 50.0
9 feet to intersect the line of the south side of said Mulberry Street, if projected
10 easterly; thence binding reversely on the line of the south side of said Mulberry
11 Street, so projected, on the south side of said Mulberry Street, and in all, Westerly
12 110.0 feet, more or less, to intersect the east side of said St. Paul Place, and
13 thence binding on the east side of said St. Paul Place, Northerly 50.3 feet, more or
14 less, to the place of beginning.

15 Beginning for Parcel No. 3 at the point formed by the intersection of the north
16 side of Mulberry Street, 50 feet wide, and the east side of St. Paul Place, 54 feet
17 wide, and running thence binding on the east side of said St. Paul Place, Northerly
18 54.7 feet, more or less, to intersect the south side of The Orleans Street Viaduct,
19 varying in width; thence binding on the south side of said Orleans Street Viaduct,
20 Easterly 96.0 feet, more or less, to intersect the west side of Hargrove Alley, 20
21 feet wide; thence binding on the west side of said Hargrove Alley, Southerly 52.5
22 feet, more or less, to intersect the north side of said Mulberry Street, and thence
23 binding on the north side of said Mulberry Street, Westerly 96.0 feet, more or
24 less, to the place of beginning.

25 Beginning for Parcel No. 4 at the point formed by the intersection of the west side
26 of a 3 foot alley, laid out in the rear of the properties formerly known as No. 343
27 and No. 345 St. Paul Place, and the south side of Mulberry Street, 50 feet wide,
28 said point of beginning being easterly 64.8 feet, more or less, measured along the
29 south side of said Mulberry Street from the east side of St. Paul Place, 54 feet
30 wide, and running thence binding on the south side of said Mulberry Street,
31 Easterly 3.0 feet to intersect the east side of said 3 foot alley; thence binding on
32 the east side of said 3 foot alley, Southerly 50.0 feet, more or less, to the
33 southernmost extremity of said 3 foot alley; thence binding on the southernmost
34 extremity of said 3 foot alley, Westerly 3.0 feet to intersect the west side of said 3
35 foot alley, and thence binding on the west side of said 3 foot alley, Northerly 50.0
36 feet, more or less, to the place of beginning.

37 Beginning for Parcel No. 5 at the point formed by the intersection of the north
38 side of Mulberry Street, 50 feet wide, and the west side of Hargrove Alley, 20 feet
39 wide, said point of beginning being distant easterly 96.0 feet, more or less,
40 measured along the north side of said Mulberry Street from the east side of St.
41 Paul Place, 54 feet wide, and running thence binding on the west side of said
42 Hargrove Alley, Northerly 18.1 feet, more or less; thence by a straight line drawn
43 at a right angle to the west side of said Hargrove Alley, Easterly 20.0 feet to
44 intersect the east side of said Hargrove Alley; thence binding on the east side of
45 said Hargrove Alley, Southerly 18.1 feet, more or less, to intersect the north side
46 of said Mulberry Street, and thence binding on the north side of said Mulberry
47 Street, Westerly 20.0 feet to the place of beginning.

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1 As delineated on Plat 114-A-26A, prepared by the Survey Control Section and filed on
2 September 6, 2007, in the Office of the Department of Public Works.

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

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

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

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

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

32 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
33 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