

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 18-0225

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: April 23, 2018
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable
Council action: Adopted
Read second time: November 19, 2018

AN ORDINANCE CONCERNING

**City Streets – Closing –
Eastbourne Avenue and a Portion of Savage Street**

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2
3 FOR the purpose of condemning and closing Eastbourne Avenue, lying between Rappallo Street
4 and Savage Street, and a portion of Savage Street, extending from the north side of Holabird
5 Avenue northerly 659 feet, more or less, to the northernmost extremity of it, as shown on Plat
6 337-A-27A in the Office of the Department of Transportation; and providing for a special
7 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, lying
18 between Rappallo Street and Savage Street, and a portion of Savage Street, extending from the
19 north side of Holabird Avenue northerly 659 feet, more or less, to the northernmost extremity of
20 it, and more particularly described as follows:

21 Beginning for Parcel No. 1 at the point formed by the intersection of the east side
22 of Rappallo Street variable width and the south side of Eastbourne Avenue 60 feet
23 wide, the point of beginning being distant Northerly 370 feet measured along the
24 east side of Rappallo Street from the north side of Holabird Avenue 70 feet wide;
25 thence binding on the east side of Rappallo Street Northerly 60 feet to the north
26 side of Eastbourne Avenue; thence binding on the north side of Eastbourne
27 Avenue Easterly 204.5 feet, more or less, to intersect the west side of Savage
28 Street 60 feet wide; thence binding on the west of Savage Street Southerly 60 feet,

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 to the south side of Eastbourne Avenue, and thence binding on the south side of
2 Eastbourne Avenue Westerly 204.5 feet, more or less, to the place of beginning.

3 Containing 12,270 square feet or 0.281 acres, more or less.

4 Beginning for Parcel No. 2 at the point formed by the intersection of the west side
5 of Savage Street 60 feet wide, and the north side of Holabird Avenue 70 feet wide,
6 the point of beginning being distant Easterly 204.5 feet measured along the north
7 side of Holabird Avenue from the east side of Rappallo Street variable width;
8 thence leaving the north side of Holabird Avenue and binding on the west side of
9 Savage Street, Northerly 370 feet, to the south side of Eastbourne Avenue; thence
10 binding on the south side of Eastbourne Avenue, so projected easterly Easterly 60
11 feet to the east side of Savage Street; thence binding on the east side of Savage
12 Street Southerly 370 feet to intersect the north side of Holabird Avenue and
13 thence binding on the north side of Holabird Avenue Westerly 60 feet to the place
14 of beginning.

15 Containing 22,200 square feet or 0.509 acres, more or less.

16 Beginning for Parcel No. 3 at the point formed by the intersection of the west side
17 of Savage Street 60 feet wide, and the south side of Eastbourne Avenue 60 feet
18 wide, the point of beginning being distant Easterly 204.5 feet measured along the
19 south side of Eastbourne Avenue from the east side of Rappallo Street variable
20 width; thence binding on the west side of Savage Street Northerly 289 feet, more
21 or less, to the northernmost extremity of it; thence binding on the northernmost
22 extremity of it, so projected easterly, Easterly 60 feet to the east side of Savage
23 Street; thence binding on the east side of Savage Street Southerly 289 feet, more
24 or less, to the south side of Eastbourne Avenue, so projected easterly, and thence
25 binding on the south side of Eastbourne Avenue so projected easterly, Westerly 60
26 feet to the place of beginning.

27 Containing 17,340 square feet or 0.398 acres, more or less.

28 As delineated on Plat 337-A-27A, prepared by the Survey Section and filed on January 17, 2018,
29 in the Office of the Department of Transportation.

30 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
31 closing of Eastbourne Avenue, lying between Rappallo Street and Savage Street, and a portion of
32 Savage Street and the rights of all interested parties shall be regulated by and in accordance with
33 all applicable provisions of state and local law and with all applicable rules and regulations
34 adopted by the Director of Transportation and filed with the Department of Legislative
35 Reference.

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

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

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

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

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

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