

**CITY OF BALTIMORE
COUNCIL BILL 08-0190
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: September 8, 2008
Assigned to: Highways and Franchises Subcommittee

REFERRED TO THE FOLLOWING AGENCIES: Planning Commission, Department of Housing and Community Development, Department of Public Works, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **Brexton Street**

4 FOR the purpose of condemning and closing Brexton Street, extending from Park Avenue,
5 Northwesterly 71.1 feet, more or less, to Tyson Street, as shown on Plat 114-A-40A in the
6 Office of the Department of Public Works; and providing 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 Brexton Street, extending from
17 Park Avenue, Northwesterly 71.1 feet, more or less, to Tyson Street, and more particularly
18 described as follows:

19 Beginning for Parcel No. 1 at the point formed by the intersection of the west side
20 of Park Avenue, 66 feet wide, and the southwest side of Brexton Street, 20 feet
21 wide, and running thence binding on the southwest side of said Brexton Street,
22 Northwesterly 80.0 feet, more or less, to intersect the southeast side of Tyson
23 Street, 40 feet wide; thence binding on the southeast side of said Tyson Street,
24 Northeasterly 20.0 feet to intersect the northeast side of said Brexton Street;
25 thence binding on the northeast side of said Brexton Street, Southeasterly 62.3
26 feet, more or less, to intersect the west side of said Park Avenue, and thence
27 binding on the west side of said Park Avenue, Southerly 26.5 feet, more or less, to
28 the place of beginning.

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

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1 As delineated on Plat 114-A-40A, prepared by the Survey Control Section and filed on July
2 28, 2008, 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 Brexton Street 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.