

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 11-0712

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: June 6, 2011
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable
Council action: Adopted
Read second time: September 26, 2011

AN ORDINANCE CONCERNING

**City Streets – Closing –
A 10-Foot Portion of Foster Avenue and a 7-Foot Portion of Fait Avenue**

FOR the purpose of condemning and closing (1) a 10-foot portion of Foster Avenue, contiguous to the south side thereof and extending from Oldham Street, Westerly 356.0 feet, more or less, and (2) a 7-foot portion of Fait Avenue, contiguous to the north side thereof and extending from Oldham Street, Westerly 729.0 feet, more or less, to the CSX Transportation, Inc., Railroad Right of Way, as shown on Plat 148-A-48 in the Office of the Department of General Services; and providing for a special effective date.

By authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and close (1) a 10-foot portion of Foster Avenue, contiguous to the south side thereof and extending from Oldham Street, Westerly 356.0 feet, more or less, and (2) a 7-foot portion of Fait Avenue, contiguous to the north side thereof and extending from Oldham Street, Westerly 729.0 feet, more or less, to the CSX Transportation, Inc., Railroad Right of Way, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of Oldham Street, 80 feet wide, and the south side of Foster Avenue, 70 feet wide, and running thence binding on the south side of said Foster Avenue, Westerly 356.0 feet, more or less; thence by a straight line drawn at a right angle to the south side of said Foster Avenue, Northerly 10.0 feet to intersect a line drawn parallel with and distant 10.0 feet north of the south side of said Foster Avenue,

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.

Council Bill 11-0712

1 thence binding on last said line so drawn, Easterly 356.0 feet, more or less, to
2 intersect the west side of said Oldham Street, and thence binding on the west side
3 of said Oldham Street, Southerly 10.0 feet to the place of beginning.

4 Beginning for Parcel No. 2 at the point formed by the intersection of the north
5 side of Fait Street, 70 feet wide, and the west side of Oldham Street, 80 feet wide,
6 and running thence binding on the west side of said Oldham Street, Southerly 7.0
7 feet to intersect a line drawn parallel with and distant 7.0 feet south of the north
8 side of said Fait Avenue; thence binding on said line so drawn Westerly 729.0
9 feet, more or less, to intersect east side of the CSX Transportation, Inc. Railroad
10 Right of Way, there situate, thence binding on the east side of said CSX
11 Transportation, Inc. Railroad Right of Way, Northerly 7.0 feet, more or less, to
12 intersect the north side of said Fait Avenue, and thence binding on the north side
13 of said Fait Avenue, Easterly 729.0 feet, more or less, to the place of beginning.

14 As delineated on Plat 148-A-48, prepared by the Survey Control Section and filed on February
15 10, 2011, in the Office of the Department of General Services.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
17 closing of (1) a 10-foot portion of Foster Avenue and (2) a 7-foot portion of Fait Avenue and the
18 rights of all interested parties shall be regulated by and in accordance with all applicable
19 provisions of state and local law and with all applicable rules and regulations adopted by the
20 Director of General Services and filed with the Department of Legislative Reference.

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

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

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

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

Council Bill 11-0712

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