

**CITY OF BALTIMORE  
ORDINANCE  
Council Bill 11-0712**

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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

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Committee Report: Favorable

Council action: Adopted

Read second time: September 26, 2011

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**AN ORDINANCE CONCERNING**

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

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

9 By authority of

10 Article I - General Provisions

11 Section 4

12 and

13 Article II - General Powers

14 Sections 2, 34, 35

15 Baltimore City Charter

16 (1996 Edition)

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

23 Beginning for Parcel No. 1 at the point formed by the intersection of the west side  
24 of Oldham Street, 80 feet wide, and the south side of Foster Avenue, 70 feet wide,  
25 and running thence binding on the south side of said Foster Avenue, Westerly  
26 356.0 feet, more or less; thence by a straight line drawn at a right angle to the  
27 south side of said Foster Avenue, Northerly 10.0 feet to intersect a line drawn  
28 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.

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.

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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\_\_\_\_

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President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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Mayor, Baltimore City