

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)

Prepared by: Department of Legislative Reference **Date:** September 13, 2017

Referred to: HOUSING AND URBAN AFFAIRS Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17-628

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Closing – Portion of a 10-Foot Alley Lying
Between North Milton Avenue and Rose Street**

FOR the purpose of condemning and closing a portion of a 10-foot alley lying between North Milton Avenue and Rose Street, extending from North Milton Avenue easterly 107.2 feet, more or less, to the west outline of the property known as 2439 North Avenue, as shown on Plat 129-A-39A in the Office of the Department of Transportation; 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)

WITHDRAWN

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

- | | |
|---|---|
| <input type="checkbox"/> Baltimore City Public School System | <input checked="" type="checkbox"/> Department of Public Works |
| <input checked="" type="checkbox"/> Baltimore Development Corporation | <input type="checkbox"/> Department of Real Estate |
| <input checked="" type="checkbox"/> City Solicitor | <input type="checkbox"/> Department of Recreation and Parks |
| <input type="checkbox"/> Comptroller's Office | <input checked="" type="checkbox"/> Department of Transportation |
| <input type="checkbox"/> Department of Audits | <input type="checkbox"/> Fire Department |
| <input type="checkbox"/> Department of Finance | <input type="checkbox"/> Health Department |
| <input type="checkbox"/> Department of General Services | <input type="checkbox"/> Mayor's Office of Employment Development |
| <input checked="" type="checkbox"/> Department of Housing and Community Development | <input type="checkbox"/> Mayor's Office of Human Services |
| <input type="checkbox"/> Department of Human Resources | <input type="checkbox"/> Mayor's Office of Information Technology |
| <input checked="" type="checkbox"/> Department of Planning | <input type="checkbox"/> Office of the Mayor |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Police Department |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

Boards and Commissions

- | | |
|--|---|
| <input type="checkbox"/> Board of Estimates | <input type="checkbox"/> Environmental Control Board |
| <input type="checkbox"/> Board of Ethics | <input type="checkbox"/> Fire & Police Employees' Retirement System |
| <input type="checkbox"/> Board of Municipal and Zoning Appeals | <input type="checkbox"/> Labor Commissioner |
| <input type="checkbox"/> Comm. for Historical and Architectural Preservation | <input type="checkbox"/> Parking Authority Board |
| <input type="checkbox"/> Commission on Sustainability | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Employees' Retirement System | <input type="checkbox"/> Wage Commission |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

The Baltimore City Department of
**HOUSING & COMMUNITY
DEVELOPMENT**

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner

MB

Date: October 12, 2017

Re: **City Council Bill 17-0128 - City Streets – Closing - Portion of a 10-Foot Alley lying Between North Milton Avenue and Rose Street**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0128, for the purpose of condemning and opening a portion of a 10-foot alley lying between North Milton Avenue and Rose Street, extending from North Milton Avenue easterly 107.2 feet, more or less, to the west outline of the property known as 2439 North Avenue, as shown on Plat 129-A-39 in the Office of the Department of Transportation; and providing for a special effective date.

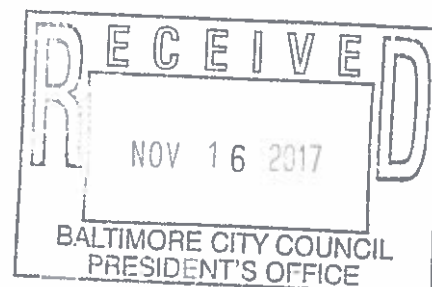
If enacted, this bill, a companion bill to CC 17-0127 (City Streets – Opening – Portion of a 10-Foot Alley Lying Between North Milton Avenue and Rose Street), would close a portion of a 10-foot alley in the Berea Neighborhood that is no longer needed.

The Department of Housing and Community Development has no objection to the passage of City Council Bill 17-0128.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*

Mo odj



codeMap



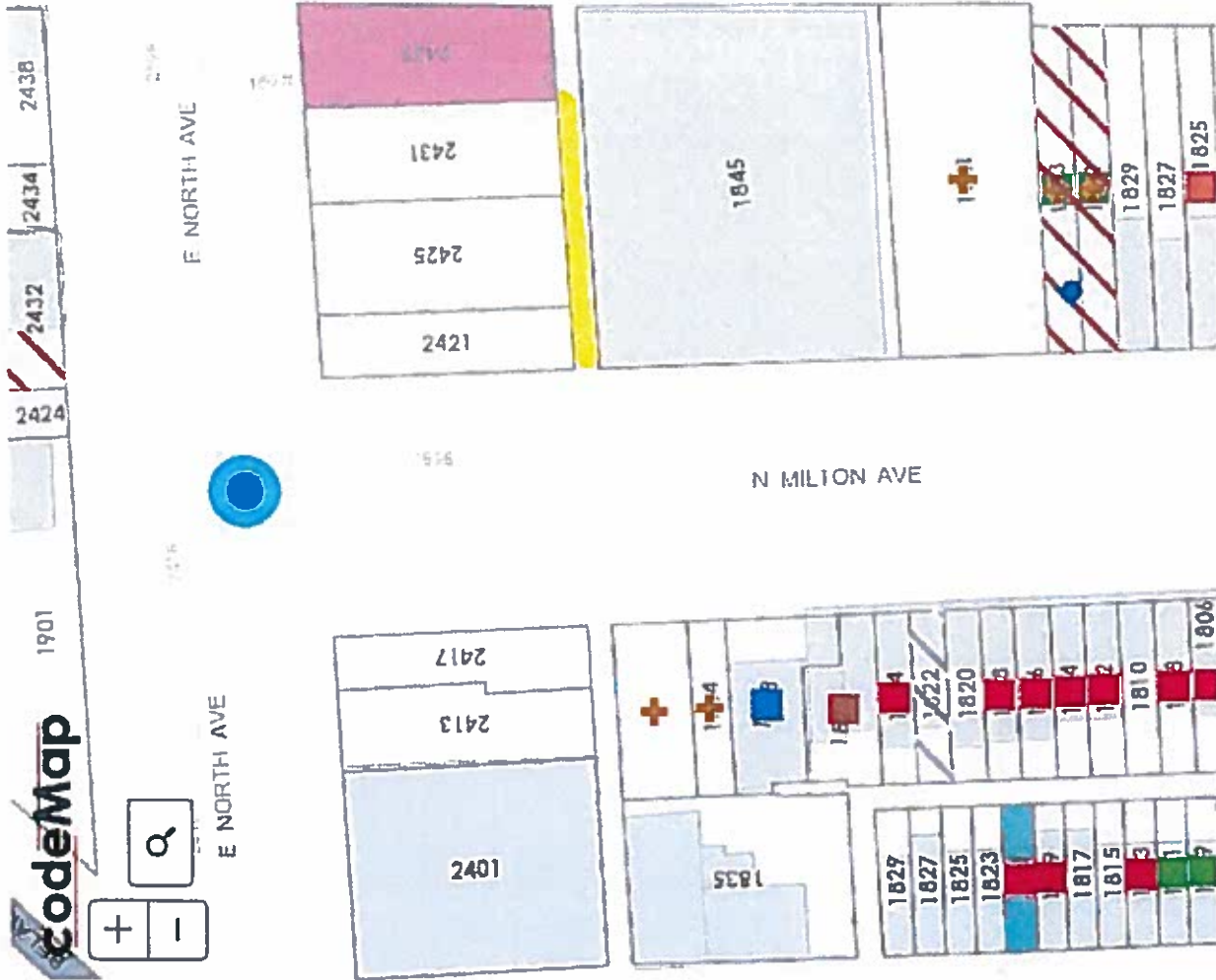
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E NORTH AVE

N ROSE ST

N MILTON AVE

1901



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MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO *WHC*

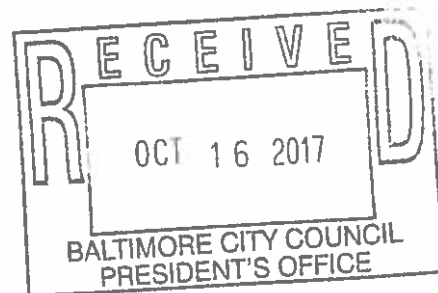
DATE: October 5, 2017

SUBJECT: City Council Bill No. 17-0128
City Streets – Closing – Portion of a 10-Foot Alley Lying Between North Milton Avenue and Rose Street

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 17-0128, an ordinance for the purpose of condemning and closing a 10-foot alley lying between North Milton Avenue and Rose Street, extending from the North Milton Avenue easterly 107.2 feet, more or less, to the west outline of the property known as 2439 North Avenue, as shown on Plat 129-A-39 in the Office of the Department of Transportation; and providing for a special effective date.

BDC supports the proposed ordinance and is respectfully requesting that Bill No. 17-0128 be given favorable consideration by the City Council.

cc: Kyron Banks



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

October 10, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0128 – City Streets – Closing – Portion of a 10 Foot
Alley Lying Between North Milton Avenue and Rose Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0128 for form and legal sufficiency. The bill would allow the City to condemn and close a portion of a 10-foot alley lying between North Milton Avenue and Rose Street that it no longer needs, as shown on Plat 129-A-39A in the office of the Department of Transportation. The bill expressly reserves the rights the Mayor and City Council has in the structures located under the street bed, including access rights.

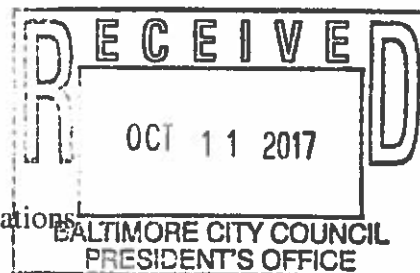
Section (34) of Article II of the City Charter grants the Mayor and City Council the power to “construct, open, extend, widen, straighten or close streets, bridges, tunnels or approaches to them and other public ways of every kind within the bounds of the City.” Section 116(b)(2) of Article VII of the City Charter requires the Department of Transportation to prepare all ordinances for the opening and closing of streets.


As this bill meets with the applicable sections of the Charter, the Law Department approves it for form and legal sufficiency.

Very truly yours,

Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalva, Chief Solicitor
Jennifer Landis, Assistant Solicitor



FROM	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0128		

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

October 3, 2017

I am herein reporting on City Council Bill 17-0128 Closing – Portion of a 10-Foot Alley Lying Between North Milton Avenue and Rose Street for the purpose of condemning and closing a portion of a 10-foot alley lying between North Milton Avenue and Rose Street, extending from North Milton Avenue easterly 107.2 feet, more or less, to the west outline of the property known as 2439 North Avenue, as shown on Plat 129-A-39 in the Office of the Department of Transportation; and providing for a special effective date.

There are two companion bills 17-0127 City Streets – Opening – Portion of a 10-Foot Alley Lying Between North Milton Avenue and Rose Street and 17-0129 Sale of Property – Former Bed of a Portion of a 10-Foot Alley Lying Between North Milton Avenue and Rose Street.

DOT supports this bill and respectfully requests a favorable report.

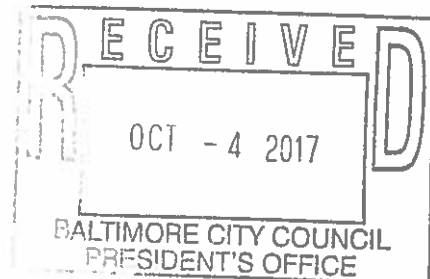
Respectfully,




Michelle Pourciau
Director

MP/1w

Cc: Kyron Banks, Mayor's Office



✓

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0128/ CITY STREETS - CLOSING - PORTION OF A 10-FOOT ALLEY LYING BETWEEN NORTH MILTON AVENUE AND ROSE STREET		

TO

DATE:

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

September 20, 2017

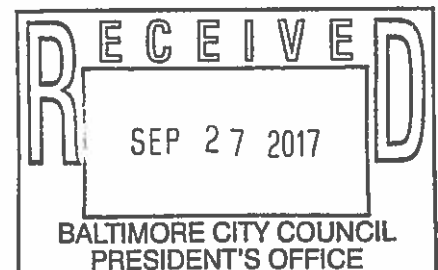
The Department of Planning is in receipt of City Council Bill #17-0128, which is for the purpose of condemning and closing a portion of a 10-foot alley lying between North Milton Avenue and Rose Street, extending from North Milton Avenue easterly 107.2 feet, more or less, to the west outline of the property known as 2439 North Avenue, as shown on Plat 129-A-39A in the Office of the Department of Transportation; and providing for a special effective date.

This action was previously approved by the Planning Commission in their meeting of November 16, 2016, and so the Department of Planning recommends approval of City Council Bill #17-0128.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Natawna Austin, Council Services
Mr. Paul Plymouth, Council Services





BILL SYNOPSIS

Committee: Housing and Urban Affairs

Bill CC 17-0128

City Streets – Closing – Portion of a 10-Foot Alley Lying Between North Milton Avenue and Rose Street

Sponsor: *President Young (The Administration) **

Introduced: *September 18, 2017*

Purpose:

For the purpose of condemning and closing a portion of a 10-foot alley lying between North Milton Avenue easterly 107.2 feet, more or less, to the west outline of the property known as 2439 North Avenue, as shown on Plat 129-A-39A in the Office of the Department of Transportation and providing for a special effective

Effective: Upon enactment

Hearing Date/Time/Location: November 30, 2017 at 2:01 PM in the Council Chambers

Agency Reports

Department of Law	Favorable
Planning Commission	Favorable
Department of Housing and Community Development	No Objection
Department of Transportation	Favorable
Baltimore Development Corporation	Favorable

Analysis

Current Law

Article II Sections 2, 34 and 35 of the Baltimore City Charter establishes a process for opening and closing streets. The final step is an Ordinance of the Mayor and City Council.

Background

This is the companion bill to CC 17-0127 and is designed to condemn a small parcel just to south of the 2400 block of East North Avenue in East Baltimore. The property is:

An approximately 1072 square foot section of a 10-foot alley between North Milton Avenue and Rose Street.

CC 17-0128 condemns and closes the above described property.

Additional Information

Fiscal Note: Not Available

Information Source(s): Bill File

Analysis by: Richard G. Krummerich *RL*
Analysis Date: 11-28-17

Direct Inquiries to: 410-396-1266

**CITY OF BALTIMORE
COUNCIL BILL 17-0128
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: September 18, 2017

Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing – Portion of a 10-Foot Alley Lying**
3 **Between North Milton Avenue and Rose Street**

4 FOR the purpose of condemning and closing a portion of a 10-foot alley lying between North
5 Milton Avenue and Rose Street, extending from North Milton Avenue easterly 107.2 feet,
6 more or less, to the west outline of the property known as 2439 North Avenue, as shown on
7 Plat 129-A-39A in the Office of the Department of Transportation; and providing for a
8 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 Transportation shall proceed to condemn and close a portion of a 10-foot alley
19 lying between North Milton Avenue and Rose Street, extending from North Milton Avenue
20 easterly 107.2 feet, more or less, to the west outline of the property known as 2439 North
21 Avenue, and more particularly described as follows:

22 Beginning for Parcel 1 at the point formed by the intersection of the east side of
23 North Milton Avenue 100 feet wide, and the north side of a 10-foot alley the point
24 being distant Southerly 100 feet measured along the east side of North Milton
25 Avenue from the south side of North Avenue 100 feet wide; thence binding on the
26 north side of the 10-foot alley Easterly 107.2 feet, more or less, to the west outline
27 of the property known as number 2439 North Avenue; thence binding on the west
28 side outline of the property Southerly 10 feet, so projected to intersect the south
29 side of the 10-foot alley; thence binding on the south side of the 10-foot alley

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

Council Bill 17-0128

1 Westerly 107.2 feet, more or less, to intersect the east side of North Milton
2 Avenue and thence binding on the east side of North Milton Avenue Northerly 10
3 feet to the place of beginning.

4 Containing 1,072 square feet or 0.0246 acre more or less.

5 As delineated on Plat 129-A-39A, prepared by the Survey Section and filed on April 17,
6 2017, in the Office of the Department of Transportation.

7 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
8 closing of a portion of the 10-foot alley and the rights of all interested parties shall be regulated
9 by and in accordance with all applicable provisions of state and local law and with all applicable
10 rules and regulations adopted by the Director of Transportation and filed with the Department of
11 Legislative Reference.

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

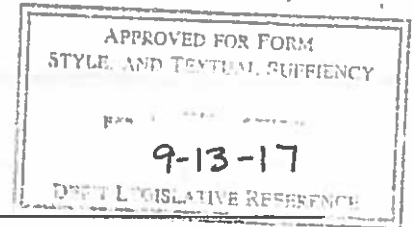
19 **SECTION 4. AND BE IT FURTHER ORDAINED,** That no building or structure of any kind
20 (including but not limited to railroad tracks) may be constructed or erected in or on any part of
21 the street closed under this Ordinance until all subsurface structures and appurtenances owned by
22 the Mayor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

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

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

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

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: The Council President
At the request of: The Administration (Department of Transportation)

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Closing – Portion of a 10-Foot Alley Lying
Between North Milton Avenue and Rose Street**

FOR the purpose of condemning and closing a portion of a 10-foot alley lying between North Milton Avenue and Rose Street, extending from North Milton Avenue easterly 107.2 feet, more or less, to the west outline of the property known as 2439 North Avenue, as shown on Plat 129-A-39A in the Office of the Department of Transportation; 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 Transportation shall proceed to condemn and close a portion of a 10-foot alley lying between North Milton Avenue and Rose Street, extending from North Milton Avenue easterly 107.2 feet, more or less, to the west outline of the property known as 2439 North Avenue, and more particularly described as follows:

Beginning for Parcel 1 at the point formed by the intersection of the east side of North Milton Avenue 100 feet wide, and the north side of a 10-foot alley the point being distant Southerly 100 feet measured along the east side of North Milton Avenue from the south side of North Avenue 100 feet wide; thence binding on the north side of the 10-foot alley Easterly 107.2 feet, more or less, to the west outline of the property known as number 2439 North Avenue; thence binding on the west side outline of the property Southerly 10 feet, so projected to intersect the south side of the 10-foot alley; thence binding on the south side of the 10-foot alley Westerly 107.2 feet, more or less, to intersect the east side of North Milton Avenue and thence binding on the east side of North Milton Avenue Northerly 10 feet to the place of beginning.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

Containing 1,072 square feet or 0.0246 acre more or less.

As delineated on Plat 129-A-39A, prepared by the Survey Section and filed on April 17, 2017, in the Office of the Department of Transportation.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of a portion of the 10-foot alley and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Transportation and filed with the Department of Legislative Reference.

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

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

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

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

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

ACTION BY THE CITY COUNCIL

SEP 18 2017

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON _____ 20 _____

COMMITTEE REPORT AS OF _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk