

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 19-0434

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: September 9, 2019
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable
Council action: Adopted
Read second time: September 21, 2020

AN ORDINANCE CONCERNING

**City Streets – Closing –
Air Rights over a Portion of the Public Right of Way
of the 200 Block of North Broadway**

FOR the purpose of condemning and closing the air rights area over a portion of the public right of way of the 200 block of North Broadway, as shown on Plat 306-A-23A 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 the air rights area over a portion of the public right of way of the 200 block of North Broadway, and more particularly described as follows:

Beginning for the same at a point formed by the intersection of the east side of North Broadway 132 feet wide and the north side of East Fayette Street 72 feet wide, the point also being in a horizontal plane having an elevation of 141.5 feet at its lower limit and an elevation of 254.0 feet at its upper limit, as referenced to the Baltimore City Vertical Datum, running thence the four following courses and distances the point also being in a horizontal plane 40.0 feet above street level at its lowest point; thence binding on the north side of East Fayette Street Westerly 10.5 feet to the new division line of the airspace over a portion of the public right of way of 201 North Broadway; thence on the new division line Northerly 174.5 feet; thence crossing North Broadway Easterly 10.5 feet to intersect the east side

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 of North Broadway; and thence binding on the east side of North Broadway
2 Southerly 174.5 feet to the point of beginning.

3 Containing 1,832 square feet or 0.042 acres, more or less.

4 As delineated on Plat 306-A-23A, prepared by the Survey Section and filed on January 22, 2019,
5 in the Office of the Department of Transportation.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
7 closing of the air rights area over a portion of the public right of way of the 200 block of North
8 Broadway and the rights of all interested parties shall be regulated by and in accordance with all
9 applicable provisions of state and local law and with all applicable rules and regulations adopted
10 by the Director of Transportation and filed with the Department of Legislative Reference.

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

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

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

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

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

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Certified as duly passed this 5 day of October, 2020

Brandon M. Scott

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 5 day of October, 2020

Natasha B. Austin

Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City

Approved for form and legal sufficiency
This 7th day of October, 2020.

Elena DiPietro

Chief Solicitor