

**CITY OF BALTIMORE
COUNCIL BILL 07-0638
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: April 16, 2007
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 **10-Foot Alley**

4 FOR the purpose of condemning and closing a 10-foot alley laid out in the rear of the properties
5 known as 1401 through 1477 Reynolds Street, extending from Fort Avenue northeasterly to
6 Clement Street, as shown on Plat 114-A-20A in the Office of the Department of Public
7 Works; and providing for a special effective date.

8 By authority of
9 Article I - General Provisions
10 Section 4
11 and
12 Article II - General Powers
13 Sections 2, 34, 35
14 Baltimore City Charter
15 (1996 Edition)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Department of Public Works shall proceed to condemn and close a 10-foot alley laid out in the
18 rear of the properties known as 1401 through 1477 Reynolds Street, extending from Fort Avenue
19 northeasterly to Clement Street, and more particularly described as follows:

20 Beginning for Parcel No. 1 at the point formed by the intersection of the northeast
21 side of Fort Avenue, 82.5 feet wide, and the northwest side of a 10-foot alley, laid
22 out in the rear of the properties known as Nos. 1401 through 1477 Reynolds
23 Street, said point of beginning being distant Southeasterly 55.0 feet, more or less,
24 measured along the northeast side of said Fort Avenue from the southeast side of
25 Reynolds Street, 50 feet wide, and running thence binding on the northwest side
26 of said 10-foot alley, Northeasterly 469.1 feet, more or less, to intersect the
27 southwest side of Clement Street, 66 feet wide; thence binding on the southwest
28 side of said Clement Street, Southeasterly 10.0 feet to intersect the southeast side
29 of said 10-foot alley; thence binding on the southeast side of said 10-foot alley,

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

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1 Southwesterly 469.1 feet, more or less, to intersect the northeast side of said Fort
2 Avenue, and thence binding on the northeast side of said Fort Avenue,
3 Northwesterly 10.0 feet to the place of beginning.

4 As delineated on Plat 114-A-20A, prepared by the Survey Control Section and filed on March 9,
5 2007, in the Office of the Department of Public Works.

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

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

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

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

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

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