

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 05-0217**

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: July 11, 2005
Assigned to: Highways and Franchises Subcommittee
Committee Report: Favorable
Council action: Adopted
Read second time: October 17, 2005

AN ORDINANCE CONCERNING

1 **City Streets – Closing –**
2 **Lakewood Avenue**

3 FOR the purpose of condemning and closing Lakewood Avenue, extending from the southwest
4 side of Boston Street southwesterly to the end thereof, as shown on Plat 346-A-54 in the
5 Office of the Department of Public Works; and providing for a special effective date.

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

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
15 Department of Public Works shall proceed to condemn and close Lakewood Avenue, extending
16 from the southwest side of Boston Street southwesterly to the end thereof, and more particularly
17 described as follows:

18 Beginning for Parcel No. 1 at the point formed by the intersection of the
19 southwest side of Boston Street, 70 feet wide, and the northwest side of
20 Lakewood Avenue, 50 feet wide, and running thence binding on the southwest
21 side of said Boston Street Southeasterly 50.0 feet to intersect the southeast side of
22 said Lakewood Avenue; thence binding on the southeast side of said Lakewood
23 Avenue, Southwesterly 423.0 feet, more or less, to intersect the southwesternmost
24 extremity of said Lakewood Avenue; thence binding on the southwesternmost
25 extremity of said Lakewood Avenue, Northwesterly 50.0 feet, to intersect the
26 northwest side of said Lakewood Avenue, and thence binding on the northwest

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 side of said Lakewood Avenue Northeasterly 423.0 feet, more or less, to the place
2 of beginning.

3 As delineated on Plat 346-A-54, prepared by the Survey Control Section and filed on May 12,
4 2005, in the Office of the Department of Public Works.

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

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City