

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 11-0726

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: July 18, 2011
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable
Council action: Adopted
Read second time: October 17, 2011

AN ORDINANCE CONCERNING

**1 City Streets – Closing – Certain Alleys Bounded by Barclay Street,
2 24th Street, Greenmount Avenue, and 23rd Street**

3 FOR the purpose of condemning and closing certain alleys bounded by Barclay Street, 24th Street,
4 Greenmount Avenue, and 23rd Street, as shown on Plat 336-A-33A in the Office of the
5 Department of General Services; 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 General Services shall proceed to condemn and close certain alleys bounded by
16 Barclay Street, 24th Street, Greenmount Avenue, and 23rd Street, and more particularly described
17 as follows:

18 Beginning for Parcel No. 1 at the point formed by the intersection of the south
19 side of a 25-foot alley laid out in the rear of the properties known as Nos. 2311
20 through 2321 Barclay Street, and the east side of a 10-foot alley laid out in the
21 rear of the properties known as Nos. 2301 through 2309 Barclay Street, said point
22 of beginning being distant, Northerly 72.0 feet, more or less, measured along the
23 east side of said 10-foot alley from the north side of 23rd Street, 66 feet wide, and
24 running thence by a straight line, Northerly 69.8 feet, more or less, to intersect the
25 north side of said 25-foot alley; thence binding on the north side of said 25-foot
26 alley, Easterly 15.0 feet to intersect the east side of said 25-foot alley; thence
27 binding on the east side of said 25-foot alley, Southerly 68.6 feet, more or less, to

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 intersect the south side of said 25-foot alley, and thence binding on the south side
2 of said 25-foot alley, Westerly 15.0 feet to the place of beginning.

3 Beginning for Parcel No. 2 at the point formed by the intersection of the west side
4 of a 10-foot alley laid out contiguous to the east outline of the property known as
5 No. 410/418 E. 23rd Street, and the south side of a 10-foot alley laid out in the rear
6 of the properties known as Nos. 406 and 410/418 E. 23rd Street, said point of
7 beginning being distant Northerly 102.5 feet, more or less, measured along the
8 west side of said 10-foot alley, mentioned firstly herein, and running thence
9 binding on the south side of said 10-foot alley, mentioned secondly herein,
10 Westerly 95.0 feet, more or less, to the westernmost extremity of said 10-foot
11 alley, mentioned secondly herein, there situate; thence binding on the
12 westernmost extremity of said 10-foot alley, mentioned secondly herein,
13 Northerly 10.0 feet to intersect the north side of said 10-foot alley, mentioned
14 secondly herein; thence binding on the north side of said 10-foot alley, mentioned
15 secondly herein, Easterly 95.0 feet, more or less, to the easternmost extremity of
16 said 10-foot alley, mentioned secondly herein, there situate, and thence binding
17 on the easternmost extremity of said 10-foot alley, mentioned secondly herein,
18 Southerly 10.0 feet to the place of beginning.

19 Beginning for Parcel No. 3 at the point formed by the intersection of the east side
20 of a 25-foot alley laid out in the rear of the properties known as Nos. 2311
21 through 2321 Barclay Street and the north side of a varying in width alley laid out
22 in the rear of the properties known as Nos. 403 through 407 E. 24th Street, said
23 point of beginning being distant, Southerly 72.2 feet, more or less, measured
24 along the east side of a 10-foot alley laid out in the rear of the properties known
25 as Nos. 2321 through 2331 Barclay Street, and thence Easterly 15.0 feet measured
26 along the north side of said 25-foot alley to the said place of beginning, and
27 running thence binding on the north side of said varying in width alley, Easterly
28 38.0 feet, more or less, to the easternmost extremity of said varying in width
29 alley, there situate; thence binding on the easternmost extremity of said varying in
30 width alley, Southerly 5.1 feet to intersect the south side of said varying in width
31 alley; thence binding on the south side of said varying in width alley, Westerly
32 37.8 feet, more or less, to intersect the east side of said 25-foot alley, and thence
33 binding on the east side of said 25-foot alley Northerly 8.1 feet to the place of
34 beginning.

35 Beginning for Parcel No. 4 at the point formed by the intersection of the south
36 side of a 10-foot alley laid out in the rear of the properties known as Nos. 406 and
37 410/418 E. 23rd Street and the east side of a 5-foot alley laid out in the rear of the
38 properties known as Lot 51 and Lot 52 of Block 3824 as referred to among the
39 Real Property Records of Baltimore City, said point of beginning being distant,
40 Northerly 102.5 feet, more or less, measured along the west side of a 10-foot alley
41 laid out contiguous to the east outline of the property known as No. 410/418 E.
42 23rd Street, and thence Westerly 95.0 feet, more or less, measured along the south
43 side of said 10-foot alley, mentioned firstly herein, to the said place of beginning,
44 and running thence binding on the south side of said 5-foot alley, mentioned
45 secondly herein, Westerly 5.0 feet to intersect the west side of said 5-foot alley;
46 thence binding on the west side of said 5-foot alley, Northerly 22.5 feet, more or
47 less, to intersect the south side of a varying in width alley laid out in the rear of
48 the properties known as Nos. 403 through 413 E. 24th Street; thence binding on

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1 the south side of said varying in width alley, Easterly 5.0 feet to intersect the east
2 side of said 5-foot alley, and thence binding on the east side of said 5-foot alley,
3 Southerly 22.9 feet, more or less, to the place of beginning.

4 Beginning for Parcel No. 5 at the point formed by the intersection of the south
5 side of a 5-foot alley laid out contiguous to the south outline of the property
6 known as Lot 50 of Block 3824 as referred to among the Real Property Records
7 of Baltimore City and the east side of a 25-foot alley laid out in the rear of the
8 properties known as Nos. 2311 through 2321 Barclay Street, said point of
9 beginning being distant, Northerly 72.0 feet, more or less, measured along the
10 east side of a 10-foot alley laid out in the rear of the properties known as Nos.
11 2301 through 2309 Barclay Street, and thence Easterly 15.0 feet, more or less,
12 measured along the south side of said 25-foot alley to the said place of beginning,
13 and running thence binding on the east side of said 25-foot alley, Northerly 5.0
14 feet to intersect the north side of said 5-foot alley; thence binding on the north
15 side of said 5-foot alley, Easterly 11.3 feet, more or less, to the easternmost
16 extremity of said 5-foot alley, there situate; thence binding on the easternmost
17 extremity of said 5-foot alley, Southerly 5.0 feet to intersect the south side of said
18 5-foot alley, and thence binding on the south side of said 5-foot alley, Westerly
19 11.3 feet, more or less, to the place of beginning.

20 As delineated on Plat 336-A-33A, prepared by the Survey Control Section and filed on May 26,
21 2011, in the Office of the Department of General Services.

22 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
23 closing of certain alleys and the rights of all interested parties shall be regulated by and in
24 accordance with all applicable provisions of state and local law and with all applicable rules and
25 regulations adopted by the Director of General Services and filed with the Department of
26 Legislative Reference.

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

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

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

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

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

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

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City