

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 12-0090

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: June 4, 2012
Assigned to: Housing and Community Development Committee
Committee Report: Favorable
Council action: Adopted
Read second time: November 19, 2012

AN ORDINANCE CONCERNING

City Property - Grant of Easements

1
2 FOR the purpose of authorizing the Mayor and City Council of Baltimore to grant 3 perpetual
3 easements for the benefit of Mt. Vernon Mill, LLC, its successors and assigns, across the
4 Jones Falls in the area between the properties known as 3000 and 3030 Falls Road (Block
5 3500, Lots 1 and 3) for the purpose of (1) installing and maintaining a pedestrian footbridge
6 over the property (Jones Falls) that is required by the City of Baltimore as a second means of
7 egress from the building at 3030 Falls Road, (2) permitting the continuation of an existing
8 footbridge and the maintenance of it over the property (Jones Falls) that was originally
9 constructed in 1918, and (3) allowing certain existing piers located in the property (Jones
10 Falls) that support the structure at 3000 Falls Road and allowing the portion of the structure
11 that extends into the property (Jones Falls); and providing for a special effective date.

12 BY authority of
13 Article V - Comptroller
14 Section 5(b)
15 Baltimore City Charter (1996 Edition)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL,** That the Comptroller of
17 Baltimore City is hereby authorized to grant 3 perpetual easements for the purpose of (1)
18 installing and maintaining 1 new pedestrian footbridge across the Jones Falls, (2) allowing the
19 continuation of an existing pedestrian footbridge and for the maintenance of it, both footbridges
20 being between the properties known as 3000 and 3030 Falls Road (Block 3500, Lots 1 and 3), as
21 more particularly shown on a the map accompanying the Mt. Vernon Mill Planned Unit
22 Development in Ordinance 10-374 (the "PUD), with both footbridges being permitted by Section
23 4 of the PUD, and (3) allowing certain existing piers located in the property (Jones Falls) that
24 support the structure at 3030 Falls Road and allowing the portion of the structure that extends
25 into the property (Jones Falls), all in accordance with Article V, Section 5(b) of the Baltimore
26 City Charter, on that parcel of land situate in Baltimore City being a part of the bed of the Jones
27 Falls, and more particularly described as follows:

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 Perpetual Easement No. 1 to allow the installation of a new footbridge across the
2 Jones Falls being all that volume of air space within the following courses and
3 distances, the upper limits thereof being a plane having an elevation of 118.66 feet
4 along the first line of this description and ascending to an upper elevation of
5 119.91 feet along the third line of this description, and the lower limits thereof
6 being a plane having an elevation of 106.00 feet along the first line of this
7 description and ascending to an elevation of 107.25 feet along the third line of this
8 description, all elevations herein being referred to Baltimore City Vertical Datum:

9 Beginning for the same on the east side of the Jones Falls at a point on and
10 distant 12.63 feet from the end of the nineteenth or North 29° 32' 45"
11 West 39.33 foot line of the firstly described parcel of land that by deed
12 dated December 23, 2011 and recorded among the Land Records of
13 Baltimore City, Maryland in Liber F.M.C. 13966, Folio 40, was granted
14 and conveyed by Kramer Brothers Hobbies, Long Island, Inc., to Mt.
15 Vernon Mill, LLC, thence running and binding reversely on a part of said
16 nineteenth line, with all courses of this description referred to the meridian
17 established in the Baltimore City Survey Control System, (1) South 29°
18 32' 45" East 12.80 feet, thence running over and across the Jones Falls, (2)
19 South 70° 12' 01" West 77.81 feet to intersect the west side of the Jones
20 Falls at a point on and distant 17.25 feet from the end of the thirty-fifth or
21 South 24° 38' 15" East 41.66 foot line of the secondly described parcel in
22 said conveyance, thence running and binding reversely on a part of the
23 thirty-fifth line, (3) North 24° 38' 15" West 12.66 feet, thence running
24 over and across the Jones Falls, and parallel with the second line hereof,
25 (4) North 70° 12' 01" East 76.71 feet to the point of beginning, containing
26 12, 341 cubic feet of space.

27 Perpetual Easement No. 2 to allow the continuance of an existing footbridge
28 across the Jones Falls being all that volume of air space within the following
29 courses and distances, the upper limits thereof being a plane having an elevation
30 of 138.48 feet along the first line of this description and descending to an upper
31 elevation of 137.42 feet along the third line of this description, and the lower
32 limits thereof being a plane having an elevation of 125.48 feet along the first line
33 of this description and descending to an elevation of 124.42 feet along the third
34 line of this description, all elevations herein being referred to Baltimore City
35 Vertical Datum:

36 Beginning for the same on the east side of the Jones Falls at a point on and
37 distant 1.52 feet from the end of the twenty-eighth or North 43° 00' 43"
38 West 38.77 feet line of the firstly described parcel of land that by deed
39 dated December 23, 2011 and recorded among the Land Records of
40 Baltimore City, Maryland in Liber F.M.C. 13966, Folio 40, was granted
41 and conveyed by Kramer Brothers Hobbies, Long Island, Inc., to Mt.
42 Vernon Mill, LLC, thence running and binding reversely on a part of the
43 twenty-eighth line, with all courses of this description referred to the
44 meridian established in the Baltimore City Survey Control System, (1)
45 South 43° 00' 43" East 12.92 feet, thence running over and across the
46 Jones Falls, (2) South 46° 07' 41" West 55.18 feet to intersect the
47 easternmost face of a four-story concrete building there situate, thence

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1 running and binding thereon, (3) North 18° 43’ 38” West 14.27 feet,
2 thence leaving the four-story building and running over and across the
3 Jones Falls, and parallel with the second line hereof, (4) North 46° 07’ 41”
4 East 49.31 feet to the point of beginning, containing 8,775 cubic feet of
5 space.

6 Perpetual Easement No. 3 to allow the existing piers supporting the structure
7 located at 3030 Falls Road and a portion of the structure at 3030 Falls Road, now
8 lying within the bed of the Jones Fall, as shown on Exhibit A attached to this
9 Ordinance, including the right of the grantee and its agents to enter onto portions
10 of the Jones Falls adjacent to the existing piers supporting the structure located at
11 3030 Falls Road for the purpose of inspecting, maintaining, and repairing such
12 piers, which entry shall be subject to all applicable ordinances, rules and
13 regulations. Subject to the following conditions:

- 14 1. The City and its employees or agents shall have access to the bed of
15 the Jones Falls at all times as relates to the need to access the area for
16 public purposes and shall have access to the airspace above, below,
17 and on the sides of the 2 pedestrian footbridges.
- 18 2. The Grantee shall maintain the 2 footbridges and the piers and building
19 described in Perpetual Easement No. 3 at its sole cost and expense.
- 20 3. The City shall be protected, indemnified and saved harmless from all
21 legal action, losses, and damages resulting from injury to persons or
22 damage to property caused by the use of the easement areas by the
23 Grantee, its successors, assigns, and invitees.
- 24 4. The terms, conditions, and agreement of this Easement Agreement
25 shall be considered covenants running with the land on the Grantees’
26 property.
- 27 5. The Grantee shall pay fair market value for the easements as
28 determined by the City’s Real Estate Officer.
- 29 6. The Grantee agrees that before any acts that may be taken by the
30 Grantee that affect the City’s property, the Department of Real Estate
31 will be notified in writing.
- 32 7. The easement granted for a specific structure shall be extinguished for
33 that structure if it is removed from its location, and no new structure
34 can be installed in its place without the permission of the Grantor,
35 which approval may be withheld at the sole discretion of the Grantor.
- 36 8. This easement shall be and is construed to be an easement appurtenant,
37 benefitting the property owned by the Grantee and burdening the
38 property owned by the City. The terms and conditions of this
39 Ordinance shall be incorporated into an Easement Agreement that shall
40 bind the successors and assigns of both the Grantor and the Grantee.

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1 **SECTION 2. AND BE IT FURTHER ORDAINED**, That no easement or easements shall be granted
2 under this Ordinance until the same has been approved by the City Solicitor.

3 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is
4 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