

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 13-0178

Introduced by: The Council President
 At the request of: The Administration (Department of General Services)
 Introduced and read first time: January 28, 2013
 Assigned to: Housing and Community Development Committee

Committee Report: Favorable
 Council action: Adopted
 Read second time: June 17, 2013

AN ORDINANCE CONCERNING

**City Streets – Closing –
 All Streets and Alleys Bounded by North Avenue, Warwick Avenue,
 Baker Street, and the CSX Transportation, Inc. Railroad Right of Way**

FOR the purpose of condemning and closing all streets and alleys bounded by North Avenue, Warwick Avenue, Baker Street, and the CSX Transportation, Inc. Railroad Right of Way, as shown on Plat 298-A-16A in the Office of the Department of General Services; 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 General Services shall proceed to condemn and close all streets and alleys bounded by North Avenue, Warwick Avenue, Baker Street, and the CSX Transportation, Inc. Railroad Right of Way, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of North Avenue, 100 feet wide, and the east side of Thomas Avenue, 66 feet wide, and running thence binding on the east side of said Thomas Avenue, Southerly 1071.8 feet, more or less, to intersect the north side of Baker Street, 66 feet wide; thence binding on the north side of said Baker Street, Westerly 66.0 feet to intersect the west side of said Thomas Avenue; thence binding on the west side of said Thomas Avenue, Northerly 1071.8 feet, more or less, to intersect the south side of said North Avenue, and thence binding on the south side of said North Avenue, Easterly 66.0 feet to the place of beginning.

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.

Council Bill 13-0178

1 Beginning for Parcel No. 2 at the point formed by the intersection of the west side
2 of Thomas Avenue, 66 feet wide, and the south side of Presbury Street, 66 feet
3 wide, and running thence binding on the south side of said Presbury Street,
4 Westerly 115.0 feet, more or less, to the westernmost extremity of said Presbury
5 Street, there situate, the westernmost extremity of said Presbury Street is also the
6 easternmost extremity of the former bed of Presbury Street, 66 feet wide, as
7 condemned and closed under Ordinance No. 1203, approved December 2, 1967 by
8 the Mayor and City Council of Baltimore; thence binding on the westernmost
9 extremity of said Presbury Street, Northerly 66.0 feet to intersect the north side of
10 said Presbury Street; thence binding on the north side of said Presbury Street,
11 Easterly 115.0 feet, more or less, to intersect the west side of said Thomas
12 Avenue, and thence binding on the west side of said Thomas Avenue, Southerly
13 66.0 feet to the place of beginning.

14 Beginning for Parcel No. 3 at the point formed by the intersection of the south
15 side of North Avenue, 100 feet wide, and the east side of Whitmore Avenue, 66
16 feet wide, and running thence binding on the east side of said Whitmore Avenue,
17 Southerly 100.0 feet, more or less, to the southernmost extremity of said
18 Whitmore Avenue, there situate, the southernmost extremity of said Whitmore
19 Avenue is also the northernmost extremity of the former bed of Whitmore
20 Avenue, 66 feet wide, as condemned and closed under Ordinance No. 559,
21 approved November 26, 2007 by the Mayor and City Council of Baltimore; thence
22 binding on the southernmost extremity of said Whitmore Avenue, Westerly 66.0
23 feet to intersect the west side of said Whitmore Avenue; thence binding on the
24 west side of said Whitmore Avenue, Northerly 100.0 feet, more or less, to
25 intersect the south side of said North Avenue, and thence binding on the south
26 side of said North Avenue, Easterly 66.0 feet to the place of beginning.

27 Beginning for Parcel No. 4 at the point formed by the intersection of the north
28 side of Presbury Street, 20 feet wide, and the west side of Warwick Avenue, 66
29 feet wide, and running thence binding on the west side of said Warwick Avenue,
30 Southerly 20.0 feet to intersect the south side of said Presbury Street; thence
31 binding on the south side of said Presbury Street, Westerly 110.0 feet, more or
32 less, to intersect the east side of an alley, varying in width, laid out in the rear of
33 the properties known as Nos. 1600 through 1744 North Warwick Avenue; thence
34 binding on the east side of said varying in width alley, Northerly 20.0 feet to
35 intersect the north side of said Presbury Street, and thence binding on the north
36 side of said Presbury Street, Easterly 110.0 feet, more or less, to the place of
37 beginning.

38 Beginning for Parcel No. 5 at the point formed by the intersection of the north
39 side of Westwood Avenue, 35 feet wide, and the west side of Thomas Avenue, 66
40 feet wide, and running thence binding on the west side of said Thomas Avenue,
41 Southerly 35.0 feet to intersect the south side of said Westwood Avenue; thence
42 binding on the south side of said Westwood Avenue, Westerly 115.0 feet, more or
43 less, to the westernmost extremity of said Westwood Avenue, there situate, the
44 westernmost extremity of said Westwood Avenue is also the easternmost
45 extremity of the former bed of Westwood Avenue, 35 feet wide, as condemned
46 and closed under Ordinance No. 559, approved November 26, 2007 by the Mayor

Council Bill 13-0178

1 and City Council of Baltimore, said former bed of Westwood Avenue is now
2 known as Lot 44A of Block 2311 as referred to among the Real Property Records
3 of the Property Location Section of the Department of General Services of the
4 City of Baltimore; thence binding on the westernmost extremity of said Westwood
5 Avenue, Northerly 35.0 feet to intersect the north side of said Westwood Avenue,
6 and thence binding on the north side of said Westwood Avenue, Easterly 115.0
7 feet, more or less, to the place of beginning.

8 Beginning for Parcel No. 6 at the point formed by the intersection of the east side
9 of a 10-foot alley, laid out in the rear of the properties known as Nos. 1600
10 through 1646 Thomas Avenue and the north side of Baker Street, 66 feet wide,
11 said point of beginning being distant easterly 100.0 feet, more or less, measured
12 along the north side of said Baker Street from the west side of Thomas Avenue,
13 66 feet wide, and running thence binding on the north side of said Baker Street,
14 Westerly 10.0 feet to intersect the west side of said 10-foot alley; thence binding
15 on the west side of said 10-foot alley, Northerly 392.0 feet, more or less, to
16 intersect the south side of Presbury Street, 66 feet wide; thence binding on the
17 south side of said Presbury Street, Easterly 10.0 feet to intersect the east side of
18 said 10-foot alley, and thence binding on the east side of said 10-foot alley,
19 Southerly 392.0 feet, more or less, to the place of beginning.

20 Beginning for Parcel No. 7 at the point formed by the intersection of the east side
21 of a 10-foot alley, laid out in the rear of the properties known as Nos. 1601
22 through 1733 Thomas Avenue and the north side of Baker Street, 66 feet wide,
23 said point of beginning being distant Westerly 110.0 feet, more or less, measured
24 along the north side of said Baker Street from the west side of Warwick Avenue,
25 66 feet wide, and running thence binding on the north side of said Baker Street,
26 Westerly 10.0 feet to intersect the west side of said 10-foot alley; thence binding
27 on the west side of said 10-foot alley, Northerly 725.8 feet, more or less, to the
28 west side of a varying in width alley, there situate; thence binding on the west side
29 of said varying in width alley, Northerly 52.8 feet, more or less, to the
30 northernmost extremity of said varying in width alley, there situate; thence
31 binding on the northernmost extremity of said varying in width alley, Easterly
32 13.6 feet, more or less, to intersect the east side of said varying in width alley, and
33 thence binding in part on the east side of said varying in width alley, in part on the
34 east side of said 10-foot alley, and in all, Southerly 777.9 feet, more or less, to the
35 place of beginning.

36 Beginning for Parcel No. 8 at the point formed by the intersection of the north
37 side of a 20-foot alley, laid out in part contiguous to the south outline of the
38 property known as No. 1800 North Warwick Avenue and in part contiguous to the
39 south outline of the property known as Lot 34 of Block 2308 as referred to among
40 the Real Property Records of the Property Location Section of the Department of
41 General Services of the City of Baltimore, and the west side of Warwick Avenue,
42 66 feet wide, said point of beginning being distant southerly 118.7 feet, more or
43 less, measured along the west side of said Warwick Avenue from the south side of
44 North Avenue, 100 feet wide, and running thence binding on the west side of said
45 Warwick Avenue, Southerly 20.0 feet to intersect the south side of said 20-foot
46 alley; thence binding on the south side of said 20-foot alley, Westerly 123.6 feet,
47 more or less, to the westernmost extremity of said 20-foot alley, there situate, the

Council Bill 13-0178

1 westernmost extremity of said 20-foot alley is also the east outline of the property
2 known as No. 1805 Thomas Avenue; thence binding on the westernmost
3 extremity of said 20-foot alley, Northerly 20.2 feet, more or less, to intersect the
4 north side of said 20-foot alley, and thence binding on the north side of said 20-
5 foot alley, Easterly 126.2 feet, more or less, to the place of beginning.

6 Beginning for Parcel No. 9 at the point formed by the intersection of the north
7 side of a 15-foot alley, laid out in the rear of the properties known as Nos. 2501
8 through 2519 West North Avenue and the west side of Warwick Avenue, 66 feet
9 wide, said point of beginning being distant southerly 118.7 feet, more or less,
10 measured along the west side of said Warwick Avenue from the south side of
11 North Avenue, 100 feet wide, and running thence binding on the west side of said
12 Warwick Avenue, Southerly 15.0 feet to intersect the south side of said 15-foot
13 alley; thence binding on the south side of said 15-foot alley, Westerly 144.6 feet,
14 more or less, to the westernmost extremity of said 15-foot alley, there situate, the
15 westernmost extremity of said 15-foot alley is also the east outline of the property
16 known as No. 1817 Thomas Avenue; thence binding on the westernmost
17 extremity of said 15-foot alley, Northerly 15.2 feet, more or less, to intersect the
18 north side of said 15-foot alley, and thence binding on the north side of said 15-
19 foot alley, Easterly 146.8 feet, more or less, to the place of beginning.

20 Beginning for Parcel No. 10 at the point formed by the intersection of the north
21 side of a 10-foot alley, laid out in the rear of the properties known as Nos. 2527
22 through 2551/2553 West North Avenue and the west side of Thomas Avenue, 66
23 feet wide, said point of beginning being distant southerly 90.0 feet, more or less,
24 measured along the west side of said Thomas Avenue from the south side of
25 North Avenue, 100 feet wide, and running thence binding on the west side of said
26 Thomas Avenue, Southerly 10.0 feet to intersect the south side of said 10-foot
27 alley; thence binding on the south side of said 10-foot alley, Westerly 210.0 feet,
28 more or less, to intersect the east side of Whitmore Avenue, 66 feet wide; thence
29 binding on the east side of said Whitmore Avenue, Northerly 10.0 feet to intersect
30 the north side of said 10-foot alley, and thence binding on the north side of said
31 10-foot alley, Easterly 210.0 feet, more or less, to the place of beginning.

32 Beginning for Parcel No. 11 at the point formed by the intersection of the east side
33 of a 10-foot alley, laid out in the rear properties known as Nos. 1800 through 1818
34 North Warwick Avenue and the north side of a 20-foot alley, laid out in part
35 contiguous to the south outline of the property known as No. 1800 North Warwick
36 Avenue and in part contiguous to the south outline of the property known as Lot
37 34 of Block 2308 as referred to among the Real Property Records of the Property
38 Location Section of the Department of General Services of the City of Baltimore,
39 said point of beginning being distant westerly 90.0 feet, more or less, measured
40 along the north side of said 20-foot alley from the west side of Warwick Avenue,
41 66 feet wide, and running thence binding on the north side of said 20-foot alley,
42 Westerly 10.0 feet to intersect the west side of said 10-foot alley; thence binding
43 on the west side of said 10-foot alley, Northerly 140.0 feet, more or less, to
44 intersect the south side of a 15-foot alley, laid out in the rear of the properties
45 known as Nos. 2501 through 2519 West North Avenue; thence binding on the
46 south side of said 15-foot alley, Easterly 10.0 feet to intersect the east side of said

Council Bill 13-0178

1 10-foot alley, and thence binding on the east side of said 10-foot alley, Southerly
2 140.0 feet, more or less, to the place of beginning.

3 Beginning for Parcel No. 12 at the point formed by the intersection of the east side
4 of Thomas Avenue, 66 feet wide, and the north side of a 10-foot alley, laid out
5 contiguous to the south side of the property known as No. 1801 Thomas Avenue,
6 said point of beginning being distant southerly 345.0 feet, more or less, measured
7 along the east side of said Thomas Avenue from the south side of North Avenue,
8 100 feet wide, and running thence binding on the north side of said 10-foot alley,
9 Easterly 90.0 feet, more or less, to intersect the west side of a 10-foot alley, laid
10 out in the rear of the properties known as Nos. 1601 through 1733 Thomas
11 Avenue; thence binding on the west side of last said 10-foot alley, Southerly 10.0
12 feet to intersect the south side of said 10-foot alley, mentioned firstly herein;
13 thence binding on the south side of said 10-foot alley, mentioned firstly herein,
14 Westerly 90.0 feet, more or less, to intersect the east side of said Thomas Avenue,
15 and thence binding on the east side of said Thomas Avenue, Northerly 10.0 feet to
16 the place of beginning.

17 Beginning for Parcel No. 13 at the point formed by the intersection of the east side
18 of a 20-foot alley, laid out in the rear of the properties known as Nos. 1700
19 through 1738 Thomas Avenue and the north side of Presbury Street, 66 feet wide,
20 said point of beginning being distant westerly 95.0 feet, more or less, measured
21 along the north side of said Presbury Street from the west side of Thomas Avenue,
22 66 feet wide, and running thence binding on the north side of said Presbury Street,
23 Westerly 20.0 feet to intersect the west side of said 10-foot alley; thence binding
24 on the west side of said 20-foot alley, Northerly 273.7 feet, more or less, to
25 intersect the south side of Westwood Avenue, 35 feet wide; thence binding on the
26 south side of said Westwood Avenue, Easterly 20.0 feet to intersect the east side
27 of said 20-foot alley, and thence binding on the east side of said 20-foot alley,
28 Southerly 273.7 feet, more or less, to the place of beginning.

29 Beginning for Parcel No. 14 at the point formed by the intersection of the east side
30 of a 20-foot alley, laid out in the rear of the properties known as Nos. 1800
31 through 1828 Thomas Avenue and the north side of Westwood Avenue, 35 feet
32 wide, said point of beginning being distant easterly 95.0 feet, more or less,
33 measured along the north side of said Westwood Avenue from the west side of
34 Thomas Avenue, 66 feet wide, and running thence binding on the north side of
35 said Westwood Avenue, Westerly 20.0 feet to intersect the west side of said 20-
36 foot alley; thence binding on the west side of said 20-foot alley, Northerly 205.0
37 feet, more or less, to intersect the south side of a 10-foot alley, laid out in the rear
38 of the properties known as Nos. 2527 through 2553 West North Avenue; thence
39 binding on the south side of said 10-foot alley, Easterly 20.0 feet to intersect the
40 east side of said 20-foot alley, and thence binding on the east side of said 20-foot
41 alley, Southerly 205.0 feet, more or less, to the place of beginning.

42 As delineated on Plat 298-A-16A, prepared by the Survey Control Section and filed on
43 November 15, 2012, in the Office of the Department of General Services.

44 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
45 closing of the streets and alleys and the rights of all interested parties shall be regulated by and in

Council Bill 13-0178

1 accordance with all applicable provisions of state and local law and with all applicable rules and
2 regulations adopted by the Director of General Services and filed with the Department of
3 Legislative Reference.

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

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

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

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

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

Council Bill 13-0178

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