

**CITY OF BALTIMORE
COUNCIL BILL 17-0038
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: March 20, 2017
Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**
3 **Eager Street and a 10-Foot Alley**

4 FOR the purpose of condemning and closing (1) Eager Street, extending from Patterson Park
5 Avenue Westerly 90.0 feet, more or less, and (2) a 10-foot alley laid out in the rear of the
6 properties known as 900 through 942 North Patterson Park Avenue, and lying within the
7 Middle East Urban Renewal Project, as shown on Plat 348-A-89E in the Office of the
8 Department of Transportation; and providing for a special effective date.

9 BY authority of
10 Article I - General Provisions
11 Section 4
12 and
13 Article II - General Powers
14 Sections 2, 34, 35
15 Baltimore City Charter
16 (1996 Edition)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
18 Department of Transportation shall proceed to condemn and close (1) Eager Street, extending
19 from Patterson Park Avenue Westerly 90.0 feet, more or less, and (2) a 10-foot alley laid out in
20 the rear of the properties known as 900 through 942 North Patterson Park Avenue, and lying
21 within the Middle East Urban Renewal Project, and more particularly described as follows:

22 Beginning for Parcel No. 1 at the point formed by the intersection of the south
23 side of Eager Street, 40 feet wide, and the west side of Patterson Park Avenue, 66
24 feet wide, and running thence binding on the south side of Eager Street, Westerly
25 90.0 feet, more or less, to the westernmost extremity of Eager Street, there situate,
26 the westernmost extremity of Eager Street is also the easternmost extremity of the
27 former bed of Eager Street, 40 feet wide, as condemned and closed under
28 Ordinance No. 11-509 approved October 24, 2011, by the Mayor and City Council
29 of Baltimore; thence binding on the westernmost extremity of Eager Street, and

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

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1 the easternmost extremity of the former bed of Eager Street, Northerly 40.0 feet to
2 intersect the north side of Eager Street; thence binding on the north side of Eager
3 Street, Westerly 90.0 feet, more or less, to intersect the west side said of Patterson
4 Park Avenue, and thence binding on the west side of Patterson Park Avenue,
5 Southerly 40.0 feet to the place of beginning.

6 Beginning for Parcel No. 2 at the point formed by the intersection of the north
7 side of Ashland Avenue, 66 feet wide, and the east side of a 10-foot alley, laid out
8 in the rear of the properties known as Nos. 900 through 942 North Patterson Park
9 Avenue, the point of beginning being distant westerly 80.0 feet, more or less,
10 measured along the north side of Ashland Avenue from the west side of Patterson
11 Park Avenue, 66 feet wide, and running thence binding on the north side of
12 Ashland Avenue, Westerly 10.0 feet to intersect the west side of the 10-foot alley;
13 thence binding on the west side of the 10-foot alley, Northerly 301.2 feet, more or
14 less, to intersect the south side of Eager Street, 40 feet wide; thence binding on the
15 south side of Eager Street, Easterly 10.0 feet to intersect the east side of the 10-
16 foot alley, and thence binding on the east side of the 10-foot alley, Southerly 301.2
17 feet, more or less to the place of beginning.

18 As delineated on Plat 348-A-89E, prepared by the Survey Section and filed on May 23, 2012, in
19 the Office of the Department of Transportation.

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

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

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

39 **SECTION 5. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all
40 subsurface structures and appurtenances owned by any person other than the Mayor and City
41 Council of Baltimore shall be removed by and at the expense of their owners, promptly upon
42 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 is
8 enacted.