

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 19-0318

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: January 14, 2019
Assigned to: Housing and Urban Affairs Committee

Committee Report: Favorable
Council action: Adopted
Read second time: July 22, 2019

AN ORDINANCE CONCERNING

**1 City Streets – Closing – West Fairmount Avenue, a 10-Foot Alley,
2 a Portion of Martin Luther King Jr. Boulevard, and a Portion of a 3-Foot Alley**

3 FOR the purpose of condemning and closing West Fairmount Avenue, a 10-foot alley, a portion
4 of Martin Luther King Jr. Boulevard, and a portion of a 3-foot alley bounded by North
5 Fremont Avenue, West Fayette Street, Martin Luther King Jr. Boulevard, and West Baltimore
6 Street, as shown on Plat 329-A-25A in the Office of the Department of Transportation; and
7 providing for a special effective date.

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

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
17 Department of Transportation shall proceed to condemn and close West Fairmount Avenue, a 10-
18 foot alley, a portion of Martin Luther King Jr. Boulevard, and a portion of a 3-foot alley bounded
19 by North Fremont Avenue, West Fayette Street, Martin Luther King Jr. Boulevard, and West
20 Baltimore Street, and more particularly described as follows:

21 Beginning for Parcel 4 at the point formed by the intersection of the north side of
22 West Baltimore Street 66 feet wide, and the west side of a 10-foot alley, the point
23 of beginning being distant Easterly 81.96 feet measured along the north side of
24 West Baltimore Street from the east side of North Fremont Avenue 66 feet wide;
25 thence leaving the north side of West Baltimore Street North 04° 26' 27" West
26 153.43 feet to intersect the south side of West Fairmount Avenue 33 feet wide;
27 thence binding on the south side of West Fairmount Avenue North 87° 01' 03"
28 East 12.40 feet, to the east side of the 10-foot alley; thence binding on the east

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
a amendment or deleted from existing law by amendment.

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1 side of the 10-foot alley South 03° 38' 31" East 153.32 feet to intersect the north
2 side of West Baltimore Street and thence binding on the north side of West
3 Baltimore Street South 86° 36' 03" West 10.26 feet, to the place of beginning.

4 Containing 1,737 square feet or 0.040 acres, more or less.

5 Beginning for Parcel 5 at the point formed by the intersection of the east side of
6 North Fremont Avenue 66 feet wide, and the north side of West Fairmount
7 Avenue 33 feet wide, the point of beginning being distant Southeasterly 162.3 feet
8 more or less, measured along the northeast side of North Fremont Avenue from
9 the south side of West Fayette Street 66 feet wide; thence leaving the northeast
10 side of North Fremont Avenue North 87° 01' 03" East 281.95 feet to intersect the
11 west side of the proposed new right of way line for Martin Luther King Jr.
12 Boulevard varying in width; thence binding on the west side of the proposed new
13 right of way line of Martin Luther King Jr. Boulevard South 02° 47' 37" East
14 33.00 feet to intersect the south side of West Fairmount Avenue; then binding on
15 the south side of West Fairmount Avenue South 87° 01' 03" West 269.75 feet to
16 intersect the northeast side of North Fremont Avenue and thence binding on the
17 northeast side of North Fremont Avenue North 23° 06' 04" West 35.14 feet to the
18 place of beginning.

19 Containing 9,103 square feet or 0.209 acres, more or less.

20 Beginning for Parcel 6 at the point formed by the intersection of the west side of
21 the existing right of way line of through highway Martin Luther King Jr.
22 Boulevard varying in width and the south side of West Fairmount Avenue 33 feet
23 wide, so projected, the point of beginning being distant Northeasterly 160.07 feet
24 more or less measured along the west side of right of way line of through highway
25 Martin Luther King Jr. Boulevard so projected from the north side of West
26 Baltimore Street 66 feet wide; thence leaving the west side of the right of way line
27 of Martin Luther King Jr. Boulevard South 87° 01' 03 West 16.72 feet to the west
28 side of the proposed new right of way line of through highway Martin Luther King
29 Jr. Boulevard; thence binding on the west side of the proposed new right of way
30 line of Martin Luther King Jr. Boulevard North 02° 47' 37" West 183.00 feet to
31 intersect the south side of West Fayette Street 66 feet wide; thence binding on the
32 south side of West Fayette Street North 87° 01' 03" East 58.66 feet to the west
33 side of the right of way line of Martin Luther King Jr. Boulevard and thence on
34 the west side of the right of way line of Martin Luther King Jr. Boulevard South
35 10° 06' 28" West 187.88 feet to the place of beginning.

36 Containing 6,897 square feet or 0.158 acres, more or less.

37 Beginning for Parcel 7 at the point formed by the intersection of the north side of
38 West Fairmount Avenue 33 feet wide, and the west side of a 3-foot alley the point
39 of beginning being distant Easterly 63 feet, more or less, measured along the north
40 side of West Fairmount Avenue from the east side of North Fremont Avenue 66
41 feet wide; thence binding on the west side of the 3-foot alley Northerly 16 feet to
42 the northern property line of the property known as number 19 North Fremont
43 Avenue; thence binding on the northern property line of the property so projected
44 Easterly 3 feet to intersect the east side of the 3-foot alley; thence binding on the

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1 east side of the 3-foot alley Southerly 16 feet to intersect the north side of West
2 Fairmount Avenue; and thence binding on the north side of West Fairmount
3 Avenue Westerly 3 feet to the place of beginning.

4 Containing 48 square feet or 0.0011 acres, more or less.

5 As delineated on Plat 329-A-25A, prepared by the Survey Section and filed on October 16, 2018,
6 in the Office of the Department of Transportation.

7 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
8 closing of West Fairmount Avenue, a 10-foot alley, a portion of Martin Luther King Jr.
9 Boulevard, and a portion of a 3-foot alley bounded by North Fremont Avenue, West Fayette
10 Street, Martin Luther King Jr. Boulevard, and West Baltimore Street and the rights of all
11 interested parties shall be regulated by and in accordance with all applicable provisions of state
12 and local law and with all applicable rules and regulations adopted by the Director of
13 Transportation and filed with the Department of Legislative Reference.

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

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

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

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

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

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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