

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 10-0579

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: August 9, 2010
Assigned to: Highways and Franchises Subcommittee

Committee Report: Favorable
Council action: Adopted
Read second time: December 6, 2010

AN ORDINANCE CONCERNING

1 City Streets – Closing – Bruce Street and 2 10-Foot Alleys
2 Lying Within the Penn North Housing and Community Development Project

3 FOR the purpose of condemning and closing (1) Bruce Street, extending from Clifton
4 Avenue, Southerly and Southeasterly 400.4 feet, more or less, (2) a 10-foot alley located on
5 the west side of Bruce Street, distant 106.0 feet, more or less, southerly from Clifton
6 Avenue, and extending westerly 52.0 feet, more or less, and (3) a 10-foot alley located on the
7 east side of Bruce Street, distant 82.0 feet, more or less, southerly from Clifton Avenue, and
8 extending easterly 35.0 feet, more or less, and lying within the Penn North Housing and
9 Community Development Project, as shown on Plat 264-A-20A in the Office of the
10 Department of General Services; and providing for a special effective date.

11 By authority of
12 Article I - General Provisions
13 Section 4
14 and
15 Article II - General Powers
16 Sections 2, 34, 35
17 Baltimore City Charter
18 (1996 Edition)

19 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
20 Department of Public Works shall proceed to condemn and close (1) Bruce Street, extending
21 from Clifton Avenue, Southerly and Southeasterly 400.4 feet, more or less, (2) a 10-foot alley
22 located on the west side of Bruce Street, distant 106.0 feet, more or less, southerly from Clifton
23 Avenue, and extending westerly 52.0 feet, more or less, and (3) a 10-foot alley located on the
24 east side of Bruce Street, distant 82.0 feet, more or less, southerly from Clifton Avenue, and
25 extending easterly 35.0 feet, more or less, and lying within the Penn North Housing and
26 Community Development Project, and more particularly described as follows:

27 Beginning for Parcel No. 1 at the point formed by the intersection of the east side
28 of Bruce Street, 20 feet wide, and the southeast side of Clifton Avenue, 60 feet

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 10-0579

1 wide, and running thence binding on the east and northeast sides of said Bruce
2 Street, the two following courses and distances; namely, Southerly 200.6 feet,
3 more or less, and Southeasterly 200.5 feet, more or less, to intersect the line of the
4 division line between the properties known as Nos. 2650 Bruce Street and 1900
5 Retreat Street, if projected northeasterly; thence binding reversely on said line so
6 projected, Southwesterly 20.6 feet, more or less, to intersect the southwest side of
7 said Bruce Street; thence binding on the southwest and west sides of said Bruce
8 Street, the two following courses and distances; namely, Northwesterly 205.7
9 feet, more or less, and Northerly 194.0 feet, more or less, to intersect the
10 southeast side of said Clifton Avenue, and thence binding on the southeast side of
11 said Clifton Avenue, Northeasterly 26.0 feet, more or less, to the place of
12 beginning.

13 Beginning for Parcel No. 2 at the point formed by the intersection of the west side
14 of Bruce Street, 20 feet wide, and the north side of a 10-foot alley, distant
15 southerly 106.0 feet, more or less, measured along the west side of said Bruce
16 Street, from the southeast side of Clifton Avenue, 66 feet wide, and laid out in the
17 rear of the properties known as Nos. 1617 and 1615 Clifton Avenue, and running
18 thence binding on the west side of said Bruce Street, Southerly 10.0 feet, to
19 intersect the south side of said 10-foot alley; thence binding on the south side of
20 said 10-foot alley, Westerly 52.0 feet, more or less, to intersect the east side of a
21 10-foot alley, laid out in the rear of the properties known as Nos. 2001 through
22 2045 N. Fulton Avenue; thence binding on the east side of last said 10-foot alley,
23 Northerly 10.0 feet, to intersect the north side of said 10-foot alley, mentioned
24 firstly herein, and thence binding on the north side of said 10-foot alley,
25 mentioned firstly herein, Easterly 52.0 feet, more or less, to the place of
26 beginning.

27 Beginning for Parcel No. 3 at the point formed by the intersection of the east side
28 of Bruce Street, 20 feet wide, and the north side of a 10-foot alley, distant
29 southerly 82.0 feet, more or less, measured along the east side of said Bruce
30 Street, from the southeast side of Clifton Avenue, 66 feet wide, and running
31 thence binding on the north side of said 10-foot alley, Easterly 38.0 feet, more or
32 less, to its easternmost extremity, thereof, there situate; thence binding on the
33 easternmost extremity of said 10-foot alley, Southwesterly 11.7 feet, more or less,
34 to intersect the south side of said 10-foot alley; thence binding on the south side
35 of said 10-foot alley, Westerly 32.0 feet, more or less, to intersect the east side of
36 said Bruce Street; and thence binding on the east side of said Bruce Street,
37 Northerly 10.0 feet to the place of beginning.

38 As delineated on Plat 264-A-20A, prepared by the Survey Control Section and filed on June 17,
39 2010, in the Office of the Department of General Services.

40 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
41 closing of Bruce Street and 2 10-foot alleys and the rights of all interested parties shall be
42 regulated by and in accordance with all applicable provisions of state and local law and with all
43 applicable rules and regulations adopted by the Director of General Services and filed with the
44 Department of Legislative Reference.

45 **SECTION 3. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all
46 subsurface structures and appurtenances now owned by the Mayor and City Council of

Council Bill 10-0579

1 Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their
2 use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or
3 interfere with them, that person must first obtain permission from the Mayor and City Council
4 and, in the application for this permission, must agree to pay all costs and expenses, of every
5 kind, arising out of the removal, alteration, or interference.

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

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

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

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

Council Bill 10-0579

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