

Council Bill 13-0216

1 intersection of the north side of said Howil Terrace and the east side of a
2 Vehicular Turn-Around as described in a deed dated September 26, 2006 between
3 the Mayor and City Council of Baltimore (Department of Real Estate) and
4 Pergusa Enterprises, Inc., T/A Jerry’s Belvedere Tavern, and recorded among the
5 Land Records of Baltimore City in Liber F.M.C. No. 8438, Folio 056, there
6 situate; thence binding on the north side of said Howil Terrace, Easterly 132.6
7 feet, more or less, to intersect the west side of said York Road, and thence binding
8 on the west of said York Road, Southerly 15.0 feet, more or less, to the place of
9 beginning.

10 As delineated on Plat 133-A-70A, prepared by the Survey Control Section and filed on
11 November 15, 2012, in the Office of the Department of General Services.

12 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
13 closing of Howil Terrace and the rights of all interested parties shall be regulated by and in
14 accordance with all applicable provisions of state and local law and with all applicable rules and
15 regulations adopted by the Director of General Services and filed with the Department of
16 Legislative Reference.

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

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

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

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

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

Council Bill 13-0216

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