

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 16-0747

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: September 12, 2016
Assigned to: Housing and Community Development Committee
Committee Report: Favorable
Council action: Adopted
Read second time: October 20, 2016

AN ORDINANCE CONCERNING

**City Streets – Closing –
A Portion of East Fairmount Avenue**

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3 FOR the purpose of condemning and closing a portion of East Fairmount Avenue, extending from
4 the Norfolk Southern Railway Right of Way easterly 146.5 feet, more or less, to intersect the
5 west side of a 10-foot alley, as shown on Plat 295-A-35A in the Office of the Department of
6 Transportation; and providing for a special effective date.

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

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
16 Department of Transportation shall proceed to condemn and close a portion of East Fairmount
17 Avenue, extending from the Norfolk Southern Railway Right of Way easterly 146.5 feet, more or
18 less, to intersect the west side of a 10-foot alley, and more particularly described as follows:

19 Beginning for Parcel 1 at the point formed by the intersection of the north side of
20 East Fairmount Avenue, 70 feet wide, and the west side of a 10-foot wide alley,
21 the point of beginning being distant Westerly 75 feet, more less, from a point
22 formed by the intersection of the north side of East Fairmount Avenue and the
23 west side of North Janney Street, 50 feet wide; thence crossing the existing right
24 of way of East Fairmount Avenue, Southerly 70.0 feet to intersect the south side
25 of East Fairmount Avenue; thence binding on the south side of East Fairmount
26 Avenue, Westerly 146.5 feet, more or less, to intersect the east side of the Norfolk
27 Southern Railway Right of Way, also known as North Iris Avenue, 125 feet wide;
28 thence binding on the right of way, Northerly 70.0 feet to intersect the north side

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.

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1 of East Fairmount Avenue and thence binding on the north side of East Fairmount
2 Avenue, Easterly 146.5 feet, more or less to the place of beginning.

3 As delineated on Plat 295-A-35A, prepared by the Survey Control Section and filed on
4 September 1, 2016, in the Office of the Department of Transportation.

5 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
6 closing of a portion of East Fairmount Avenue and the rights of all interested parties shall be
7 regulated by and in accordance with all applicable provisions of state and local law and with all
8 applicable rules and regulations adopted by the Director of Transportation and filed with the
9 Department of Legislative Reference.

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

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

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

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

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

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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