

**CITY OF BALTIMORE
COUNCIL BILL 13-0290
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: November 4, 2013
Assigned to: Housing and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: Planning Commission, Department of Housing and Community Development, Department of General Services, Department of Transportation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing of Air Rights Over a Portion of**
3 **Linden Avenue (Ward 11, Section 9, Block 501)**

4 FOR the purpose of condemning and closing air rights over a portion of Linden Avenue,
5 extending 56.62 feet south of the intersection formed by the west side of Linden Avenue and
6 the southeast side of Martin Luther King, Jr. Boulevard, as shown on Plat 310-A-22 in the
7 Office of the Department of General Services; and 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 General Services shall proceed to condemn and close air rights over a portion of
18 Linden Avenue, extending 56.62 feet south of the intersection formed by the west side of Linden
19 Avenue and the southeast side of Martin Luther King, Jr. Boulevard, and more particularly
20 described as follows:

21 Beginning for the same point on the west side of Linden Avenue (66' wide)
22 located S 02°38'40"E at a distance of 56.62 feet from a point formed by the
23 intersection of the west side of said Linden Avenue and the southeast side of
24 Martin Luther King Jr. Boulevard (varying in width) and designated as N
25 1256.344, W 1512.638 and shown on a plat entitled, "Sub-Division Plan of
26 Maryland General Hospital, Medical Office Building" drawing number S-1, dated
27 July 2, 1987, as recorded among the Land Records of Baltimore City, Maryland in
28 plat pocket S.E.B. 3177, said point of beginning also being in a horizontal plane
29 having an elevation of 144.00 feet, referring said elevation to Mean Low Tide as

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

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1 established by the City of Baltimore; thence departing said point of beginning so
2 fixed, ascending to an elevation of unlimited height, and the west side of said
3 Linden Avenue, with meridian referenced to the Baltimore City Survey Control
4 System the following courses and distances:

- 5 1. N 87°21'20"E for a distance of 17.00 feet to a point; thence
- 6 2. S 02°38'40" E for a distance of 112.00 feet to a point; thence
- 7 3. S 87°21'20" W for a distance of 17.00 feet, to intersect with the west
8 side of said Linden Avenue; thence binding on and running with said
9 Linden Avenue;
- 10 4. N 02°38'40" W for a distance of 112.00 feet, to the point of beginning.

11 Containing 1904 square feet or 0.0437 acres.

12 Being all of the same described in a document entitled, "Description of Proposed Air Rights
13 Parcel Above Linden Avenue," prepared by Accurate Infrastructure Data, Inc., dated June 13,
14 2013.

15 As delineated on Plat 310-A-22, prepared by the Survey Control Section and filed on October 22,
16 2013 in the Office of the Department of General Services.

17 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
18 closing of air rights over a portion of Linden Avenue and the rights of all interested parties shall
19 be regulated by and in accordance with all applicable provisions of state and local law and with
20 all applicable rules and regulations adopted by the Director of General Services and filed with the
21 Department of Legislative Reference.

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

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

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