

**For Internal Use Only**



**BALTIMORE CITY COUNCIL  
WAYS AND MEANS  
COMMITTEE**

*Mission Statement*

*The Committee on Ways and Means (WM)* is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello  
Chairman**

**PUBLIC HEARING**

**TUESDAY, AUGUST 29, 2023  
10:00 AM**

**COUNCIL CHAMBERS**

*Council Bill #22-0286*

**Sale of Property – South Side Boston Street, South West Corner, and South Newkirk Street (Block 6587, Lot 008A); and South Side Boston Street, South East Corner, and South Newkirk Street (Block 6587A, Lot 016)**

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Danielle McCray  
*Staff: Marguerite Currin (443-984-3485)*



## BILL SYNOPSIS

**Committee:** Ways and Means

**Bill:** 22-0286

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**Sale of Property – South Side Boston Street, South West Corner, and South Newkirk Street (Block 6587, Lot 008A); and South Side Boston Street, South East Corner, and South Newkirk Street (Block 6587A, Lot 016)**

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**Sponsor:** President Mosby at the request of the Department of Real Estate

**Introduced:** October 3, 2022

**Purpose:**

**For the purpose of** authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property that is located at South Side Boston Street, South West Corner, and South Newkirk Street (Block 6587, Lot 008A) and South Side Boston Street, South East Corner, and South Newkirk Street (Block 6587A, Lot 016) and are no longer needed for public use; and providing for a special effective date.

**Effective:** On the date it is enacted.

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### Agency Reports

Law Department	Favorable/Amend
Department of Finance	None as of this writing
Department of Planning	No Objection
Department of Housing and Community Development	Favorable
Department of Real Estate	Favorable (Amendment Submitted)
Board of Estimates	Must be approved by BOE

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### Analysis

#### Current Law

Article V – Comptroller; Section 5(b); Baltimore City Charter; (1996 Edition) outlines the rules, regulations and mandates for Sale of Properties.



## Background

If enacted, Bill 22-0286 would authorize the sale of a city owned property located at Boston and Newkirk Streets in the Canton Industrial Area in Southeast Baltimore City; Council District #1. This area of the City was once entirely used for industrial purposes, however today it includes a major shopping plaza with restaurants, services and retail, as well as two residential apartment buildings.<sup>1</sup> **See attached.**

Per City Council President Mosby, “the community want to increase the beautification of the area.”

The Building Materials Manufacturing Corporation intends to purchase the undeveloped vacant land and will secure and landscape the property.<sup>2</sup>

The Department of Law is proposing amendments to the bill. However, the Department of Real Estate submitted proposes amendments that should satisfy the amendments suggested by the Law Department. **A copy of Real Estate’s amendment(s) is attached to its report.**

Upon approval by the Mayor and City Council, the Board of Estimates would have to approve the deal to finalize the disposition.

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## Additional Information

**Fiscal Note:** None

**Information Source(s):** City Charter, Bill 22-0286, see footnote(s) below and all agency reports received as this writing.

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*Marguerite M. Currin*  
Analysis by: Marguerite M. Currin  
Analysis Date: August 24, 2023

Direct Inquiries to: (443) 984-3485

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<sup>1</sup> LIVE Baltimore website

<sup>2</sup> Baltimore City Department of Real Estate agency report.

Baltimore, Maryland

Google

Street View - May 2021



Image capture: May 2021 © 2022 Google





Baltimore, Maryland

Google

Street View - Nov 2020





Imagery ©2022 U.S. Geological Survey, Map data ©2022 20 ft



## S Newkirk St



Directions



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Baltimore, MD 21224

# Council Bill 22-0286

## AGENCY REPORTS

See attached



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**CITY OF BALTIMORE**

**BRANDON M. SCOTT**

Mayor



**DEPARTMENT OF LAW**

**JAMES L. SHEA**

100 N. HOLLIDAY STREET

SUITE 101, CITY HALL

BALTIMORE, MD 21202

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November 4, 2022

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 22-0286 - Sale of Property – South Side Boston Street,  
South West Corner, and 3 South Newkirk Street (Block 6587, Lot 008A); and 4  
South Side Boston Street, South East Corner, and 5 South Newkirk Street (Block  
6587A, Lot 016)

President and City Council Members:

The Law Department has reviewed City Council Bill 2-0286 for form and legal sufficiency. The bill allows the Mayor and City Council of Baltimore to sell its interest in two lots located at South Side Boston Street, South West Corner, and South Newkirk Street (Block 6587, Lot 008A) and South Side Boston Street, South East Corner, and South Newkirk Street (Block 6587A, Lot 016) and declares the property is no longer needed for public use. The bill also provides that all subsurface structures and appurtenances owned by the Mayor and City Council shall continue to be the property of the Mayor and City Council until they are abandoned. If the purchaser of the lots wishes to remove, alter, or interfere with any subsurface structure they must first obtain permission from the Mayor and City Council and pay all costs associated with the removal, alteration, or interference. The bill prohibits the construction of any building or structure of any kind on the lots until all subsurface structures and appurtenances have been abandoned by the City or removed and relaid at the expense of the person seeking to erect the building or structure. After the sale of the lots, subsurface structures or appurtenances owned by any person other than the Mayor and City Council must be removed at the owner's expense. After the sale of the lots the Mayor and City Council shall have full access to any subsurface structures used by the City for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property. A deed for the lots will not pass to the purchaser until receiving approval from the City Solicitor. The bill provides for a special effective date.

In Section 3, line 12 a word appears to be missing. Accordingly, in line 12 either the word "which" should be added before the word "will", or the words "will be" can be changed to "to be". Additionally, in Section 5, the ordinance retains an easement for the City to access the lots and subsurface structures for the purpose of inspection, maintenance, repair or replacement of the subsurface structures. In line 24, the ordinance grants this right to the City for all subsurface structures "used by the Mayor and City Council." It is recommended that the word "used" be changed to "owned" in line 24, in order to track the language of Section 3 which refers to subsurface structures owned by the City.

Article V, Section 5(b) of the Baltimore City Charter grants the Department of Real Estate in the Comptroller's Office the power to arrange for the disposition of any building, parcel of land, or other real property that is no longer needed by the City for public use. The sale must be authorized by ordinance and approved by the Board of Estimates. If the agency reports confirm that the property is no longer needed for public use, this bill is the appropriate ordinance to authorize disposition of the property.


The Law Department approves the bill for form and legal sufficiency.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Toth".

Michele Toth  
Special Solicitor

Cc: Nikki Thompson  
Nina Themelis  
Elena DiPietro  
Hilary Ruley  
Jeff Hochstetler  
Ashlea Brown  
D'Ereka Bolden

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #22-0286/ SALE OF PROPERTY		

TO The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

DATE: March 27, 2023

The Department of Planning is in receipt of City Council Bill #22-0286, which is for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain properties located at South Side Boston Street, South West Corner, and South Newkirk Street (Block 6587, Lot 008A) and South Side Boston Street, South East Corner, and South Newkirk Street (Block 6587A, Lot 016) and are no longer needed for public use; and providing for a special effective date.

The Department of Planning has **no objection** to City Council Bill #22-0286, as these parcels are of unusual shape, are presently undeveloped, and do not appear to serve any public purpose.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

cc: Ms. Nina Themelis, Mayor's Office  
Mr. Ethan Cohen, Mayor's Office  
The Honorable Eric Costello, Council Rep. to Planning Commission  
Mr. Colin Tarbert, BDC  
Ms. Rebecca Witt, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Stephanie Murdock, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Liam Davis, DOT  
Ms. Natawna Austin, Council Services



## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Housing Commissioner

Date: August 14, 2023

**Re: City Council Bill 22-0286 - Sale of Property - South Side Boston Street, South West Corner, and South Newkirk Street (Block 6587, Lot 008A); and South Side Boston Street, South East Corner, and South Newkirk Street (Block 6587A, Lot 016)**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 22-0286 for the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain properties located at South Side Boston Street, South West Corner, and South Newkirk Street (Block 6587, Lot 008A) and South Side Boston Street, South East Corner, and South Newkirk Street (Block 6587A, Lot 016) and are no longer needed for public use; and providing for a special effective date.

If enacted, City Council Bill 22-0286 would allow for either the public or private sale of two lots that no longer serve a public purpose. The properties are vacant lots alongside Boston Street, zoned for industrial use. Highways is the responsible agency.

The Department of Planning recommended approval of the Bill noting that these parcels are of unusual shape and are presently undeveloped. The Law Department recommended some clarifying technical amendments in their Bill report and also noted that the bill prohibits the construction of any building or structure of any kind on the lots until all subsurface structures and appurtenances have been abandoned by the city or removed and re-laid at the expense of the person seeking to erect the building or structure.

DHCD supports the Administration's disposition of the properties as the sites are no longer needed for public use and rehabilitation of the property could create additional opportunities for industrial uses in the Canton Industrial Area, as allowed in the I-2 zoning district. The property does not lie within any of DHCD's Impact Investment Areas, Community Development Zones or Streamlined Code Enforcement Areas. The intended purchaser is Building Materials Manufacturing Corporation. If approved, the applicant will secure and landscape the property.

We support the Law Department's clarifying amendments and respectfully request a **favorable** report on Council Bill 22-0286.

*AK/sm*

*cc: Ms. Nina Themelis, Mayor's Office of Government Relations*



## MEMORANDUM

To: The Honorable President and Members of the City Council  
c/o Natawna Austin, Executive Secretary

From: Eric Evans, Real Estate Officer, Department of Real Estate

Date: July 6, 2023

Re: 22-0286 Sale of Property - South Side Boston Street, South West Corner, and South Newkirk Street (Block 6587, Lot 008A); and South Side Boston Street, South East Corner, and South Newkirk Street (Block 6587A, Lot 016)

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### Position: Support

The Department of Real Estate is reporting on 22-0286 Sale of Property - South Side Boston Street, South West Corner, and South Newkirk Street (Block 6587, Lot 008A); and South Side Boston Street, South East Corner, and South Newkirk Street (Block 6587A, Lot 016). The purpose of this bill is to authorize the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain located at South Side Boston Street, South West Corner, and South Newkirk Street (Block 6587, Lot 008A) and South Side Boston Street, South East Corner, and South Newkirk Street (Block 6587A, Lot 016) and are no longer needed for public use; and providing for a special effective date.

### Background

The intended purchaser is Building Materials Manufacturing Corporation. The property is undeveloped vacant land alongside Boston Street, zoned for industrial use. If approved, the applicant will secure and landscape the property.

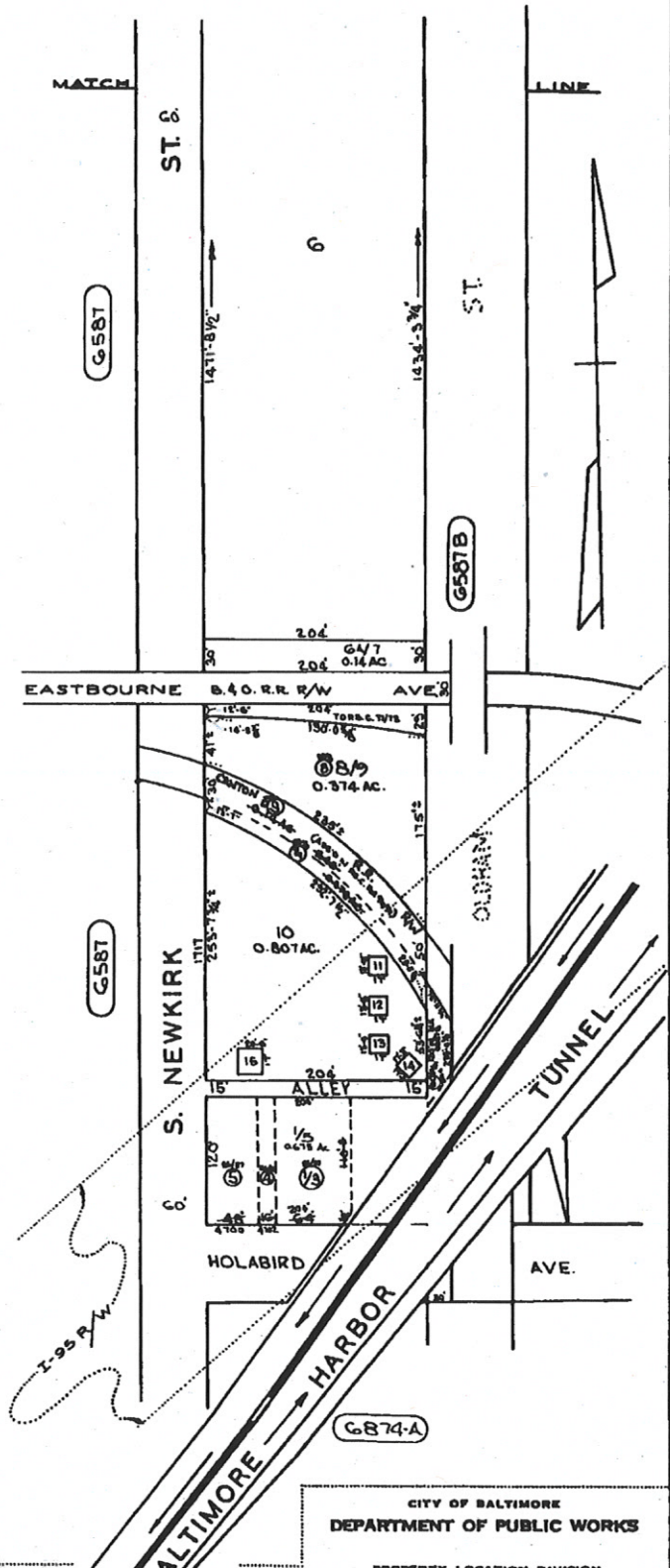
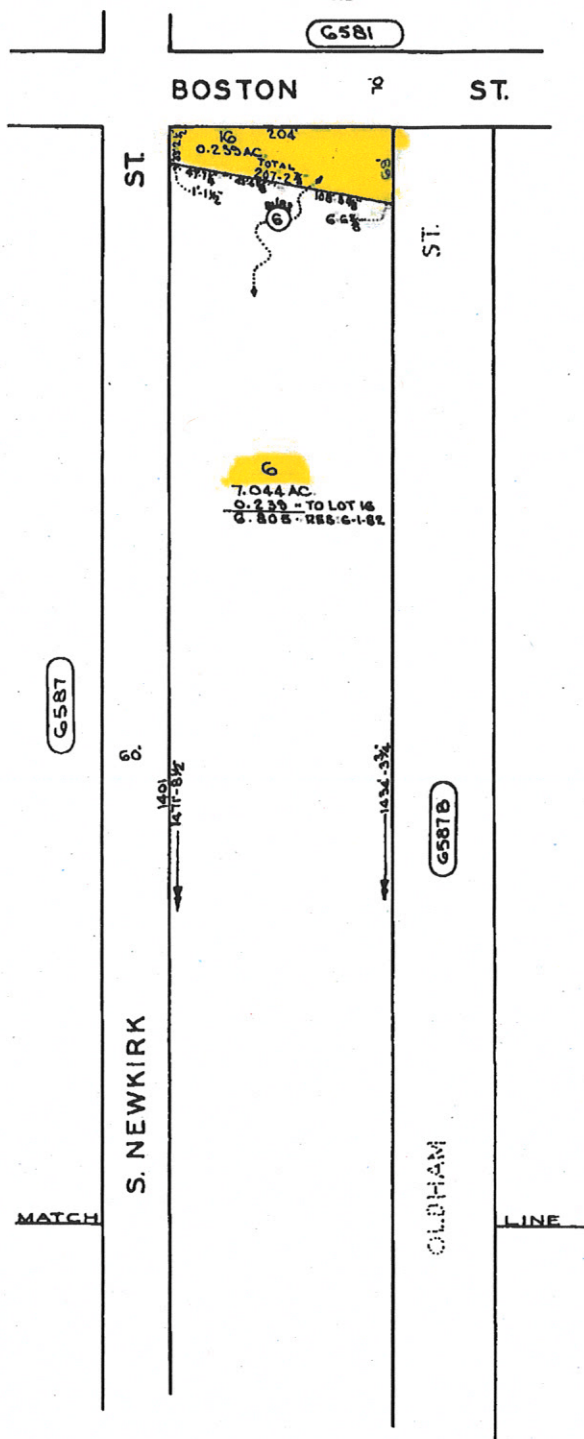
**The Department of Real Estate supports the passage of 22-0286.**

CC: Celeste Amato, Comptroller's Office  
KC Kelleher, Comptroller's Office  
Nina Themelis, Mayor's Office  
Sophia Gebrehiwot, Mayor's Office



# REVISIONS

LOT 6 DIV. PER DEED, C.M. 82-516-82-517  
 LOTS 1 THRU 5 & PT OF BLK G587B CONVD PER PLS C.M. 87-254  
 LOTS 9 & 10 To R.S.C. Ave. PER D. of A. C.M. 90-278



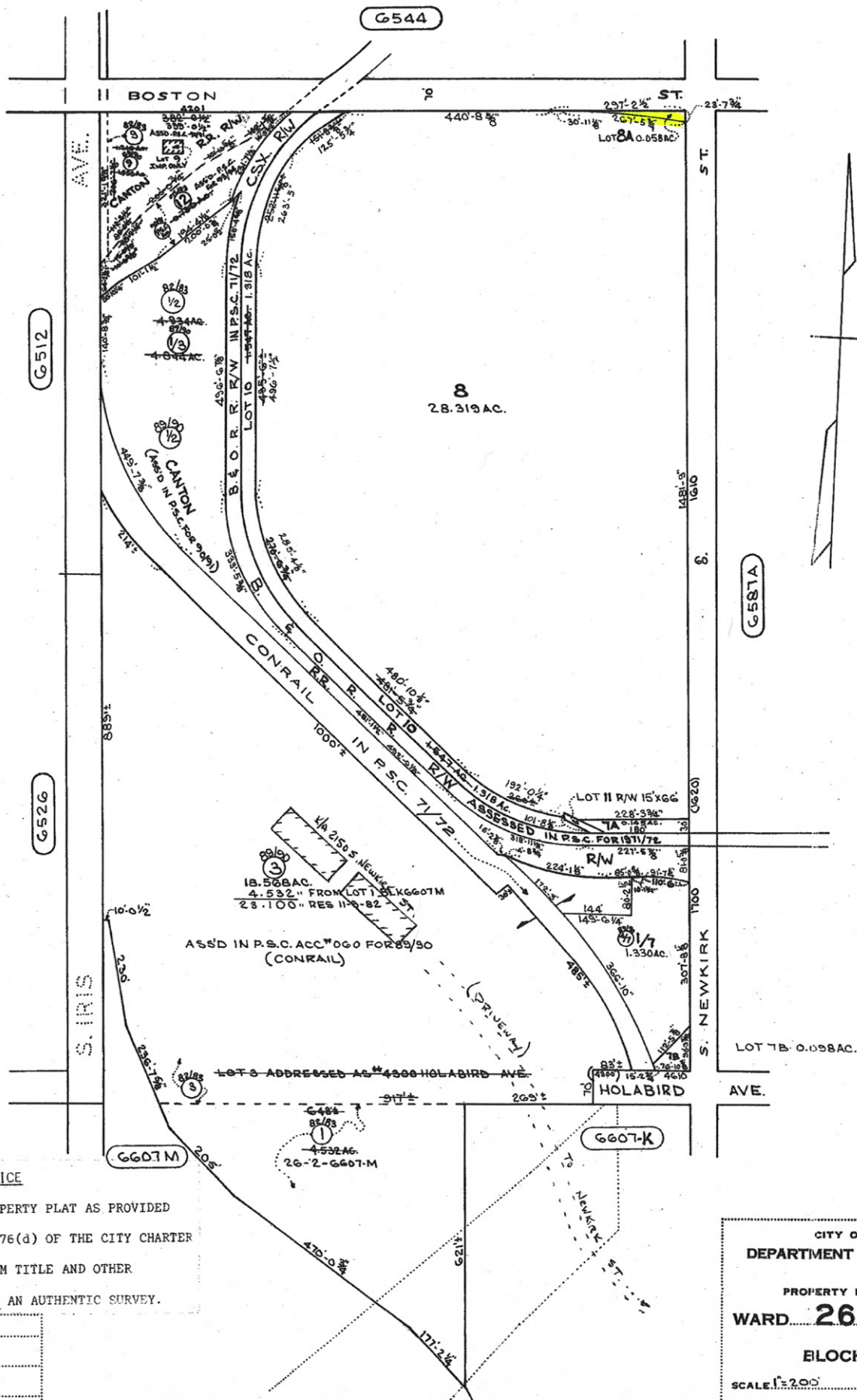
TRACED BY D. G.  
 LETTERED BY D. G.  
 CHECKED BY

**NOTICE**  
 THIS IS A REAL PROPERTY PLAT AS PROVIDED  
 FOR UNDER ARTICLE 76(d) OF THE CITY CHARTER  
 IT IS COMPILED FROM TITLE AND OTHER  
 SOURCES AND IS NOT AN AUTHENTIC SURVEY.

CITY OF BALTIMORE  
 DEPARTMENT OF PUBLIC WORKS  
 PROPERTY LOCATION DIVISION  
 WARD 26 SECTION 2  
 BLOCK 6587-A  
 SCALE 1"=100' DATE OCT. 1988

# REVISIONS

LOTS 5, 7A, 9 & 11 PER SUB-DIV & P.L.S. C.S.H. 83-182  
 LOTS 1/3 & 9 PER D.O.F.A. & P.L.S. C.S.H. 90-190  
 LOTS 1/3 & 9 TO P.S.C. ACC. & IMP. ONLY PER D.O.F.A. C.H. 90-298  
 LOT 12 FROM P.S.C. ACC. C.H. 91-170  
 LOT 12 TO P.S.C. PER D.O.F.A. C.H. 93-161  
 LOT 10 DIM. CORR. PER DEED; C.S.H. 95-197



## NOTICE

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 FOR UNDER ARTICLE 76(d) OF THE CITY CHARTER  
 IT IS COMPILED FROM TITLE AND OTHER  
 SOURCES AND IS NOT AN AUTHENTIC SURVEY.

TRACED BY D.G.  
 LETTERED BY D.G.  
 CHECKED BY \_\_\_\_\_

CITY OF BALTIMORE  
 DEPARTMENT OF PUBLIC WORKS  
 PROPERTY LOCATION DIVISION  
 WARD **26** SECTION **2**  
 BLOCK **65.87**  
 SCALE 1"=200' DATE SEPT 1982

**AMENDMENTS TO COUNCIL BILL 22-0286  
(1<sup>st</sup> Reader Copy)**

By: Department of Real Estate  
{To be offered to the Ways and Means Committee}

**Amendment No. 1**

On page 2, in line 12, after “Lot 016)” insert “which”; and, on that same page, in line 24, strike “used” and substitute “owned”.

**CITY OF BALTIMORE**  
**COUNCIL BILL 22-0286**  
**(First Reader)**

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Introduced by: The Council President

At the request of: The Comptroller (Department of Real Estate)

Introduced and read first time: October 3, 2022

Assigned to: Ways and Means Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Real Estate, Department of Finance, Board of Estimates

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A BILL ENTITLED

AN ORDINANCE concerning

**Sale of Property – South Side Boston Street, South West Corner, and  
South Newkirk Street (Block 6587, Lot 008A); and  
South Side Boston Street, South East Corner, and  
South Newkirk Street (Block 6587A, Lot 016)**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain properties located at South Side Boston Street, South West Corner, and South Newkirk Street (Block 6587, Lot 008A) and South Side Boston Street, South East Corner, and South Newkirk Street (Block 6587A, Lot 016) and are no longer needed for public use; and providing for a special effective date.

BY authority of

Article V - Comptroller  
Section 5(b)  
Baltimore City Charter  
(1996 Edition)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That, in accordance with Article V, § 5(b) of the City Charter, the Comptroller of Baltimore City may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the properties located at South Side Boston Street, South West Corner, and South Newkirk Street (Block 6587, Lot 008A), containing 0.058 acres, more or less, as more particularly described on Appendix A attached hereto, and South Side Boston Street, South East Corner, and South Newkirk Street (Block 6587A, Lot 016), containing 0.239 acres, more or less, as more particularly depicted on Appendix B attached hereto, these properties being no longer needed for public use.

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

## Council Bill 22-0286

1       **SECTION 2. AND BE IT FURTHER ORDAINED,** That after this Ordinance, all subsurface  
2 structures and appurtenances now owned by the Mayor and City Council of Baltimore continue  
3 to be the property of the Mayor and city Council, in fee simple, until their use has been  
4 abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere  
5 with them, that person must first obtain permission from the Mayor and City Council and, in the  
6 application for this permission, must agree to pay all costs and expenses, of every kind, arising  
7 out of the removal, alteration, or interference.

8       **SECTION 3. AND BE IT FURTHER ORDAINED,** That no building or structure of any kind  
9 (including but not limited to railroad tracks) may be constructed or erected in or on any part of  
10 the properties located at South Side Boston Street, South West Corner, and South Newkirk Street  
11 (Block 6587, Lot 008A) and South Side Boston Street, South East Corner, and South Newkirk  
12 Street (Block 6587A, Lot 016) will be sold under this Ordinance until all subsurface structures  
13 and appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by  
14 the Mayor and City Council or, have been removed and relaid in accordance with the  
15 specifications and under the direction of the Director of Transportation of Baltimore City and at  
16 the expense of the person seeking to erect the building or structure.

17       **SECTION 4. AND BE IT FURTHER ORDAINED,** That after the sale of the lots under this  
18 Ordinance, all subsurface structures and appurtenances owned by any person other than the  
19 Mayor and City Council of Baltimore shall be removed by and at the expense of their owners,  
20 promptly upon notice to do so from the Director of Transportation.

21       **SECTION 5. AND BE IT FURTHER ORDAINED,** That at all times after the sale of the lots  
22 under this Ordinance, the Mayor and City Council of Baltimore, acting by or through its  
23 authorized representatives, shall have access to the subject property and to all subsurface  
24 structures and appurtenances used by the Mayor and City Council, for the purpose of inspecting,  
25 maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain  
26 permission from or pay compensation to the owner of the property.

27       **SECTION 6. AND BE IT FURTHER ORDAINED,** That no deed may pass under this Ordinance  
28 unless the deed has been approved by the City Solicitor.

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

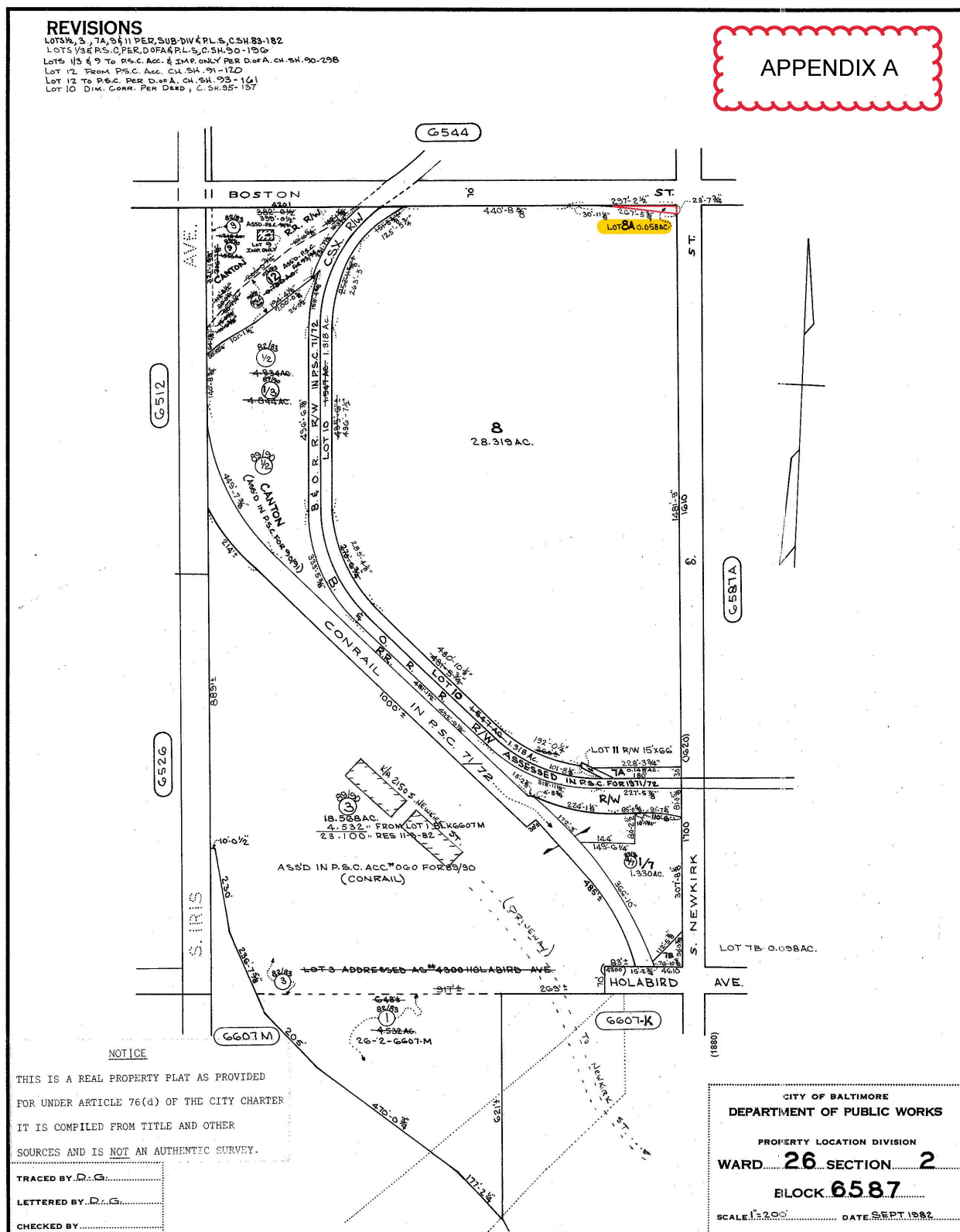


# Council Bill 22-0286

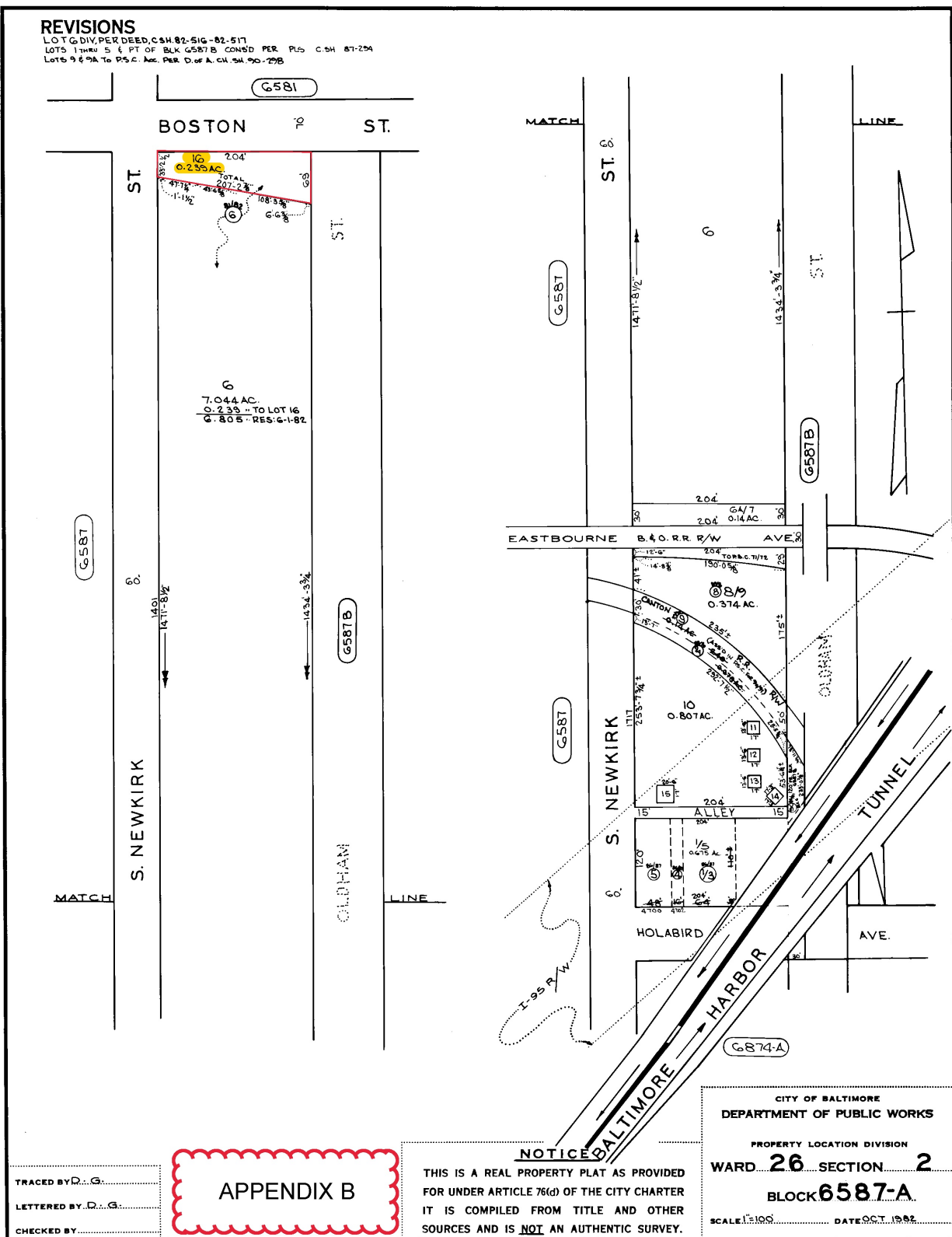
## REVISIONS

LOTS 3, 7A, 9&11 PER SUB-DIVISION, C.S.H. 83-182  
 LOTS 1/3 & 9 TO P.S.C. ACC. PER D.O.F.A.R.L.S. C.S.H. 90-190  
 LOTS 1/3 & 9 TO P.S.C. ACC. & IMP. ONLY PER D.O.F.A. C.S.H. 90-298  
 LOT 12 FROM P.S.C. ACC. C.S.H. 91-170  
 LOT 12 TO P.S.C. PER D.O.F.A. C.S.H. 93-161  
 LOT 10 DIM. CORR. PER DEED, C.S.H. 95-197

## APPENDIX A



# Council Bill 22-0286



## **Council Bill 22-0286**