

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 22-0303

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: December 5, 2022
Assigned to: Economic and Community Development Committee
Committee Report: Favorable
Council action: Adopted
Read second time: July 22, 2024

AN ORDINANCE CONCERNING

1 **City Streets – Closing – A Portion of Marion Street**

2 FOR the purpose of condemning and closing air rights above a portion of Marion Street,
3 extending Westerly 103 feet, more or less, from Kimmel Alley beginning at a horizontal
4 plane of 14 feet above street level, and closing subterranean rights below a portion of Marion
5 Street extending Westerly 62.5 feet, more or less, from Kimmel Alley, beginning at a
6 horizontal plane at elevation 62 feet based on Baltimore City Survey Control System, as
7 shown on a plat numbered 330-A-28A, Sheets 1 and 2, dated June 20, 2022, prepared by the
8 Survey Section and filed with the Department of Transportation; and providing for a special
9 effective date.

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

18 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
19 Department of Transportation shall proceed to condemn and close air rights above a portion of
20 Marion Street extending Westerly 103 feet more or less, from Kimmel Alley beginning at a
21 horizontal plane of 14 feet above street level and closing subterranean rights below a portion of
22 Marion Street, extending Westerly 62.5 feet, more or less, from Kimmel Alley beginning at a
23 horizontal plane at elevation 62 feet, based on Baltimore City Survey Control System, and more
24 particularly described as follows:

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
 an amendment or deleted from existing law by amendment.

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**DESCRIPTION OF
AIR RIGHTS ABOVE A PORTION OF MARION STREET**

Beginning for Parcel 1 at the point formed by the intersection of the east side of Bridge No. 1 and the north side of Marion Street, 20 feet wide, said point of beginning being distant Westerly 74.5 feet, more or less, measured along the north side of said Marion Street from the west side of North Howard Street, 82.5 feet wide, thence leaving the north side of said Marion Street and binding on the east side of Bridge No. 1 Southerly 20 feet, more or less, to intersect the south side of said Marion Street; thence binding on the south side of said Marion Street Westerly 62.77 feet, more or less, to the west side of Bridge No. 1; thence crossing said Marion Street and binding on the west side of Bridge No. 1 Northerly 20 feet, more or less, to intersect the north side of said Marion Street and thence binding on the north side of said Marion Street Easterly 62.77 feet, more or less, to the place of beginning.

Containing 1,255.4 square feet or 0.0288 acres more or less

Beginning for Parcel 2 at the point formed by the intersection of the east side of Bridge No. 2 and the south side of Marion Street, 20 feet wide, said point of beginning being distant Westerly 62.77 feet, more or less, measured along the south side of said Marion Street from the west side of Kimmel Alley; thence binding on the south side of said Marion Street Westerly 40.65 feet, more or less, to the west side of said Bridge No. 2; thence crossing said Marion Street and binding on the said west side of side bridge No. 2 Northerly 20 feet, more or less, to intersect the north side of Marion Street; thence binding on the north side of said Marion Street Easterly 40.65 feet, more or less, to the east side of said Bridge No. 2 and thence crossing said Marion Street and binding on the said east side of said bridge No. 2 Southerly 20 feet, more or less, to the place of beginning.

Containing 813.0 square feet or 0.0187 acres more or less

**DESCRIPTION OF
SUBTERRANEAN RIGHTS BELOW A PORTION OF MARION STREET**

Beginning for Parcel 1 at the point formed by the intersection of the east side of Tunnel No. 1 and the north side of Marion Street, 20 feet wide, said point of beginning being distant Westerly 97.4 feet, more or less, measured along the north side of said Marion Street from the west side of North Howard Street, 82.5 feet wide, thence leaving the north side said of Marion Street and binding on the east side of Tunnel No. 1 Southerly 20 feet, more or less, to intersect the south side of said Marion Street; thence binding on the south side of said Marion Street Westerly 15.5 feet, more or less, to the west side Tunnel No. 1; thence crossing said Marion Street and binding on the west side of Tunnel No. 1 Northerly 20 feet, more or less, to the north side of said Marion Street and thence binding on the north side of said Marion Street Easterly 15.5 feet, more or less, to the place of beginning.

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1 Containing 310.0 square feet or 0.0071 acres more or less

2 Beginning for Parcel 2 at the point formed by the intersection of the east side of Tunnel
3 No. 2 and the south side of Marion Street, 20 feet wide, said point of beginning being
4 distant Westerly 44 feet, more or less, measured along the south side of said Marion
5 Street from the west side of Kimmel Alley; thence binding on the south side of said
6 Marion Street Westerly 18.5 feet, more or less, to the west side of said Tunnel No. 2;
7 thence crossing said Marion Street and binding on the west side of Tunnel No.2 Northerly
8 20 feet, more or less, to the north side of said Marion Street; thence binding on the north
9 side of said Marion Street Easterly 18.5 feet, more or less, to the east side of said Tunnel
10 and thence crossing said Marion Street and binding on the east side of Tunnel No. 2
11 Southerly 20 feet, more or less, to the place of beginning.

12 Containing 370.0 square feet or 0.0085 acres more or less

13 As delineated on a plat numbered 330-A-28A, Sheets 1 and 2, prepared by the Survey Control
14 Section and filed on June 20, 2022 in the Office of the Department of Transportation.

15 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
16 closing of air rights above a portion of Marion Street extending Westerly 103 feet more or less,
17 from Kimmel Alley beginning at a horizontal plane of 14 feet above street level, and closing of
18 subterranean rights below a portion of Marion Street extending Westerly 63 feet from Kimmel
19 Alley beginning at a horizontal plane at elevation 62 feet based on Baltimore City Survey Control
20 System and the rights of all interested parties shall be regulated by and in accordance with all
21 applicable provisions of state and local law and with all applicable rules and regulations.

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 street closed under this Ordinance until all subsurface structures and appurtenances owned by
32 the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council
33 or, at the expense of the person seeking to erect the building or structure, have been removed and
34 relaid in accordance with the specifications and under the direction of the Director of
35 Transportation 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 Transportation.


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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.

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Certified as duly passed this 26 day of August, 2024



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 26 day of August, 2024



Chief Clerk

Approved this 29th day of August, 2024



Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 28th Day of August, 2024.

Elena R. DiPietro

Chief Solicitor