



**BALTIMORE CITY COUNCIL  
ECONOMIC AND COMMUNITY DEVELOPMENT  
COMMITTEE**

*Mission Statement*

*On behalf of the Citizens of Baltimore City*, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

**The Honorable Sharon Green Middleton**

**PUBLIC HEARING**

**September 16, 2024**

**2:01 PM**

**CLARENCE "DU" BURNS COUNCIL CHAMBERS**

**22-0217**

**Franchise - Storm Drain Outfall**

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Odette Ramos  
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*Staff: Deontre Hayes (410-396-1260)*

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Odette Ramos  
James Torrence  
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Sharon Green Middleton, Vice Chair  
Isaac “Yitzy” Schleifer  
Robert Stokes  
Danielle McCray  
*Staff: Marguerite Currin (443-984-3485)*



**BILL SYNOPSIS**

**Committee: Economic and Community Development**

**Bill: 22-0217**

**Title: Franchise - Storm Drain Outfall**

**Sponsor: City Council President (Administration)**

**Introduced: April 4, 2022**

**Purpose:** FOR the purpose of granting a franchise to 701 Caton, LLC to construct, use, and maintain the storm drain outfall located in the City’s Lower Gwynns Falls Park, adjacent to 707 South Caton Avenue, Baltimore, Maryland 21229, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of  
 Article VIII – Franchises  
 Baltimore City Charter  
 (1996 Edition)

**Effective: On the day it is enacted**

**Agency Reports**

City Solicitor	Approve for form & Sufficiency
Public Works	
Planning Commission	No Objection – Defers to Public Works
Dept of Transportation	Favorable
Dept of Finance	Does not Oppose
Housing & Community Development	No Objection
Fire Department	No Objections
Parking Authority	No Objections

**CITY OF BALTIMORE  
COUNCIL BILL 22-0217  
(First Reader)**

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Introduced by: The Council President

At the request of: The Administration (Department of Recreation and Parks)

Introduced and read first time: April 4, 2022

Assigned to: Economic and Community Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Transportation, Baltimore City Fire Department, Baltimore City Parking Authority, Board of Estimates

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Franchise – Storm Drain Outfall**

3 FOR the purpose of granting a franchise to 701 Caton, LLC to construct, use, and maintain the  
4 storm drain outfall located in the City’s Lower Gwynns Falls Park, adjacent to 707 South  
5 Caton Avenue, Baltimore, Maryland 21229, subject to certain terms, conditions, and  
6 reservations; and providing for a special effective date.

7 BY authority of

8 Article VIII - Franchises  
9 Baltimore City Charter  
10 (1996 Edition)

11 style="text-align:center">**Recitals**

12 This project proposes the construction, use, and maintenance of this storm drain outfall  
13 for the service and benefit of 701 Caton LLC known as 701 - 707 South Caton Avenue.

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That a  
15 franchise or right is granted to 701 Caton, LLC, its tenants, successors, and assigns (collectively,  
16 the “Grantee”) to construct, use, and maintain, at Grantee’s own cost and expense, and subject to  
17 the terms and conditions of this Ordinance, the storm drain outfall at the City’s Lower Gwynns  
18 Falls Park, the location being described as follows:

19 Beginning for the Same at a point along the fourth or North 70° 14' 47" East  
20 203.15 foot line of that parcel described in conveyance to Mayor and City Council  
21 of Baltimore, dated February 2 1977 and recorded among the Land Records of  
22 Baltimore City in Liber 3441, Folio 33, 18.73' from the end thereof, thence  
23 running for new lines of division through the property of Mayor and City Council  
24 of Baltimore the three following courses, as now surveyed with all bearings being  
25 referred to the Baltimore City grid meridian:

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

**Council Bill 22-0217**

- 1 (1) South 57° 37' 48" East 27.13 Feet to a point; thence
- 2 (2) South 22° 23' 49" East 11.42 Feet to a point; thence
- 3 (3) South 53° 26' 32" West 38.71 Feet to intersect the ninth line in aforesaid Deed Liber
- 4 3441/33 at a point, thence binding on part of said ninth line and on part of the tenth
- 5 line of aforesaid Deed the two following courses
- 6 (4) North 46° 29' 29" West 13.51 Feet to a point; thence
- 7 (5) South 78° 53' 00" West 6.59 Feet to a point; thence running for a new of division
- 8 through the property of Mayor and City Council
- 9 (6) North 39° 01' 59" West 32.82 Feet to intersect the aforementioned fourth line in
- 10 aforesaid Deed Liber 3441/33 at a point; thence binding on part of said fourth line
- 11 (7) North 70° 16' 18" East 43.30 Feet to the Point of Beginning.

12 Containing 1,835 Square Feet or 0.0421 Acres more or less as shown on plat number  
13 RW 20-36347.

14 Being part of that same property described in conveyance to Mayor and City Council  
15 of Baltimore, dated February 2, 1977 and recorded among the Land Records of Baltimore  
16 City, Maryland in Liber 3441, Folio 33.

17 **SECTION 2. AND BE IT FURTHER ORDAINED**, That to become effective, the franchise or right  
18 granted by this Ordinance (the “Franchise”) must be executed and enjoyed by the Grantee within  
19 6 months after the effective date of this Ordinance.

20 **SECTION 3. AND BE IT FURTHER ORDAINED**, That as compensation for the Franchise, the  
21 Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$ \_\_\_\_\_ a  
22 year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise  
23 charge must be paid annually, at least 30 days before the initial and each renewal term of the  
24 Franchise. If the installation of the storm drain outfall provided by this Ordinance predates the  
25 effective date of this Ordinance, the parties agree that the annual franchise fee established  
26 pursuant to this Section 3 shall be deemed an amount owed to the Mayor and City Council of  
27 Baltimore beginning the year in which the installation occurred, which shall be collected as part  
28 of the first payment made to the Mayor and City Council of Baltimore pursuant to this Section 3.

29 **SECTION 4. AND BE IT FURTHER ORDAINED**, That:

30 (a) The initial term of the Franchise is 1 year, commencing on the effective date of this  
31 Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will  
32 automatically renew without any action by either the Mayor and City Council of Baltimore or the  
33 Grantee for 24 consecutive 1-year renewal terms. Except as otherwise provided in this  
34 Ordinance, each renewal term will be on the same terms and conditions as the initial term. The  
35 maximum duration for which the Franchise may operate, including the initial and all renewal  
36 terms, is 25 years.

**Council Bill 22-0217**

1 (b) Either the Mayor and City Council of Baltimore, acting by and through the Director of  
2 Public Works, or the Grantee may cancel the Franchise as at the end of the initial or any renewal  
3 term by giving written notice of cancellation to the other at least 90 days before the end of that  
4 term.

5 **SECTION 5. AND BE IT FURTHER ORDAINED**, That the Mayor and City Council of Baltimore,  
6 acting by and through the Board of Estimates, may increase or decrease the annual franchise  
7 charge by giving written notice of the increase or decrease to the Grantee at least 150 days before  
8 the end of the original or renewal term immediately preceding the renewal term to which the  
9 increase or decrease will first apply. The new franchise charge will apply to all subsequent  
10 annual renewal terms, unless again increased or decreased in accordance with this section.

11 **SECTION 6. AND BE IT FURTHER ORDAINED**, That the Mayor and City Council of Baltimore  
12 expressly reserves the right at all times to exercise, in the interest of the public, full municipal  
13 superintendence, regulation, and control over and in respect to all matters connected with the  
14 Franchise and not inconsistent with the terms of this Ordinance.

15 **SECTION 7. AND BE IT FURTHER ORDAINED**, That the Grantee, at its own cost and expense,  
16 shall maintain in good condition and in compliance with all applicable laws and regulations of  
17 Baltimore City, all structures for which the Franchise is granted. The maintenance of these  
18 structures shall be at all times subject to the regulation and control of the Commissioner of  
19 Housing and Community Development and the Director of Public Works. If any structure for  
20 which the Franchise is granted must be readjusted, relocated, protected, or supported to  
21 accommodate a public improvement, the Grantee shall pay all costs and expenses in connection  
22 with the readjustment, relocation, protection, or support.

23 **SECTION 8. AND BE IT FURTHER ORDAINED**, That at the option of the Mayor and City  
24 Council of Baltimore, acting by and through the Director of Public Works, the Grantee's failure  
25 to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise.  
26 Immediately on written notice to the Grantee of the exercise of this option, the Franchise  
27 terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore  
28 may waive the forfeiture or otherwise reinstate the Franchise.

29 **SECTION 9. AND BE IT FURTHER ORDAINED**, That at any time and without prior notice, the  
30 Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public  
31 interest, welfare, safety, or convenience so requires. Immediately on written notice to the  
32 Grantee of the exercise of this right, the Franchise terminates.

33 **SECTION 10. AND BE IT FURTHER ORDAINED**, That on cancellation, expiration, forfeiture,  
34 revocation, or other termination of the Franchise for any reason, the Grantee shall remove all  
35 structures for which the Franchise is granted. The removal of these structures shall be  
36 (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor  
37 and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of  
38 Housing and Community Development and the Director of Public Works, and (iii) completed  
39 within the time specified in writing by the Director of Public Works.

40 **SECTION 11. AND BE IT FURTHER ORDAINED**, That the Grantee is liable for and shall  
41 indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses,  
42 costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any  
43 time subjected on account of, or in any way resulting from, (i) the presence, construction, use,

**Council Bill 22-0217**

1 operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures  
2 for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or  
3 agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this  
4 Ordinance.

5 **SECTION 12. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it  
6 is enacted.

# **ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE**

**24-0475**

## **AGENCY REPORTS**

City Solicitor	Approve for form & Sufficiency
Public Works	
Planning Commission	No Objection – Defers to Public Works
Dept of Transportation	Favorable
Dept of Finance	Does not Oppose
Housing & Community Development	No Objection
Fire Department	No Objections
Parking Authority	No Objections

**Release of a 20" Right-Of-Way identified as  
parcel 3 as shown on plat RW20-34176 And  
Release of a 10' Right-Of-Way identified as  
parcel 2 as shown on plat RW20-34429**



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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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July 12, 2022

Honorable President  
Members of the City Council  
c/o Natawna Austin, Executive Secretary  
409 City Hall  
Baltimore, MD 21202

RE: City Council Bill 22-0217 – Franchise – Storm Drain Outfall

Dear President and City Council Members:

The Law Department reviewed City Council Bill 22-0217 for form and legal sufficiency. City Council Bill 22-0217 would grant a franchise to 701 Caton, LLC to construct, use, and maintain the storm drain outfall located in the City's Lower Gwynns Falls Park, adjacent to 707 South Caton Avenue, Baltimore, Maryland 21229, subject to certain terms, conditions and reservations. The bill provides for an immediate effective date.

The Baltimore City Charter Article VIII, §1 requires that "with the exception of the City's sewer system and water-supply system, the City may grant for a limited time and subject to the limitations and conditions contained in the Charter, specific franchises or rights in or relating to any of the public property or places mentioned in the preceding sentence; provided that such grant is in compliance with the requirements of the Charter, and that the terms and conditions of the grant shall have first been authorized and set forth in an ordinance duly adopted. The storm drain outfall is a device for the management of storm water, and not part of the City's sewer system or water-supply system.

A bill granting a franchise must be referred to the Board of Estimates after the first reading of the bill. The Board of Estimates ("BOE") can establish by vote or resolution the compensation to be paid to the City under the franchise and may alter the terms and conditions under which a franchise is granted. The compensation and the terms and conditions approved by the BOE must be attached to the bill before it can be enacted. See Art., VIII, §2.



If the procedural requirements set forth in Art, VIII of the Charter for franchises are met, the Law Department approves the bill for form and legal sufficiency.

Sincerely yours,

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

Michele Toth  
Special Solicitor

cc: Natasha Mehu  
Nikki Thompson  
Nina Themelis  
Sofia Gebrehiwot  
Elena DiPietro  
Hilary Ruley  
Ashlea Brown  
Jeff Hochstetler  
Dereka Bolden

<b>FROM</b>	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 #22-0217/ FRANCHISE – STORM DRAIN OUTFALL		

DATE:

July 20, 2022

**TO**

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

The Department of Planning is in receipt of City Council Bill #22-0217, which is for the purpose of granting a franchise to 701 Caton, LLC to construct, use, and maintain the storm drain outfall located in the City's Lower Gwynns Falls Park, adjacent to 707 South Caton Avenue, Baltimore, Maryland 21229, subject to certain terms, conditions, and reservations; and providing for a special effective date.

The Department of Planning has no objection to City Council Bill #22-0217, and defers to the Department of Public Works as the more directly affected agency. We understand that this outfall will serve the adjacent self-storage company.

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. Natasha Mehu, Mayor's Office  
Ms. Nina Themelis, Mayor's Office  
Mr. Ethan Cohen, Mayor's Office  
The Honorable Eric Costello, Council Rep. to Planning Commission  
Mr. Matthew Stegman, City Council President's Office  
Ms. Nikki Thompson, City Council President's Office  
Mr. Colin Tarbert, BDC  
Ms. Kathleen Byrne, 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



**PARKING**  
OF BALTIMORE CITY  
**AUTHORITY**

**MEMORANDUM**

**To:** Nick J. Mosby, President, Baltimore City Council

**From:** Peter Little, Executive Director

**Date:** April 29, 2022

**Subject:** City Council Bill 22-0217


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I am herein reporting on City Council Bill 22-0217 introduced by The Council President at the request of The Administration (Department of Recreation and Parks).

The purpose of this bill is to grant a franchise to 701 S Caton, LLC to construct, use, and maintain the storm drain outfall located in the City's Lower Gwynns Falls Park, adjacent to 707 South Caton Avenue, Baltimore, Maryland 21229, subject to certain terms, conditions, and reservations; and providing for a special effective date.

The Parking Authority of Baltimore City (PABC) has reviewed the proposed legislation. The legislation does not reference parking. A site visit was conducted during the month of April. The PABC does not manage any programs in the vicinity.

Based on the comments above, the PABC does not oppose the passage of City Council Bill 22-0217.

<b>F R O M</b>	NAME & TITLE	Steve Sharkey, Director	<b>CITY of BALTIMORE  M E M O</b>	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 22-0217		

TO: Mayor Brandon M. Scott  
TO: Economic & Community Development Committee  
FROM: Department of Transportation  
POSITION: **Support**  
RE: Council Bill – 22-0217

DATE: 9/19/22

**INTRODUCTION** – Franchise - Storm Drain Outfall

**PURPOSE/PLANS** – For the purpose of granting a franchise to 701 Caton, LLC to construct, use, and maintain the storm drain outfall located in the City’s Lower Gwynns Falls Park, adjacent to 707 South Caton Avenue, Baltimore, Maryland 21229, subject to certain terms, conditions, and reservations; and providing for a special effective date.


**COMMENTS** – Council Bill 22-0217 looks to execute a Franchise Agreement between 701 Caton LLC and the City of Baltimore, creating an easement allowing for 701 Caton LLC to construct and utilize a storm drain system to service a recently constructed self-storage facility. Cost for construction, operation and maintenance of the storm drain system is to be covered fully by 701 Caton LLC at no cost to the City of Baltimore. Furthermore, the length of the proposed Franchise Agreement is scheduled to be 25 years and would require 701 Caton LLC to pay an annual franchise charge to be determined by the Board of Estimates. The legislation provides the Mayor of Baltimore the authority to revoke the Franchise Agreement to ensure and maintain public interest, welfare, safety, or convenience.

**AGENCY/DEPARTMENT POSITION** – Baltimore City DOT foresees no operational or fiscal impact resulting from the legislation and **supports** the advancement of Council Bill 22-0217.

If you have any questions, please do not hesitate to contact Liam Davis at [Liam.Davis@baltimorecity.gov](mailto:Liam.Davis@baltimorecity.gov) or at 410-545-3207.

Sincerely,

Steve Sharkey  
Director

<b>FROM</b>	NAME & TITLE	Robert Cename, Budget Director <i>R. Cename</i>	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall		
	SUBJECT	City Council Bill 22-0217 – Franchise – Storm Drain Outfall		

DATE:

**TO**

The Honorable President and  
Members of the City Council  
City Hall, Room 400

September 15, 2022

**Position: Does Not Oppose**

The Department of Finance is herein reporting on City Council Bill 22-0217, Franchise – Storm Drain Outfall, the purpose of which is grant a franchise to 701 Caton, LLC to construct, use, and maintain the storm drain outfall located in the City’s Lower Gwynns Falls Park, adjacent to 707 South Caton Avenue, for a period of no more than 25 years.

**Background**

The proposed legislation seeks to grant a franchise to 701 Caton, LLC to construct, use, and maintain the storm drain outfall that is located in the City’s Lower Gwynns Falls Park. All costs and expenses for the storm drain outfall will be covered by 701 Caton, LLC.

The legislation contains a franchise fee, which is set by the Board of Estimates (BOE). The franchise value of this storm drain outfall is \$4,150 per year, which the BOE takes into consideration when establishing the fee. The fee for this agreement will be determined by the BOE and added at the second reading of the bill.

**Fiscal Impact**


The Department of Finance expects minimal to no fiscal impact for the City from this legislation.

**Conclusion**

The legislation grants a franchise to 701 Caton, LLC to construct, use, and maintain a storm drain outfall in the Lower Gwynns Falls Park. Finance anticipates minimal fiscal impact from this legislation.

**For the reasons stated above, the Department of Finance does not oppose City Council Bill 22-0217.**

cc: Yoanna Moisides  
Natasha Mehu  
Nina Themelis

<b>FROM</b>	NAME & TITLE	Niles R. Ford, Ph.D, Chief of Fire Department <i>NRF</i>	City of Baltimore  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette Street		
	SUBJECT	City Council Bill #22-0217 – Franchise – Storm Drain Outfall		

**TO**     **The Honorable Nick J. Mosby, President**  
**And All Members of the Baltimore City Council**  
**City Hall, Room 408**

DATE: April 11, 2022

The Baltimore City Fire Department has no objections for **City Council Bill #22-0217 – Franchise – Storm Drain Outfall**. The location must comply with all applicable codes, ordinances, and laws and shall be required to obtain all required approvals. The location shall comply with the Building, Fire, and Related Codes of Baltimore City 2020 Edition (As Enacted by Ord. 15-547, and Last Amended by Ord. 18-1830) and applicable Maryland laws.

The above does not negate any requirements for submission of plans to the Office of the Fire Marshal for review of construction, Fire Detection/Notification/Suppression Systems, and Automatic Sprinkler installation. The location may be subject to an annual fire inspection and/or permits from the Office of the Fire Marshal.



## MEMORANDUM

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

From: Alice Kennedy, Housing Commissioner

Date: September 20, 2022

### Re: City Council Bill 22-0217 Franchise - Storm Drain Outfall

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 22-0217 for the purpose of granting a franchise to 701 Caton, LLC to construct, use, and maintain the storm drain outfall located in the City's Lower Gwynns Falls Park, adjacent to 707 South Caton Avenue, Baltimore, Maryland 21229, subject to certain terms, conditions, and reservations; and providing for a special effective date.

If enacted, City Council Bill 22-0217 would allow for a storm drain outfall that will serve the adjacent self-storage company. A storm drain outfall is a device for the management of storm water, and not part of the City's sewer system or water-supply system.

The location is not within any of DHCD's Impact Investment Areas or Community Development Zones.

DHCD **does not object** to the passage of City Council Bill 22-0217.

AK/sm

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

**Brandon M. Scott**, Mayor • **Alice Kennedy**, Housing Commissioner

417 East Fayette Street • Baltimore, MD 21202 • 443-984-5757 • dhcd.baltimorecity.gov

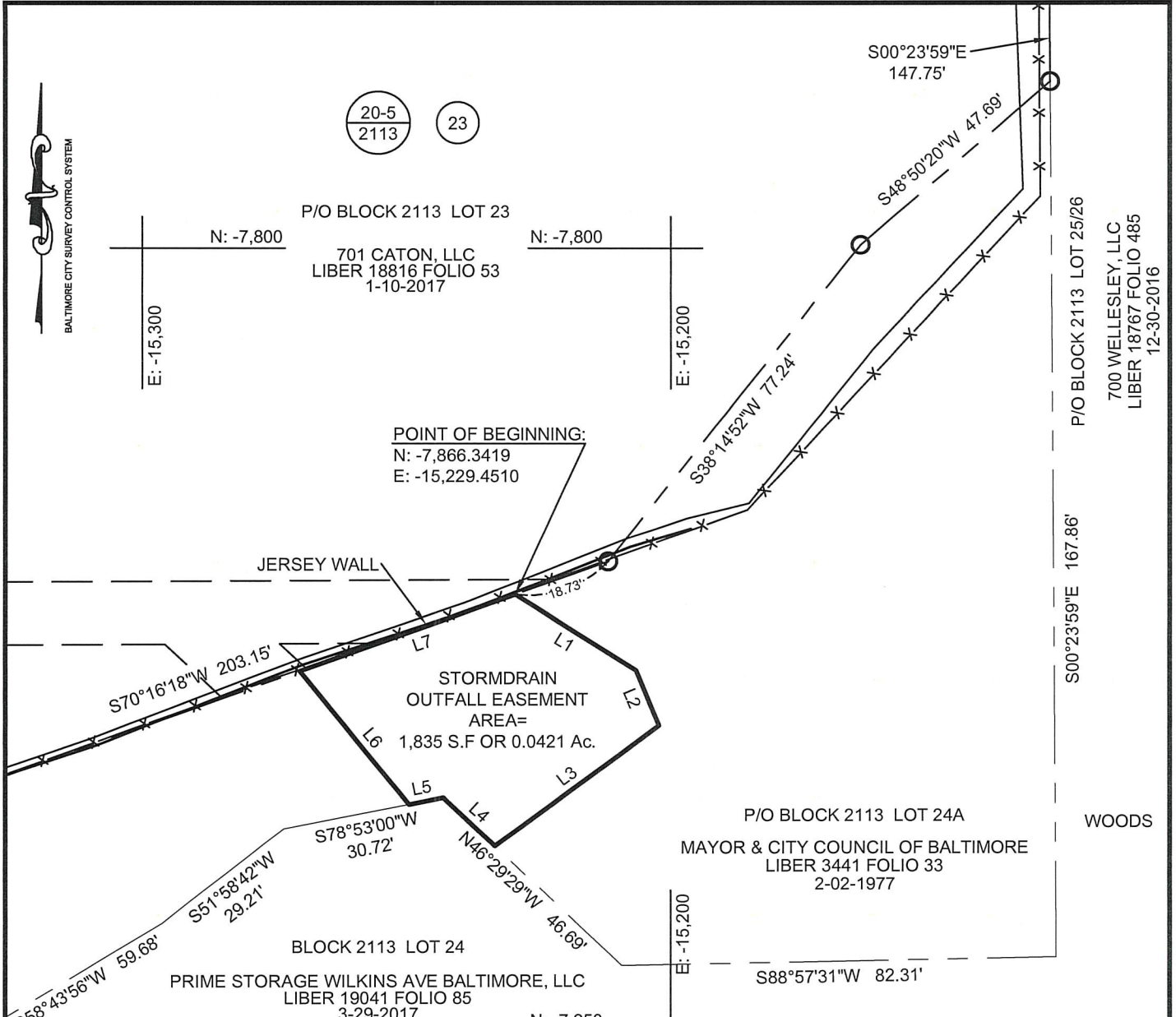


**ECONOMIC AND COMMUNITY  
DEVELOPMENT COMMITTEE**

**24-0475**

**ADDITIONAL MATERIALS**

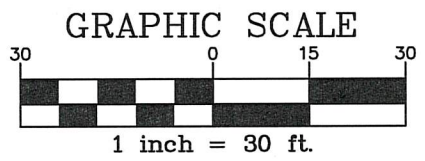
**Release of a 20" Right-Of-Way identified as  
parcel 3 as shown on plat RW20-34176 And  
Release of a 10' Right-Of-Way identified as  
parcel 2 as shown on plat RW20-34429**



20-5  
2113 (23)

20-5  
2113 (24A)

Line	Direction	Length
L1	S 57°37'48" E	27.13'
L2	S 22°23'49" E	11.42'
L3	S 53°26'32" W	38.71'
L4	N 46°29'29" W	13.51'
L5	S 78°53'00" W	6.59'
L6	N 39°01'59" W	32.82'
L7	N 70°16'18" E	43.30'



COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE BALTIMORE CITY SURVEY CONTROL SYSTEM AND ARE BASED ON THE FOLLOWING CONTROL POINTS:

STATION	NORTH	EAST
BALT. CITY 27919	-9,000.054	-16,580.700
BALT. CITY 32625	-9,121.798	-16,871.290
BENCHMARK 8813	146.423'	

*Thomas M. Hoffman, Jr.*  
 Thomas M. Hoffman, Jr.  
 Registered Property Line Surveyor  
 Maryland Registration No. 267  
 Expires: July 28, 2020

8.16.19

THIS PLAT IS BASED ON FIELD RUN BOUNDARY SURVEY AS PERFORMED BY COLBERT MATZ ROSENFELT, INC. ON March 12, 2019.

**COLBERT MATZ ROSENFELT**  
 ENGINEERS \* SURVEYORS \* PLANNERS  
 2835 SMITH AVENUE, SUITE G  
 BALTIMORE, MARYLAND 21209  
 PHONE: (410) 653-3838



CITY OF BALTIMORE  
 DEPARTMENT OF PUBLIC WORKS  
 OFFICE OF ENGINEERING AND CONSTRUCTION  
**PLAT TO ACCOMPANY DESCRIPTION**  
**STORMDRAIN OUTFALL**  
**EASEMENT**  
 PERPETUAL EASEMENT FOR MUNICIPAL UTILITIES AND SERVICES THROUGH THE PROPERTY OF MAYOR AND CITY COUNCIL OF BALTIMORE KNOWN AS 701-707 S. CATON AVENUE  
 DEED REFERENCE: 18816/53  
 LOT DESIGNATION: 23 & 23A  
 WARD 20 - SECTION - 5 - BLOCK 2113  
 BALTIMORE CITY, MARYLAND  
 SCALE: 1" = 30' DATE: August 16, 2019  
 FILE: 2017178\_OUTFALL-ESMT. SHEET: 1 OF 1



**BILL SYNOPSIS**

**Committee: Economic and Community Development**

**Bill: 22-0217**

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**Franchise - Storm Drain Outfall**

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**Sponsor:** *The Council President for the Administration (Department of Recreation and Parks)*

**Introduced:** *April 4, 2022*

**Purpose:**

For the purpose of granting a franchise to 701 Caton, LLC to construct, use, and maintain the storm drain outfall located in the City’s Lower Gwynns Falls Park, adjacent to 707 South Caton Avenue, Baltimore, Maryland 21229, subject to certain terms, conditions, and reservations; and providing for a special effective date.

**Effective:** The date it is enacted.

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**Agency Reports**

City Solicitor	Favorable
Department of Housing and Community Development	No Objection
Department of Transportation	
Parking Authority of Baltimore City	
Department of Planning	No Objection/Defers to DPW
Department of Finance	
Fire Department	
Board of Estimates	

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## Analysis

### Current Law

Article VIII - Franchises; Baltimore City Charter (1996 Edition)

The Baltimore City Charter requires that any given franchises must be granted by ordinance containing terms and conditions of the grant. As required, this bill has also been referred to the Board of Estimates to determine compensation to be paid to the City for the franchise. The Board of Estimates may also alter the terms and conditions of the franchise.

### Background

Bill 22-0217 proposes to grant a franchise to 701 Caton, LLC to construct a storm drain outfall located in City's Lower Gwynns Falls Park. The site is adjacent to 707 South Caton Avenue. The utilities will be constructed, used and maintained at the expense of 701 Caton, LLC.

All terms and conditions are outlined in the bill. The bill will become effective on the date of enactment. If granted, the franchise must be executed and enjoyed within 6 months of the effective date of the ordinance. The initial term of the franchise is one (1) year. The franchise would renew automatically for twenty-four (24) consecutive 1-year renewal terms. The maximum term of the franchise is 25 years. The Mayor and City Council, acting through the Department of Public Works, may terminate the franchise after giving written notice 90 days prior to the end of the 1-term renewal terms. The Board of Estimates has authority to determine a franchise fee.

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## Additional Information

**Fiscal Note:** Not Available

**Information Source(s):** Reporting Agencies, Bill 22-0217

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Analysis by: Jennifer L. Coates  
Analysis Date: September 16, 2022

Direct Inquiries to: 410-396-1260



HEARING NOTES

Bill: 22-0217

Franchise - Storm Drain Outfall

Committee: Economic and Community Development

Chaired By: Councilwoman Sharon Green Middleton

Hearing Date: September 20, 2022

Time (Beginning): 3:00 PM

Time (Ending): 3:06PM

Location: Clarence "Du" Burns Council Chambers / Virtual WEBEX

Total Attendance: Approximately 15

Committee Members in Attendance:

John Bullock Ryan Dorsey Mark Conway Antonio Glover Robert Stokes Odette Ramos

Bill Synopsis in the file? .....  yes  no  n/a

Attendance sheet in the file? .....  yes  no  n/a

Agency reports read?.....  yes  no  n/a

Video or audio-digitally recorded?.....  yes  no  n/a

Certification of advertising/posting notices in the file? .....  yes  no  n/a

Evidence of notification to property owners?.....  yes  no  n/a

Final vote taken at this hearing? .....  yes  no  n/a

Motioned by:.....Councilmember

Seconded by:.....Councilmember

Final Vote:.....

Major Speakers

(This is not an attendance record.)

- Liam Davis, Department of Transportation
- Michelle Toth, Department of Law

- Scott Davis, Department of Housing and Community Development
- Chris Misage, Parking Authority of Baltimore City
- Eric Tiso, Department of Planning
- Pedro Aponte, Department of Finance
- Nina Themelis, Mayor’s Office of Governmental Relations

**Major Issues Discussed**

1. Chairwoman Middleton opened the meeting, introduced committee members and City representatives and read the bill into the record.
2. Liam Davis explained that the mayor can revoke the franchise if it does not serve public health, safety and welfare of City residents. The annual franchise fee is estimated to be \$4150 annually for 25 years. The storm drain outfall has to meet local and state regulations for discharge stormwater.
3. The committee has questions, for the Department of Public Works, which included concerns about the amount of water discharge and child safety.
4. Agency representatives testified on behalf of their respective agencies.
5. The hearing was recessed.

**Further Study**

**Was further study requested?**

Yes  No

**If yes, describe.**

**Committee Vote:**

Sharon Green Middleton, Chair .....

John Bullock: .....

Mark Conway: .....

Ryan Dorsey: .....

Antonio Glover: .....

Robert Stokes: .....

Odette Ramos: .....

Jennifer L. Coates, Committee Staff

Date: September 20, 2022

cc: Bill File  
OCS Chrono File

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## Analysis

### Background

#### City Law

Article VIII - Franchises;

The Baltimore City Charter requires that any given franchises must be granted by ordinance containing terms and conditions of the grant. As required, this bill has also been referred to the Board of Estimates to determine compensation to be paid to the City for the franchise. The Board of Estimates may also alter the terms and conditions of the franchise.

### Bill Analysis

This bill if enacted would grant a franchise to 701 Caton, LLC to construct a storm drain outfall located in City's Lower Gwynns Falls Park. The site is adjacent to 707 South Caton Avenue. The utilities will be constructed, used and maintained at the expense of 701 Caton, LLC.

All terms and conditions are outlined in the bill. The bill will become effective on the date of enactment. If granted, the franchise must be executed within 6 months of the effective date of the ordinance. The initial term of the franchise is one (1) year. The franchise would renew automatically for twenty-four (24) consecutive 1-year renewal terms. The maximum term of the franchise is 25 years. The Mayor and City Council, acting through the Department of Public Works, may terminate the franchise after giving written notice 90 days prior to the end of the 1-term renewal terms. The Board of Estimates has authority to determine a franchise fee.

This bill was heard by the committee on September 20, 2022. At which time the committee expressed concerns about the amount of water discharge and child safety. The Department of Transportation noted in their remarks that the Mayor has the authority to revoke the franchise if it is found to not serve the health or safety of City residents. The Franchise fee is expected to be 4150 annually for 25 years.

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## Additional Information

**Fiscal Note:** Not Available

**Information Source(s):** Agency Reports, 22-0217 1<sup>st</sup> reader, Baltimore City Charter,

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Analysis by: Anthony Leva

Direct Inquiries to: 410-396-1091

Analysis Date: September 13, 2024