

**CITY OF BALTIMORE
COUNCIL BILL 15-0491
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of General Services)
Introduced and read first time: March 9, 2015
Assigned to: Housing and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, 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 –**
3 **Air Rights over a Portion of Lovegrove Street**

4 FOR the purpose of condemning and closing the Air Rights area over a portion of Lovegrove
5 Street, extending northerly 100 feet from the north side of East Lanvale Street, as shown on
6 Plat 227-A-23A in the Office of the Department of General Services; and providing for a
7 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 the Air Rights area over a
18 portion of Lovegrove Street, extending northerly 100 feet from the north side of East Lanvale
19 Street, and more particularly described as follows:

20 Beginning for the same at a point on the north side of East Lanvale Street 66
21 feet wide and the west side of Lovegrove Street 20 feet wide, the point of
22 beginning being distant easterly 184.66 feet from a point formed by the
23 intersection of the east side of North Charles Street and the north side of East
24 Lanvale Street, the point also being in a horizontal plane having an elevation of
25 95.69 feet, as referenced to the Baltimore City Vertical Datum, running thence the
26 following courses and distances:

- 27 1. Northerly for a distance of 100.0 feet binding on the west side
28 of Lovegrove Street; thence

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

Council Bill 15-0491

- 1 2. Easterly, at a right angle, a distance of 20.0 feet, to intersect the
2 east side of Lovegrove Street; thence
- 3 3. Southerly, a distance of 100.0 feet, binding on the east side of
4 Lovegrove Street; thence
- 5 4. Westerly, binding on the north side of East Lanvale Street for a
6 distance of 20.0 feet to the point of beginning.

7 This parcel defines the limits of an air right parcel having a lower
8 elevation of 95.69 feet as referenced to the Baltimore City Vertical Datum
9 and extending to an elevation of unlimited height.

10 Containing 1958.57 square feet or 0.045 acres, more or less.

11 As delineated on Plat 227-A-23A, prepared by the Survey Control Section and filed on August
12 26, 2014, in the Office of the Department of General Services.

13 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
14 closing of the Air Rights area and the rights of all interested parties shall be regulated by and in
15 accordance with all applicable provisions of state and local law and with all applicable rules and
16 regulations adopted by the Director of General Services and filed with the Department of
17 Legislative Reference.

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

25 **SECTION 4. AND BE IT FURTHER ORDAINED**, That no building or structure of any kind
26 (including but not limited to railroad tracks) may be constructed or erected in or on any part of
27 the Air Rights area closed under this Ordinance until all subsurface structures and appurtenances
28 owned by the Mayor and City Council of Baltimore have been abandoned by the Mayor and City
29 Council or, at the expense of the person seeking to erect the building or structure, have been
30 removed and relaid in accordance with the specifications and under the direction of the Director
31 of General Services of Baltimore City.

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

36 **SECTION 6. AND BE IT FURTHER ORDAINED**, That at all times after the closing under this
37 Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized
38 representatives, shall have access to the subject property and to all subsurface structures and
39 appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining,

Council Bill 15-0491

1 repairing, altering, relocating, or replacing any of them, without need to obtain permission from
2 or pay compensation to the owner of the property.

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