

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 15-0516**

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Introduced by: The Council President  
At the request of: The Administration (Department of General Services)  
Introduced and read first time: April 20, 2015  
Assigned to: Housing and Community Development Committee  
Committee Report: Favorable with an amendment  
Council action: Adopted  
Read second time: June 15, 2015

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**AN ORDINANCE CONCERNING**

**City Streets – Closing –  
Air Rights over a Portion of a 10-Foot Alley in the Rear of  
435-439 East Lafayette Street Avenue**

FOR the purpose of condemning and closing air rights over a portion of a 10-foot alley in the rear of 435-439 East Lafayette Avenue, extending westerly 56 feet, more or less, from Greenmount Avenue, as shown on Plat 202-A-61A in the Office of the Department of General Services; and providing for a special effective date.

BY authority of  
Article I - General Provisions  
Section 4  
and  
Article II - General Powers  
Sections 2, 34, 35  
Baltimore City Charter  
(1996 Edition)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Department of General Services shall proceed to condemn and close air rights over a portion of a 10-foot alley in the rear of 435-439 East Lafayette Avenue, extending westerly 56 feet, more or less, from Greenmount Avenue, and more particularly described as all that land lying above at an elevation of 112.00 feet (Baltimore City Vertical Datum) and contained within the following metes and bounds, to wit:

Beginning for Parcel 1 at the intersection of the west side of Greenmount Avenue, as widened by deed dated February 3, 1853 and recorded among the Land Records of Baltimore, Maryland in Liber E.D. 47 Folio 327 from Christian Keener, etal. to the Mayor and City Council of Baltimore, on the north side of a 10-foot alley, lying parallel with and 100 feet south of Lafayette Avenue 66 feet wide, said point

**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 amendment or deleted from existing law by amendment.

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1 of beginning being distant 100.15 feet measured along the west side of said  
2 Greenmount Avenue from the south side of said Lafayette Avenue, and running  
3 thence and binding on the west side of said Greenmount Avenue

- 4 1. South 05° 57' 17" East 10.01 feet to the south side of said 10-foot alley, thence  
5 binding on the south side of said 10-foot alley,
- 6 2. South 87° 08' 43" West 56.30 feet, to the new division line of said alley, thence  
7 on said new division line,
- 8 3. North 02° 54' 31" West 10.00 feet to the north side of said 10-foot alley, thence  
9 binding
- 10 4. North 87° 08' 43" East 55.76 feet to the point of beginning.

11 Containing 560 square feet or 0.0129 acres, more or less, as surveyed in February  
12 of 2014, by S.J. Martenet and Company, Inc.

13 As delineated on Plat 202-A-61A, prepared by S.J. Martenet and Company, Inc., and filed on  
14 February 24, 2014, in the Office of the Department of General Services.

15 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and  
16 closing of air rights over a portion of a 10-foot alley in the rear of 435-439 East Lafayette  
17 Avenue, extending westerly 56 feet, more or less, from Greenmount Avenue, and the rights of all  
18 interested parties shall be regulated by and in accordance with all applicable provisions of state  
19 and local law and with all applicable rules and regulations adopted by the Director of General  
20 Services and filed with the Department of Legislative Reference.

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

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

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

Certified as duly passed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

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Mayor, Baltimore City