

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 16-0681

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: June 6, 2016
Assigned to: Housing and Community Development Committee
Committee Report: Favorable
Council action: Adopted
Read second time: August 8, 2016

AN ORDINANCE CONCERNING

**City Streets – Closing –
A Portion of West Franklin Street**

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3 FOR the purpose of condemning and closing a portion of West Franklin Street, extending from
4 Allendale Street easterly 105 feet to the east side of a 15-foot alley, as shown on Plat 306-A-
5 22A in the Office of the Department of Transportation; and providing for a special effective
6 date.

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

15 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
16 Department of Transportation shall proceed to condemn and close a portion of West Franklin
17 Street, extending from Allendale Street easterly 105 feet to the east side of a 15-foot alley, and
18 more particularly described as follows:

19 Beginning for Parcel 1 at the point formed by the intersection of a point on the
20 east side of Allendale Street 66 feet wide, and a point on the north side of West
21 Franklin Street 60 feet wide, said point of being distant 90 feet measured along
22 the south outline of the property known as No. 501 Allendale Street from the west
23 side of a 15-foot alley; thence binding on the south side of said property North 87°
24 21' 45" East 105.00 feet to intersect the east side of said 15-foot alley; thence
25 binding on said 15-foot alley South 02° 21' 15" West 60.00 feet to intersect the
26 south side of West Franklin Street; thence binding on the south side of West

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 Franklin Street South 87° 21' 45" West 105.00 feet to intersect the east side of
2 Allendale Street; and thence binding on the east side of Allendale Street North 02°
3 21' 15" East 60.00 feet to the place of beginning.

4 As delineated on Plat 306-A-22A, prepared by the Survey Section and filed on May 6, 2016, in
5 the Office of the Department of Transportation.

6 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the proceedings for the condemnation and
7 closing of a portion of West Franklin Street and the rights of all interested parties shall be
8 regulated by and in accordance with all applicable provisions of state and local law and with all
9 applicable rules and regulations adopted by the Director of Transportation and filed with the
10 Department of Legislative Reference.

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

18 **SECTION 4. AND BE IT FURTHER ORDAINED**, That no building or structure of any kind
19 (including but not limited to railroad tracks) may be constructed or erected in or on any part of
20 the street closed under this Ordinance until all subsurface structures and appurtenances owned by
21 the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council
22 or, at the expense of the person seeking to erect the building or structure, have been removed and
23 relaid in accordance with the specifications and under the direction of the Director of
24 Transportation of Baltimore City.

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

29 **SECTION 6. AND BE IT FURTHER ORDAINED**, That at all times after the closing under this
30 Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized
31 representatives, shall have access to the subject property and to all subsurface structures and
32 appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining,
33 repairing, altering, relocating, or replacing any of them, without need to obtain permission from
34 or pay compensation to the owner of the property.

35 **SECTION 7. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect when it is
36 enacted.

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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__

Mayor, Baltimore City