

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 17-0052

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: April 24, 2017
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable
Council action: Adopted
Read second time: July 17, 2017

AN ORDINANCE CONCERNING

**City Streets – Closing –
East Fairmount Avenue and a Portion of Aisquith Street**

FOR the purpose of condemning and closing East Fairmount Avenue and a portion of Aisquith Street bounded by East Fayette Street, Aisquith Street, East Baltimore Street, and East Street, as shown on Plat 227-A-24A in the Office of the Department of Transportation; 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 Transportation shall proceed to condemn and close East Fairmount Avenue and a portion of Aisquith Street bounded by East Fayette Street, Aisquith Street, East Baltimore Street, and East Street, and more particularly described as follows:

Beginning for Parcel 1 at a point formed by the intersection of the south side of East Fairmount Avenue 30 feet wide, and the east side of East Street 20 feet wide, the point of beginning being distant Northwesterly 171.6 feet, more or less, measured along the east side of East Street from the north side of East Baltimore Street 66 feet wide; thence binding on the east side of East Street Northwesterly 30 feet to intersect the north side of East Fairmount Avenue, thence binding on the north side of East Fairmount Avenue Northeasterly 280 feet, more or less, to intersect the west side of Aisquith Street varying in width; thence binding on the west side of Aisquith Street Southeasterly 30.7 feet, more or less, to intersect the

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 south side of East Fairmount Avenue and thence binding on the south side of East
2 Fairmount Avenue Southwesterly 273.3 feet, more or less, to the place of
3 beginning.

4 Containing 8,298 square feet or 0.1904 acres of land, more or less.

5 Beginning for Parcel 2 at a point formed by the intersection of the west side of
6 Aisquith Street varying in width and the north side of East Baltimore Street 66
7 feet wide, the point of beginning being distant Northeasterly 265 feet, more or
8 less, measured along the north side of East Baltimore Street from the east side of
9 East Street 20 feet wide; thence binding on the west side of Aisquith Street
10 Northwesterly 120 feet, to a point on the easternmost outline of the property
11 known as numbers 1100 through 1112 Aisquith Street; thence binding on the
12 easternmost outline of the property Northwesterly 52.8 feet, more or less, to a
13 point formed by the intersection of the south side of East Fairmount Avenue 30
14 feet wide, and the east side of Aisquith Street; thence on the east side of Aisquith
15 Street Northwesterly 30.7 feet, more or less, to intersect the north side of East
16 Fairmount Avenue and the west side of Aisquith Street; thence for a new line of
17 division on the west side of Aisquith Street Southeasterly 201.6 feet, more or less,
18 to a point formed by the intersection of the north side of East Baltimore Street, so
19 projected, and the west side of Aisquith Street and thence binding on the north
20 side of East Baltimore Street, so projected, 13.6 feet, more or less, to the point of
21 beginning.

22 Containing 2,180 square feet or 0.0500 acres of land, more or less.

23 As delineated on Plat 227-A-24A, prepared by the Survey Section and filed on February 2, 2017,
24 in the Office of the Department of Transportation.

25 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
26 closing of East Fairmount Avenue and a portion of Aisquith Street and the rights of all interested
27 parties shall be regulated by and in accordance with all applicable provisions of state and local
28 law and with all applicable rules and regulations adopted by the Director of Transportation and
29 filed with the Department of Legislative Reference.

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

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

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

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

11 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
12 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__

Mayor, Baltimore City