

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 18-0207**

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: March 26, 2018  
Assigned to: Housing and Urban Affairs Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: June 4, 2018

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**AN ORDINANCE CONCERNING**

**City Streets – Closing –  
Eastbourne Avenue and a 10-Foot Alley**

FOR the purpose of condemning and closing Eastbourne Avenue, extending Westerly ~~284~~ 183 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, as shown on Plat 336-A-34A 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 Eastbourne Avenue, extending Westerly ~~284~~ 183 feet, more or less, from a 10-foot alley, to the westernmost extremity of it, and a 10-foot alley, extending Westerly 56.4 feet, more or less, from Elrino Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of a 10-foot alley and the north side of Eastbourne Avenue 40 feet wide, the point of beginning being distant Westerly 135 feet measured along the north side of Eastbourne Avenue from the west side of Elrino Street 50 feet wide, thence leaving the north side of Eastbourne Avenue Southerly 40 feet to intersect the south side of Eastbourne Avenue, thence binding on the south side of Eastbourne Avenue Westerly ~~279~~ 178 feet, more or less, to the westernmost extremity of Eastbourne Avenue, thence binding on the westernmost extremity of Eastbourne

**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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Avenue Northwesterly 40 feet, more or less, to the north side of Eastbourne Avenue, and thence binding on the north side of Eastbourne Avenue Easterly ~~284~~ 183 feet, more or less, to the place of beginning.

Containing ~~11,264~~ 7,227 square feet or ~~0.259~~ 0.166 acres, more or less.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of Elrino Street 50 feet wide, and the south side of a 10-foot alley, the point of beginning being distant Northerly 125 feet measured along the west side of Elrino Street from the north side of Holabird Avenue 70 feet wide, thence binding on the south side of the 10-foot alley Westerly 56.4 feet, more or less, to the westernmost extremity of the 10-foot alley, thence binding on the westernmost extremity of the 10-foot alley Northerly 10 feet to the north side of the 10-foot alley, thence binding on the north side of the 10-foot alley Easterly 56.4 feet, more or less, to intersect the west side of Elrino Street and thence binding on the west side of Elrino Street Southerly 10 feet to the place of beginning.

Containing 564 square feet or 0.0129 acres, more or less.

As delineated on Plat 336-A-34A, prepared by the Survey Section and filed on August 24, 2017, in the Office of the Department of Transportation.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and closing of the street and a 10-foot alley and the rights of all interested parties shall be regulated by and in accordance with all applicable provisions of state and local law and with all applicable rules and regulations adopted by the Director of Transportation and filed with the Department of Legislative Reference.

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

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

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