

**CITY OF BALTIMORE**  
**COUNCIL BILL 19-0438**  
**(First Reader)**

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Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

Introduced and read first time: September 9, 2019

Assigned to: Housing and Urban Affairs Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Transportation, Baltimore Development Corporation

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A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Closing –  
North Durham Street and a 16-Foot Alley**

FOR the purpose of condemning and closing North Durham Street, extending from East Eager Street Northerly 433 feet, more or less, to the south side of East Chase Street; and a 16-foot alley, extending from the west side of North Durham Street 136.8 feet, more or less, to the west side of North Wolfe Street, as shown on Plat 341-A-45A 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 North Durham Street, extending from East Eager Street Northerly 433 feet, more or less, to the south side of East Chase Street; and a 16-foot alley, extending from the west side of North Durham Street 136.8 feet, more or less, to the west side of North Wolfe Street, and more particularly described as follows:

Beginning for Parcel 1 at the point formed by the intersection of the north side of East Eager Street 66 feet wide, and the east side of North Durham Street 40 feet wide, the point of beginning being distant Westerly 135.5 feet, more or less, measured along the north side of East Eager Street from the west side of North Wolfe Street 60 feet wide; thence binding on the north side of Eager Street Westerly 40 feet to the west side of North Durham Street; thence binding on the west side of North Durham Street Northerly 433 feet to intersect the south side of East Chase Street 66 feet wide; thence binding on the south side of East Chase

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

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1 Street Easterly 40 feet to the east side of North Durham Street; and thence binding  
2 on the east side of North Durham Street Southerly 433 feet, more or less, to the  
3 point of beginning.

4 Containing 17,320.0 square feet or 0.3976 acres, more or less.

5 Beginning for Parcel 2 at the point formed by the intersection of the south side of  
6 a 16-foot alley and the west side of North Wolfe Street 60 feet wide, the point of  
7 beginning being distant Northerly 63.1 feet measured along the west side of  
8 North Wolfe Street from the north side of Eager Street 66 feet wide; thence  
9 binding on the south side of the 16-foot alley Westerly 136.8 feet, more or less, to  
10 intersect the east side of North Durham Street 40 feet wide; thence binding on the  
11 east side of North Durham Street Northerly 16 feet to the north side of the 16-foot  
12 alley; thence binding on the north side of the 16-foot alley Easterly 136.8 feet,  
13 more or less, to intersect the west side of North Wolfe Street; and thence binding  
14 on the west side of North Wolfe Street Southerly 16 feet to the point of beginning.

15 Containing 2,188.20 square feet or 0.0502 acres, more or less.

16 As delineated on Plat 341-A-45A, prepared by the Survey Section and filed on June 14, 2018, in  
17 the Office of the Department of Transportation.

18 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and  
19 closing of North Durham Street and a 16-foot alley and the rights of all interested parties shall be  
20 regulated by and in accordance with all applicable provisions of state and local law and with all  
21 applicable rules and regulations adopted by the Director of Transportation and filed with the  
22 Department of Legislative Reference.

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

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

37 **SECTION 5. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all  
38 subsurface structures and appurtenances owned by any person other than the Mayor and City  
39 Council of Baltimore shall be removed by and at the expense of their owners, promptly upon  
40 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.