

CITY OF BALTIMORE
ORDINANCE 20.395
Council Bill 20-0538

Introduced by: Councilmember Costello
Introduced and read first time: June 15, 2020
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable
Council action: Adopted
Read second time: August 17, 2020

AN ORDINANCE CONCERNING

**City Streets – Closing –
2 Portions of East Cromwell Street**

FOR the purpose of condemning and closing 2 portions of East Cromwell Street between the south side of East McComas Street and the east side of West Peninsula Drive, as shown on Plat 347-A-77 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 2 portions of East Cromwell Street between the south side of East McComas Street and the east side of West Peninsula Drive, and more particularly described as follows:

Beginning for Parcel No. 1 at a point on West Side of Distillery Street (70 feet wide) at the point designated "157" as shown on the Subdivision Plat entitled "Port Covington, Subdivision II Amendment 1" and recorded among the Land Records of Baltimore City, Maryland as Plat M.B. 4379; thence binding on the West Side of Distillery Street and the outlines of Lot 19 as shown on the plat, referring all courses of this description to the Baltimore City Survey Control System, (1) South 44 degrees 07 minutes 13 seconds East for a distance of 146.10 feet to a point of non-curvature at the division line of Lots 19 and 20 as shown on the plat; thence running with the line of division (2) Southwesterly by a curve to the right having a radius of 700.00 feet for a length of 68.67 feet (the arc of the curve being subtended by a chord bearing South 04 degrees 54 minutes 18

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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seconds West 68.64 feet) to a point of non-tangency on the North Side of East Cromwell Street (variable width); thence binding on the North Side of East Cromwell Street, (3) South 45 degrees 52 minutes 47 seconds West for a distance of 194.80 feet to a point of non-curvature at the division line of Lots 1-I and 19 as shown on the plat; thence running with the lines of division the 2 following courses and distances viz: (4) Northeasterly by a curve to the left having a radius of 600.00 feet for a length of 269.85 feet (the arc of the curve being subtended by a chord bearing North 09 degrees 58 minutes 05 seconds East 267.58 feet) to a point of tangency, and thence (5) North 02 degrees 54 minutes 59 seconds West for a distance of 45.40 feet to the place of beginning.

Containing 18,382 square feet or 0.422 acres of land, more or less.

Being known as Lot 19 as shown on the Subdivision Plat entitled "Port Covington, Subdivision II Amendment 1" and recorded among the Land Records of Baltimore City, Maryland as Plat M.B. 4379.

As delineated on a plat numbered 347-A-77 prepared by AECOM and filed on May 22, 2020, in the Office of the Department of Transportation.

Beginning for Parcel No. 2 at intersection of the Southeast Side of Atlas Street (varied width) and the Southwest Side of Tidewater Street (85 feet wide) at the point designated "87" as shown on the Subdivision Plat entitled "Port Covington, Subdivision II Amendment 1" and recorded among the Land Records of Baltimore City, Maryland as Plat M.B. 4379; thence binding on the Southwest Side of Tidewater Street, referring all courses of this description to the Baltimore City Survey Control System, (1) South 44 degrees 07 minutes 13 seconds East for a distance of 25.07 feet to the division line of Lots 21 and 11C of the plat; thence running with the line of division (2) South 02 degrees 54 minutes 37 seconds East for a distance of 160.89 feet to the Northeast Side of Distillery Street (70 feet wide); thence binding on the Northeast Side of Distillery Street (3) North 44 degrees 07 minutes 13 seconds West for a distance of 146.11 feet to the Southeast Side of Atlas Street; thence binding on the Southeast Side of Atlas Street (4) North 45 degrees 52 minutes 47 seconds East for a distance of 106.00 feet to the place of beginning.

Containing 9,072 square feet or 0.208 acres of land, more or less.

Being known as Lot 21 as shown on the Subdivision Plat entitled "Port Covington, Subdivision II Amendment 1" and recorded among the Land Records of Baltimore City, Maryland as Plat M.B. 4379.

As delineated on a plat numbered 347-A-77 prepared by AECOM and filed on May 22, 2020, in the Office of the Department of Transportation.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of 2 portions of East Cromwell Street 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.

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

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

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

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

25 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
26 enacted.

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Certified as duly passed this 17 day of August, 2020

Brandon M. Scott

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 17 day of August, 2020

Natanna B. Austin

Chief Clerk

Approved this 26th day of AUGUST, 2020

Bud P. Lee

Mayor, Baltimore City

Approved for form and legal sufficiency
This 20th day of August, 2020

Elena DiPietro

Elena DiPietro, Chief Solicitor