

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 20-0580

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: August 17, 2020
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: November 2, 2020

AN ORDINANCE CONCERNING

**City Streets – Closing –
A Portion of ~~South~~ Boston Street Extending from South Haven Street**

FOR the purpose of condemning and closing a variable width portion of ~~South~~ Boston Street, extending from South Haven Street, Westerly 723.60 feet, more or less, as shown on Plat 349-A-43A 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 a variable width portion of ~~South~~ Boston Street, extending from South Haven Street, Westerly 723.60 feet, more or less, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of S. Haven Street, 60 feet wide, and the north side of Boston Street, varying in width; thence binding on the west side of S. Haven Street, projected southerly, South 02° 53' ~~34~~ 43" East 99.72 feet; thence for new lines of division, the four following courses and distances, namely (1) South 86° 57' 34" West 656.73 feet; (2) N 66° 04' 33" West 18.16 feet; (3) South 86° 57' 37" West 50.41 feet; (4) North 03° 03' 23" West 91.80 feet to intersect the north side of Boston Street and thence binding on the north side of Boston Street, North 86° 59' 03" East 723.60 feet to the place of beginning.

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 Containing 71,774 square feet or 1.6477 acres, more or less.

2 As delineated on Plat 349-A-43A, prepared by Karins and Associates, and filed on July 17, 2020,
3 in the Office of the Department of Transportation.

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

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

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

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

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

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

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City