

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 20-0582

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 –
Portion of Boston Street**

FOR the purpose of condemning and closing a variable width portion of Boston Street, from a point 723.60 feet Westerly from the west side of South Haven Street and extending Westerly 524 feet, more or less to the east side of South Conkling Street, 60 feet wide, as shown on Plat 349-A-44A 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 Boston Street, from a point 723.60 feet Westerly from the west side of South Haven Street and extending Westerly 524 feet, more or less to the east side of South Conkling Street, 60 feet wide, and more particularly described as follows:

Beginning for Parcel No. 1 on the north side of Boston Street, varying in width, at a point 723.60 feet west from the west side of S. Haven Street, 60 feet wide, thence leaving the north side of Boston Street, thence for new lines of division, the following ~~nine~~ eleven courses and distances (1) South 03° 03' 23" East 91.77 feet; (2) South 86° 57' 37" West 21.15 feet; (3) South 71° 47' 55" West 10.49 feet; (4) South 05° 41' 55" West 7.98 feet; (5) North 84° 09' 16" West 188.54 feet; (6) North 84° 12' 21" West ~~188.54~~ 42.02 feet; (7) thence by a curve to the left with a Radius of 1178.50 feet and a length of 141.75 feet and subtended by a

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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Chord North 88° 44' 52" West 141.66 feet; (8) South 87° 17' 53" West 137.25 feet; (9) South 86° 59' 43" West 18.09 feet to intersect the east side of S. Conkling Street, (60 feet wide); thence binding on the east side of S. Conkling Street, (10) North 03° 00' 07" West 48.06 feet; (11) North 68° 38' 59" East 34.98 feet; thence by a curve to the right, with a Radius of ~~6,63.45~~ 6,163.45 feet and a length of 205.38 feet and subtended by a Chord North 87° 56' 19" East 205.37 feet; thence North 86° 59' 03" East 318.28 feet to the place of beginning.

Containing 39,893 square feet or 0.9158 acres, more or less.

As delineated on Plat 349-A-44A, prepared by Karins and Associates, and filed on July 17, 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 a variable width portion of Boston 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.

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.

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

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