

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 19-0325**

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Introduced by: The Council President  
At the request of: The Administration (Department of Transportation)  
Introduced and read first time: January 28, 2019  
Assigned to: Housing and Urban Affairs Committee  
Committee Report: Favorable  
Council action: Adopted  
Read second time: November 16, 2020

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**AN ORDINANCE CONCERNING**

**City Streets – Closing –  
Air Rights Area Over a Portion of the Public Right of Way of the  
4100 Block of Hillen Road**

FOR the purpose of condemning and closing the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road, as shown on Plat 347-A-76A 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 the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road, and more particularly described as follows:

Beginning for the same at a point on the west side of Hillen Road 120 feet wide the point of beginning being distant Northerly 596.6 feet, more or less, from a point formed by the intersection of the west side of Hillen Road and the north side of Argonne Drive 80 feet wide, the point also being in a horizontal plane 14.75 feet above street level at its lowest point; thence binding on the west side of Hillen Road North 16 degrees 24 minutes 40 seconds East 19.80 feet to a point on the north side of the air rights over a portion of the public right of way of the 4100 block of Hillen Road; thence crossing Hillen Road North 81 degrees 49 minutes 21 seconds East 131.49 feet to intersect the east side of Hillen Road; thence binding on the east side of Hillen Road South 15 degrees 44 minutes 42 seconds

**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 West 19.69 feet to a point on the south side of the air rights over a portion of the  
2 public right of way of the 4100 block of Hillen Road; thence crossing Hillen Road  
3 South 81 degrees 49 minutes 21 seconds West 131.74 feet to the point of  
4 beginning.

5 Containing 2,370 square feet or 0.054 acres, more or less.

6 As delineated on Plat 347-A-76A, prepared by the Survey Section and filed on March 7, 2018, in  
7 the Office of the Department of Transportation.

8 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and  
9 closing of the air rights area over a portion of the public right of way of the 4100 Block of Hillen  
10 Road and the rights of all interested parties shall be regulated by and in accordance with all  
11 applicable provisions of state and local law and with all applicable rules and regulations adopted  
12 by the Director of Transportation and filed with the Department of Legislative Reference.

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

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

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

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

37 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
38 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\_\_

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Mayor, Baltimore City