

Introduced by: The Council President

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

Prepared by: Department of Legislative Reference

Date: August 30, 2019

Referred to: **HOUSING AND URBAN AFFAIRS** Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19 - 6433

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Opening –
Air Rights over a Portion of the Public Right of Way
of the 200 Block of North Broadway**

FOR the purpose of condemning and opening the air rights area over a portion of the public right of way of the 200 block of North Broadway, as shown on Plat 306-A-23 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, and 35
Baltimore City Charter
(1996 Edition)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

_____	_____	_____	_____
Baltimore City Public School System	✓	Baltimore Development Corporation	✓
_____	✓	City Solicitor	✓
_____	_____	Comptroller's Office	_____
_____	_____	Department of Audits	_____
_____	_____	Department of Finance	_____
_____	_____	Department of General Services	_____
_____	✓	Department of Housing and Community Development	✓
_____	_____	Department of Human Resources	_____
_____	✓	Department of Planning	✓
_____	_____	Other: _____	_____
_____	_____	Other: _____	_____
_____	_____	Other: _____	_____
_____	_____	Department of Public Works	_____
_____	_____	Department of Real Estate	_____
_____	_____	Department of Recreation and Parks	_____
_____	✓	Department of Transportation	✓
_____	_____	Fire Department	_____
_____	_____	Health Department	_____
_____	_____	Mayor's Office of Employment Development	_____
_____	_____	Mayor's Office of Human Services	_____
_____	_____	Mayor's Office of Information Technology	_____
_____	_____	Office of the Mayor	_____
_____	_____	Police Department	_____
_____	_____	Other: _____	_____
_____	_____	Other: _____	_____
Boards and Commissions			
_____	_____	Environmental Control Board	_____
_____	_____	Fire & Police Employees' Retirement System	_____
_____	_____	Labor Commissioner	_____
_____	_____	Parking Authority Board	_____
_____	_____	Planning Commission	_____
_____	_____	Wage Commission	_____
_____	_____	Other: _____	_____
_____	_____	Other: _____	_____
_____	_____	Other: _____	_____
_____	_____	Other: _____	_____
_____	_____	Board of Estimates	_____
_____	_____	Board of Ethics	_____
_____	_____	Board of Municipal and Zoning Appeals	_____
_____	_____	Comm. for Historical and Architectural Preservation	_____
_____	_____	Commission on Sustainability	_____
_____	_____	Employees' Retirement System	_____
_____	_____	Other: _____	_____
_____	_____	Other: _____	_____
_____	_____	Other: _____	_____

CITY OF BALTIMORE
ORDINANCE 20.404
Council Bill 19-0433

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

Committee Report: Favorable
Council action: Adopted
Read second time: September 21, 2020

AN ORDINANCE CONCERNING

**City Streets – Opening –
Air Rights over a Portion of the Public Right of Way
of the 200 Block of North Broadway**

FOR the purpose of condemning and opening the air rights area over a portion of the public right of way of the 200 block of North Broadway, as shown on Plat 306-A-23 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, and 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 open the air rights area over a portion of the public right of way of the 200 block of North Broadway, and more particularly described as follows:

Beginning for the same at a point formed by the intersection of the east side of North Broadway 132 feet wide and the north side of East Fayette Street 72 feet wide, the point also being in a horizontal plane having an elevation of 141.5 feet at its lower limit and an elevation of 254.0 feet at its upper limit, as referenced to the Baltimore City Vertical Datum, running thence the four following courses and distances the point also being in a horizontal plane 40.0 feet above street level at its lowest point; thence binding on the north side of East Fayette Street Westerly 10.5 feet to the new division line of the airspace over a portion of the public right of way of 201 North Broadway; thence on the new division line Northerly 174.5 feet; thence crossing North Broadway Easterly 10.5 feet to intersect the east side

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.

Council Bill 19-0433

1 of North Broadway; and thence binding on the east side of North Broadway
2 Southerly 174.5 feet to the point of beginning.

3 Containing 1,832 square feet or 0.042 acres, more or less.

4 As delineated on Plat 306-A-23, prepared by the Survey Section and filed on January 22, 2019, in
5 the Office of the Department of Transportation.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
7 opening of the air rights area over a portion of the public right of way of the 200 block of North
8 Broadway and the rights of all interested parties shall be regulated by and in accordance with all
9 applicable provisions of state and local law and with all applicable rules and regulations adopted
10 by the Director of Transportation and filed with the Department of Legislative Reference.

11 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
12 enacted.

Certified as duly passed this 5 day of October, 2020



President, Baltimore City Council

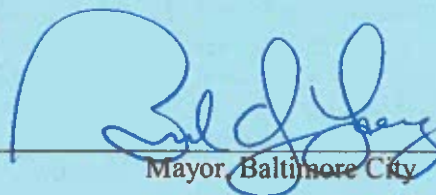
Certified as duly delivered to His Honor, the Mayor,

this 5 day of October, 2020



Chief Clerk

Approved this 27 day of Oct., 2020



Mayor, Baltimore City

Approved for form and legal sufficiency
This 7th day of October, 2020.



Chief Solicitor

BALTIMORE CITY COUNCIL

HOUSING AND URBAN AFFAIRS COMMITTEE

VOTING RECORD

DATE: 9/15/00

BILL#: 19-0433

BILL TITLE: Ordinance – City Streets – Opening – Air Rights over a Portion of the Public Right of Way of the 200 block of North Broadway

MOTION BY: SNEED

SECONDED BY: HENRY

☐ FAVORABLE

☐ FAVORABLE WITH AMENDMENTS

☐ UNFAVORABLE

☐ WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Bullock, J. Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schleiffer, I. Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Burnett, K.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cohen, Z.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sneed, S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS				

CHAIRPERSON: [Signature]

COMMITTEE STAFF: Richard G. Krummerich, Initials: RK



1000

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member John T. Bullock, Member Isaac "Yitzy" Schleifer, Member Kristerfer Burnett, Member Zeke Cohen, Member Ryan Dorsey, Member Bill Henry, and Member Shannon Sneed

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0433

City Streets - Opening - Air Rights over a Portion of the Public Right of Way of the 200 Block of North Broadway

For the purpose of condemning and opening the air rights area over a portion of the public right of way of the 200 block of North Broadway, as shown on Plat 306-A-23 in the Office of the Department of Transportation; and providing for a special effective date.


Sponsors: City Council President (Administration)

A motion was made by Member Sneed, seconded by Member Henry, that this Ordinance be Recommended Favorably. The motion carried by the following vote:

Yes: 7 - Member Bullock, Member "Yitzy" Schleifer, Member Burnett, Member Cohen, Member Dorsey, Member Henry, and Member Sneed

ADJOURNMENT



FROM	NAME & TITLE	Steve Sharkey, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0433		

TO: Mayor Bernard C. "Jack" Young
TO: Housing & Urban Affairs Committee
FROM: Department of Transportation
POSITION: Support
RE: Council Bill – 19-0433

DATE: 11/27/19

INTRODUCTION – City Streets - Opening - Air Rights over a Portion of the Public Right of Way of the 200 Block of North Broadway

PURPOSE/PLANS – For the purpose of condemning and opening the air rights area over a portion of the public right of way of the 200 block of North Broadway, as shown on Plat 306-A-23 in the Office of the Department of Transportation; and providing for a special effective date.

COMMENTS – Council Bill 19-0433 is specifically tied to the recently completed Skip Viragh Cancer Center located at Johns Hopkins' East Baltimore Campus. Council Bill 19-0433 is a companion bill to Council Bills 19-0434 and 19-0435, collectively allowing for the opening, closing and sale of air rights over a portion of public right-of-way on the 200 block of North Broadway Street.

The opening, closing and sale of air rights allows for an approximately roughly 10.5 foot bump-out on the upper levels floors of the Skip Viragh Cancer Center that extends over the sidewalk running along the eastern side of the 200 block of North Broadway Street. In total, the bump out contains roughly 1,830 square feet of air space.

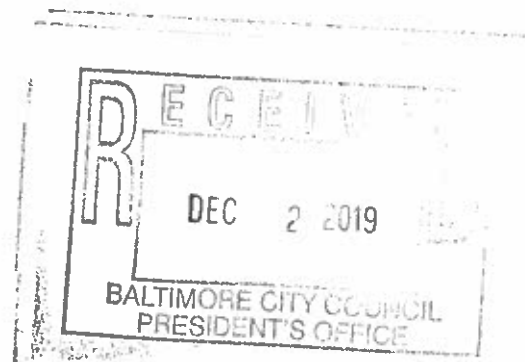
The Department of Transportation does not foresee any fiscal or operational impacts associated with the passage of Council Bill 19-0433.

AGENCY/DEPARTMENT POSITION – The Department of Transportation supports City Council Bill 19-0433.

If you have any questions, please do not hesitate to contact Liam Davis via email at Liam.Davis@baltimorecity.gov or by phone (410) 545-3207.

Sincerely,



Steve Sharkey
Director



F

Q

Q

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0433/ CITY STREETS – OPENING – AIR RIGHTS OVER A PORTION OF THE PUBLIC RIGHT OF WAY OF THE 200 BLOCK OF NORTH BROADWAY		

TO

DATE:

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

December 3, 2019

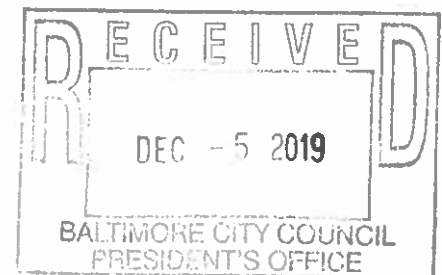
The Department of Planning is in receipt of City Council Bill #19-0433, which is for the purpose of condemning and opening the air rights area over a portion of the public right of way of the 200 block of North Broadway, as shown on Plat 306-A-23 in the Office of the Department of Transportation; and providing for a special effective date.

The Department of Planning recommends approval of City Council Bill #19-0433. In their meeting of September 4, 2019, the Planning Commission approved an amendment to the Johns Hopkins South of Orleans Planned Unit Development (PUD) #117, as well as a Final Design Approval for the Skip Viragh Building at 201 North Broadway. That building, which has since been built, includes a bay of windows that projects over the eastern edge of the North Broadway right-of-way above the second floor level.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

cc: Mr. Nicholas Blendy, Mayor's Office
Mr. Matthew Stegman, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Dominic McAlily, Council Services







Baltimore
Development Corporation

MEMORANDUM

DATE: October 21, 2019
TO: Housing and Urban Affairs Committee
FROM: Colin Tarbert, President and CEO 
POSITION: Support
RE: **Council Bill 19-0433 – City Streets – Opening – Air Rights over a Portion of the Public Right of Way of the 200 Block of North Broadway**

INTRODUCTION

The Baltimore Development Corporation (BDC) has been asked to review and respond to City Council Bill 19-0433 introduced by the Council President at the request of the Department of Transportation.

PURPOSE

For the purpose of condemning and opening the air rights area over a portion of the public right of way of the 200 block of North Broadway; and providing for a special effective date.

BRIEF HISTORY

This Bill is necessary for the development of a surface parking lot into a new facility for the Johns Hopkins Medical Campus, and supports larger revitalization efforts in East Baltimore. The design of the new facility requires encroachment into the air rights area over the public right of way.

FISCAL IMPACT

NONE

AGENCY POSITION

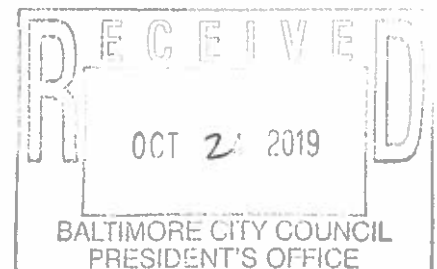
BDC is in support of City Council Bill #19-0433

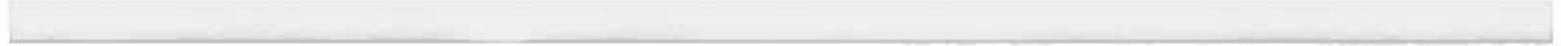
If you have any questions, please do not hesitate to contact Kimberly Clark at 410-837-9305 or at kclark@baltimoredevelopment.com.

cc: Nicholas Blendy

[CM]

F





**CITY OF BALTIMORE
COUNCIL BILL 19-0433
(First Reader)**

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

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

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Opening –
Air Rights over a Portion of the Public Right of Way
of the 200 Block of North Broadway**

FOR the purpose of condemning and opening the air rights area over a portion of the public right of way of the 200 block of North Broadway, as shown on Plat 306-A-23 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, and 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 open the air rights area over a portion of the public right of way of the 200 block of North Broadway, and more particularly described as follows:

Beginning for the same at a point formed by the intersection of the east side of North Broadway 132 feet wide and the north side of East Fayette Street 72 feet wide, the point also being in a horizontal plane having an elevation of 141.5 feet at its lower limit and an elevation of 254.0 feet at its upper limit, as referenced to the Baltimore City Vertical Datum, running thence the four following courses and distances the point also being in a horizontal plane 40.0 feet above street level at its lowest point; thence binding on the north side of East Fayette Street Westerly 10.5 feet to the new division line of the airspace over a portion of the public right of way of 201 North Broadway; thence on the new division line Northerly 174.5 feet; thence crossing North Broadway Easterly 10.5 feet to intersect the east side

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

Council Bill 19-0433

1 of North Broadway; and thence binding on the east side of North Broadway
2 Southerly 174.5 feet to the point of beginning.

3 Containing 1,832 square feet or 0.042 acres, more or less.

4 As delineated on Plat 306-A-23, prepared by the Survey Section and filed on January 22, 2019, in
5 the Office of the Department of Transportation.

6 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and
7 opening of the air rights area over a portion of the public right of way of the 200 block of North
8 Broadway and the rights of all interested parties shall be regulated by and in accordance with all
9 applicable provisions of state and local law and with all applicable rules and regulations adopted
10 by the Director of Transportation and filed with the Department of Legislative Reference.

11 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
12 enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

APPROVED FOR FORM STYLE, AND TEXTUAL SUFFICIENCY
8-30-19
DEF. LEGISLATIVE REFERENCE

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)

A BILL ENTITLED

AN ORDINANCE concerning

**City Streets – Opening –
Air Rights over a Portion of the Public Right of Way
of the 200 Block of North Broadway**

FOR the purpose of condemning and opening the air rights area over a portion of the public right of way of the 200 block of North Broadway, as shown on Plat 306-A-23 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, and 35
Baltimore City Charter
(1996 Edition)

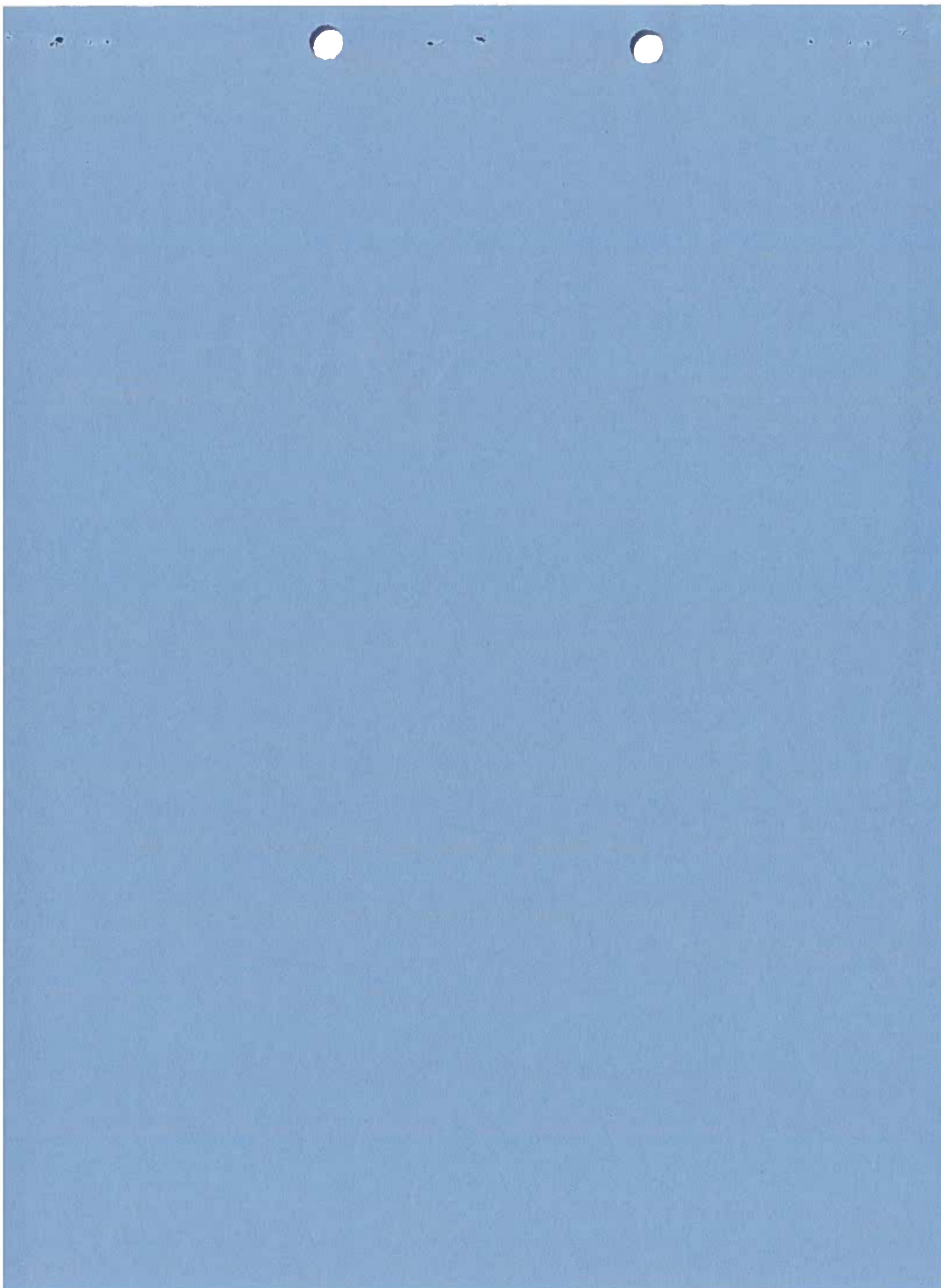
SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Transportation shall proceed to condemn and open the air rights area over a portion of the public right of way of the 200 block of North Broadway, and more particularly described as follows:

Beginning for the same at a point formed by the intersection of the east side of North Broadway 132 feet wide and the north side of East Fayette Street 72 feet wide, the point also being in a horizontal plane having an elevation of 141.5 feet at its lower limit and an elevation of 254.0 feet at its upper limit, as referenced to the Baltimore City Vertical Datum, running thence the four following courses and distances the point also being in a horizontal plane 40.0 feet above street level at its lowest point; thence binding on the north side of East Fayette Street Westerly 10.5 feet to the new division line of the airspace over a portion of the public right of way of 201 North Broadway; thence on the new division line Northerly 174.5 feet; thence crossing North Broadway Easterly 10.5 feet to intersect the east side of North Broadway; and thence binding on the east side of North Broadway Southerly 174.5 feet to the point of beginning.

Containing 1,832 square feet or 0.042 acres, more or less.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.





ACTION BY THE CITY COUNCIL

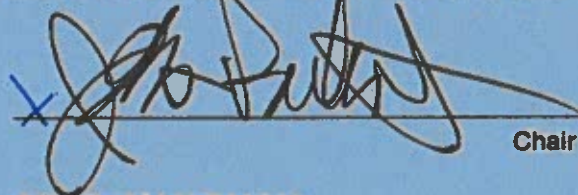
SEP 09 2019
20

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON _____ 20 _____

COMMITTEE REPORT AS OF _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION


Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for
Third Reading on:

_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn
from the files of the City Council.

President

Chief Clerk