CITY OF BALTIMORE ORDINANCE 20.44 † Council Bill 20-0501

Introduced by: The Council President

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

Introduced and read first time: February 24, 2020 Assigned to: Housing and Urban Affairs Committee Committee Report: Favorable

Council action: Adopted

Read second time: November 16, 2020

AN ORDINANCE CONCERNING

1 2	City Streets – Closing – Air Rights over a Portion of the Public Right of Way of Rogers Alley
3	FOR the purpose of condemning and closing the air rights area over a portion of the public right
4	of way of Rogers Alley, as shown on Plat 313-A-23A in the Office of the Department of
5	Transportation; and providing for a special effective date.
6	By authority of
7	Article I - General Provisions
8	Section 4
9	and
10	Article II - General Powers
11	Sections 2, 34, 35
12	Baltimore City Charter
13	(1996 Edition)
14	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the
15	Department of Transportation shall proceed to condemn and close the air rights area over a
16	portion of the public right of way of Rogers alley, and more particularly described as follows:
17	Beginning for Parcel 1 from a point on the north side of Redwood Street, 66 feet
18	wide, the point being Easterly 100.0 feet, more or less, from the east side of South
19	Calvert Street, 66 feet wide, thence Northerly 55.0 feet, more or less, along the
20	west side of Rogers Alley, 9.5 feet wide, to the point of beginning, the point also
21	being in a horizontal plane having an elevation 43.5 feet, more or less, and
22	ascending to an elevation of unlimited height, as referenced to the Baltimore City
23	Vertical Datum, running thence the four following courses and distances, binding
24 25	on the west side of Rogers Alley Northerly 18.0 feet, more or less; thence crossing Rogers Alley Easterly 9.5 feet, more or less, to intersect the east side of Rogers
26	Alley; thence binding on the east side of Rogers Alley Southerly 18.0 feet, more
27	or less; and thence crossing Rogers Alley Westerly 9.5 feet, more or less, to the
28	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 171 square feet or 0.0039 acres, more or less. 2 As delineated on Plat 313-A-23A, prepared by the Survey Section and filed on November 14, 3 2019, in the Office of the Department of Transportation. SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and 4 5 closing of the air rights area over a portion of the public right of way of Rogers Alley and the rights of all interested parties shall be regulated by and in accordance with all applicable 6 7 provisions of state and local law and with all applicable rules and regulations adopted by the 8 Director of Transportation and filed with the 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 abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with 12 them, that person must first obtain permission from the Mayor and City Council and, in the 13 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 the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council 19 or, at the expense of the person seeking to erect the building or structure, have been removed and 20 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 subsurface structures and appurtenances owned by any person other than the Mayor and City 24 Council of Baltimore shall be removed by and at the expense of their owners, promptly upon 25 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 Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized 28 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, repairing, altering, relocating, or replacing any of them, without need to obtain permission from 31 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 16 day of November , 2020
Briden M. Scott President, Baltimore City Council
Tresident, Battimore City Council
Certified as duly delivered to His Honor, the Mayor,
this 16 day of November, 20 20
Natawna 8. Austin
Chief Clerk
Approved this 2 nd day of Dec., 20 20
Mayor, Baltimore City
Approved for Form and Legal Sufficiency This 2nd day of December, 2020.
Chief Solicitor