

CITY OF BALTIMORE
COUNCIL BILL 21-0084
(First Reader)

Introduced by: The Council President

At the request of: The Administration (Department of Recreation and Parks)

Introduced and read first time: May 17, 2021

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Department of Transportation, Fire Department, Parking Authority, Board of Estimates

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Franchise – Gas Regulator Station Utility in Hanlon Park**

3 FOR the purpose of granting a franchise to Baltimore Gas and Electric Company to construct,
4 use, and maintain a 40’ x 100’ gas regulator station utility, subject to certain terms,
5 conditions, and reservations; and providing for a special effective date.

6 BY authority of

7 Article VIII - Franchises
8 Baltimore City Charter
9 (1996 Edition)

10 **Recitals**

11 This project proposes the installation of a 40’ x 100’ Gas Regulator Station Utility
12 for the service and benefit of Baltimore Gas and Electric Company to be located
13 in Hanlon Park, at the north side of the Gwynns Falls Parkway.

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That a
15 franchise or right is granted to Baltimore Gas and Electric Company, its tenants, successors, and
16 assigns (collectively, the “Grantee”) to construct, use, and maintain, at Grantee’s own cost and
17 expense a gas regulator station utility, subject to the terms and conditions of this Ordinance, at
18 the north side of the Gwynns Falls Parkway west of Dukeland Street, the location being
19 described as follows:

20 Beginning for the same at a point on the northerly side of Gwynns Falls Parkway,
21 120 feet wide, being distant South 87° 04’ 32” West 67.93 feet from the
22 intersection formed by the northerly side of Gwynns Falls Parkway and the
23 westerly side of Dukeland Street 50 feet wide, as shown on the City of Baltimore
24 Department of Public Works Bureau of Plans and Surveys Land Records “Hanlon
25 Park” Plat dated March 10, 1941, recorded among the Land Records of Baltimore
26 City, Maryland; thence departing the point so fixed binding on and running with
27 the northerly side of Gwynns Falls Parkway with all bearings herein being referred

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

Council Bill 21-0084

1 to the Baltimore City Survey Control System as now surveyed:

2 (1) South 87° 04' 32" West for a distance of 100.00 feet to a point; thence departing from
3 the Gwynns Falls Parkway and running through Hanlon Park by the following 3
4 courses and distances:

5 (2) North 02° 55' 28" West for a distance of 40.00 feet to a point; thence

6 (3) North 87° 04' 32" East for a distance of 100.00 feet to a point; and thence

7 (4) South 02° 55' 28" West for a distance of 100.00 feet to a point to the place of
8 beginning.

9 Containing 4,000 square feet or 0.0918 acres of land per survey calculations.

10 Being the same lands as shown on a plat attached hereto and intended to be
11 recorded herewith entitled, "Easement Plat for Baltimore Gas & Electric
12 Company Hanlon Park on Gwynns Falls Parkway," prepared by EN Engineering
13 and dated June 10, 2020.

14 This metes and bounds land description and the related survey work were
15 prepared in accordance with the requirements of COMAR Title 9 Department of
16 Labor, Licensing and Regulations Subtitle 13, Chapter 06, Minimum Standards of
17 Practice as amended in May of 2017.

18 **SECTION 2. AND BE IT FURTHER ORDAINED**, That to become effective, the franchise or right
19 granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within
20 6 months after the effective date of this Ordinance.

21 **SECTION 3. AND BE IT FURTHER ORDAINED**, That as compensation for the Franchise, the
22 Grantee shall pay to the Mayor and City Council of Baltimore a one-time franchise charge of \$ ____
23 _____. The franchise charge must be paid within 30 days following the effective date of this
24 Ordinance.

25 **SECTION 4. AND BE IT FURTHER ORDAINED**, That:

26 (a) The term of the Franchise shall commence on the effective date of this Ordinance and
27 terminate 25 years thereafter.

28 (b) Upon the request of the Grantee, at any time within one year prior to expiration of the
29 rights granted herein, the City may, by ordinance, renew the grants by additional periods of 25
30 years each subject to all the terms and conditions of the renewing Ordinance.

31 **SECTION 5. AND BE IT FURTHER ORDAINED**, That the Mayor and City Council of Baltimore
32 expressly reserves the right at all times to exercise, in the interest of the public, full municipal
33 superintendence, regulation and control over and in respect to all matters connected with the
34 Franchise and not inconsistent with the terms of this Ordinance.

Council Bill 21-0084

1 **SECTION 6. AND BE IT FURTHER ORDAINED**, That the Grantee, at its own cost and expense,
2 shall maintain in good condition and in compliance with all applicable laws and regulations of
3 Baltimore City, all structures for which the Franchise is granted. The maintenance of these
4 structures shall be at all times subject to the regulation and control of the Director of the
5 Department of Recreation and Parks. If any structure for which the Franchise is granted must be
6 readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee
7 shall pay all costs and expenses in connection with the readjustment, relocation, protection, or
8 support.

9 **SECTION 7. AND BE IT FURTHER ORDAINED**, That at the option of the Mayor and City
10 Council of Baltimore, acting by and through the Director of the Department of Recreation and
11 Parks, the Grantee's failure to comply with any term or condition of this Ordinance constitutes a
12 forfeiture of the Franchise. Immediately on written notice to the Grantee of the exercise of this
13 option, the Franchise terminates.

14 **SECTION 8. AND BE IT FURTHER ORDAINED**, That at any time and without prior notice, the
15 Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public
16 interest, welfare, safety, or convenience so requires. Immediately on written notice to the
17 Grantee of the exercise of this right, the Franchise terminates.

18 **SECTION 9. AND BE IT FURTHER ORDAINED**, That on cancellation, expiration, forfeiture,
19 revocation, or other termination of the Franchise for any reason, the Grantee shall remove all
20 structures for which the Franchise is granted. The removal of these structures shall be
21 (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor
22 and City Council of Baltimore, (ii) made in a manner satisfactory to the Director of the
23 Department of Recreation and Parks, and (iii) completed within the time specified in writing by
24 the Director of the Department of Recreation and Parks.

25 **SECTION 10. AND BE IT FURTHER ORDAINED**, That the Grantee is liable for and shall
26 indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses,
27 costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any
28 time subjected on account of, or in any way resulting from, (i) the construction, use, operation,
29 maintenance, alteration, repair, location, relocation, or removal of any of the structures for which
30 the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or agents, to
31 perform promptly and properly any duty or obligation imposed on the Grantee by this Ordinance,
32 except for activities caused by the sole negligent act or omission of the City, its elected/appointed
33 officials, employees, agents, and volunteers arising from the activities permitted by this
34 Franchise, except for activities caused by the sole negligent act or omission of the City, its
35 elected/appointed officials, employees, agents, and volunteers arising from the activities
36 permitted by this Franchise.

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