



Legislation Details (With Text)

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Type: Ordinance **Status:** Enacted
File created: 1/28/2013 **In control:** City Council
On agenda: **Final action:** 8/19/2013
Enactment date: **Enactment #:** 13-149

Title: City Streets - Closing - A Portion of Fremont Avenue and 2 Portions of Martin Luther King, Jr. Boulevard

FOR the purpose of condemning and closing a portion of Fremont Avenue and 2 portions of Martin Luther King, Jr. Boulevard, lying between Fairmount Avenue and Hollins Street, as shown on Plat 329 -A-23A in the Office of the Department of General Services; and providing for a special effective date.

Sponsors: City Council President (Administration)

Indexes: City Streets - Closing, Closing, Streets

Code sections:

Attachments: 1. 13-0181 - 1st Reader.pdf, 2. DGS - 13-0181.pdf, 3. BDC - 13-0181.pdf, 4. Planning - 13-0181.pdf, 5. Transportation - 13-0181.pdf, 6. HCD - 13-0181.pdf, 7. 13-0181 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
8/19/2013	0	Mayor	Signed by Mayor	
8/12/2013	0	City Council	Approved and Sent to the Mayor	
7/15/2013	0	Housing and Community Development Committee	Recommended Favorably	
7/15/2013	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
6/24/2013	0	Housing and Community Development Committee	Scheduled for a Public Hearing	
1/31/2013	0	The City Council	Referred for a Report	
1/31/2013	0	The City Council	Referred for a Report	
1/31/2013	0	The City Council	Referred for a Report	
1/31/2013	0	The City Council	Referred for a Report	
1/31/2013	0	The City Council	Referred for a Report	
1/28/2013	0	City Council	Assigned	
1/28/2013	0	City Council	Introduced	

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CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President

At the request of: The Administration (Department of General Services)
A BILL ENTITLED

AN ORDINANCE concerning
City Streets - Closing - A Portion of Fremont Avenue and 2 Portions of Martin Luther King, Jr. Boulevard

FOR the purpose of condemning and closing a portion of Fremont Avenue and 2 portions of Martin Luther King, Jr. Boulevard, lying between Fairmount Avenue and Hollins Street, as shown on Plat 329-A-23A in the Office of the Department of General Services; 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 General Services shall proceed to condemn and close a portion of Fremont Avenue and 2 portions of Martin Luther King, Jr. Boulevard, lying between Fairmount Avenue and Hollins Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Baltimore Street, 66 feet wide, and the northeast side of Fremont Avenue, 66 feet wide, the northeast side of said Fremont Avenue is also the southwest side of Martin Luther King, Jr. Boulevard, varying in width, there situate, and running thence binding on the northeast side of said Fremont Avenue and the southwest side of said Martin Luther King, Jr. Boulevard, as shown on Boundary and Topographic Survey Plat Drawing No. 401960 entitled - "South Martin Luther King, Jr. Boulevard at West Baltimore Street" - prepared by STV Incorporated, dated March 8, 2011, and also shown on Interstate Division for Baltimore City Plat No. U-14-077, South 23° 06' 05" East 150.41 feet, to the point formed by the intersection of the southwest side of said Martin Luther King, Jr. Boulevard and the southeasternmost extremity of said Fremont Avenue, there situate, and shown on said plats; thence binding on the southeast side of said Martin Luther King, Jr. Boulevard and the southeasternmost extremity of said Fremont Avenue, as shown on said plats, South 66° 53' 55" West 11.58 feet, to the northwest side of Fremont Avenue, as condemned and closed under this Ordinance from its former width of 66 feet to a variable width right of way, and also referred to as the southwest outline of Acquisition Area No. 2 as shown on Exhibit Plat No. 3014350 for the Proposed ROW Closing entitled - "South Martin Luther King, Jr. Boulevard at West Baltimore Street (Proposed Acquisition Area)" - prepared by STV Incorporated, dated March 8, 2011, and thence by straight lines through the bed of said Fremont Avenue, mentioned firstly herein, and along the southwest and northwest sides of last said Fremont Avenue, as realigned and closed and shown on last said plat, the three following courses and distances; namely, North 25° 15' 53" West 35.91 feet, North 23° 06' 05" West 106.12 feet, and North 32° 39' 02" East 15.63 feet, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the south side of Baltimore Street, 66 feet wide, and the southwest side of Martin Luther King, Jr. Boulevard, varying in width, the southwest side of said Martin Luther King, Jr. Boulevard is also the northeast side of Fremont Avenue, 66 feet wide, there situate; and running thence binding in part on the south side of said Baltimore Street, in part on the line of the south side of said Baltimore Street, if projected easterly through the bed of said Martin Luther King, Jr. Boulevard, which is also the north side of Acquisition Area No. 2 as shown on Exhibit Plat No. 3014350 for the Proposed ROW Closing entitled

- "South Martin Luther King, Jr. Boulevard at West Baltimore Street (Proposed Acquisition Area)" - prepared by STV Incorporated, dated March 8, 2011, North 86° 47' 42" East 125.70 feet; thence by lines through the street bed of said Martin Luther King, Jr. Boulevard, and along the southeast, south and southwest outlines of said Acquisition Area No. 2 as shown on said Plat, the four following courses and distances; namely, South 14° 31' 18" West 198.25 feet, by a non-tangent line curving to the right with a radius of 178.10 feet the distance of 5.82 feet, which arc is subtended by a chord bearing North 79° 42' 56" West 5.82 feet, by a non-tangent line curving to the left with a radius of 174.30 feet the distance of 28.02 feet, which arc is subtended by a chord bearing North 29° 39' 42" West 27.99 feet and by a non-tangent line North 25° 15' 53" West 18.40 feet, to the southeasternmost extremity of said Fremont Avenue, there situate, which is also a point on the southwest side of Acquisition Area No. 2, as shown on said Plat; thence binding on the southeasternmost extremity of said Fremont Avenue, and through Acquisition Area No. 2 as shown on said Plat, and on the northwest side of Martin Luther King, Jr. Boulevard as shown on Boundary and Topographic Survey Plat Drawing No. 401960 entitled - "South Martin Luther King, Jr. Boulevard at West Baltimore Street" - prepared by STV Incorporated, dated March 8, 2011, and also shown on Interstate Division for Baltimore City Plat No. U-14-077, North 66° 53' 55" East 11.58 feet to the point formed by the intersection of the northeast side of said Fremont Avenue and the southwest side of said Martin Luther King, Jr. Boulevard, as also shown on the last said two plats, and running thence binding on the northeast side of said Fremont Avenue and the southwest side of said Martin Luther King, Jr. Boulevard, as shown on the last said two plats, North 23° 06' 05" West 150.41 feet, to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the line of the south side of Fairmount Avenue, 30 feet wide, if projected easterly through the bed of Martin Luther King, Jr. Boulevard, varying in width, and the southeast outline of Acquisition Area No. 1 as shown on Exhibit Plat Drawing No. 3014350 for the Proposed ROW Closing entitled - "South Martin Luther King, Jr. Boulevard at West Baltimore Street" - prepared by STV Incorporated and dated March 8, 2011, and running thence through the street bed of said Martin Luther King, Jr. Boulevard and along the southeast and south outlines of said Acquisition Area No. 1, the two following courses and distances; namely, South 14° 31' 18" West 160.81 feet and South 86° 47' 12" West 90.51 feet to the west outline of said Acquisition Area No. 1 and to a line drawn parallel with and distant 10.00 feet easterly from the west side of said Martin Luther King, Jr. Boulevard, the west side of said Martin Luther King, Jr. Boulevard is shown on Interstate Division for Baltimore City Plat No. U-14-077; thence binding on the west outline of said Acquisition Area No. 1 and on said line so drawn, North 04° 15' 16" West 153.20 feet to intersect the south side of said Fairmount Avenue; and thence binding in part on the south side of said Fairmount Avenue, in part on the line of south side of said Fairmount Avenue, so projected, and on the north side of said Acquisition Area No. 1, and in all, North 86° 47' 42" East 142.48 feet to the place of beginning.

As delineated on Plat 329-A-23A, prepared by the Survey Control Section and filed in July 2012, in the Office of the Department of General Services.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of the portions of the streets 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 General Services 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 General Services 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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