



## Legislation Details (With Text)

**File #:** 23-0395      **Version:** 0      **Name:** Air Rights - Closing - A Portion of Newkirk Street  
**Type:** Ordinance      **Status:** Enacted  
**File created:** 6/12/2023      **In control:** Baltimore City Council  
**On agenda:**      **Final action:** 9/9/2024  
**Enactment date:**      **Enactment #:** 24-358

**Title:** Air Rights - Closing - A Portion of Newkirk Street  
 For the purpose of condemning and closing the air rights area, extending over a portion of the public right of way of Newkirk Street, as shown on a plat numbered 337-A-29A, dated February 25, 2022, and filed in the Department of Transportation; and providing for a special effective date.

**Sponsors:** City Council President (Administration)

**Indexes:** Air Rights, Closing

**Code sections:**

**Attachments:** 1. Newkirk St - Air Rights - Plat (2 of 2), 2. Newkirk St - Air Rights - Plat (1 of 2), 3. 23-0395~1st Reader, 4. 23-0395 OECR, 5. BDC 23-0395, 6. 23-0395 - Planning, 7. DOT 23-0395, 8. DHCD 23-0395, 9. 23-0395 - Law, 10. 23-0395 - Hearing Packet, 11. Voting Record 23-0395, 12. Hearing Notes 23-0395, 13. 23-0395~3rd Reader, 14. CP Signed 23-0395~3rd Reader, 15. 23-0395 Signed, 16. Completed Ordinance 23-0395 24-358

Date	Ver.	Action By	Action	Result
9/16/2024	0	Mayor	Signed by Mayor	
8/26/2024	0	Baltimore City Council	Approved and Sent to the Mayor	
7/22/2024	0	Baltimore City Council	Advanced to 3rd Reader, for Final Passage	
7/22/2024	0	Economic and Community Development	Recommended Favorably	
7/9/2024	0	Economic and Community Development	Recommended Favorably	Pass
7/9/2024	0	Economic and Community Development	Scheduled for a Public Hearing	
6/15/2023	0	Baltimore City Council	Refer to Dept. of Transportation	
6/15/2023	0	Baltimore City Council	Refer to Baltimore Development Corporation	
6/15/2023	0	Baltimore City Council	Refer to City Solicitor	
6/15/2023	0	Baltimore City Council	Refer to Dept. of Planning	
6/15/2023	0	Baltimore City Council	Refer to Dept. of Housing and Community Development	
6/15/2023	0	Baltimore City Council	Refer to Office of Equity and Civil Rights	
6/12/2023	0	Baltimore City Council	Assigned	
6/12/2023	0	Baltimore City Council	Introduced	

\* **Warning:** This is an unofficial, introductory copy of the bill.  
 The official copy considered by the City Council is the first reader copy.

**Introductory\***

## City of Baltimore Council Bill

Introduced by: The Council President

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

A Bill Entitled

An Ordinance concerning

### **Air Rights - Closing - A Portion of Newkirk Street**

For the purpose of condemning and closing the air rights area, extending over a portion of the public right of way of Newkirk Street, as shown on a plat numbered 337-A-29A, dated February 25, 2022, and filed in 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 extending over a portion of the public right of way of Newkirk Street and more particularly described as follows:

Beginning for the same at a point on the west side of Newkirk Street, 60 feet wide, said point being Southerly 833 feet, more or less, from the south side of Boston Street, 70 feet wide, said point also being in a horizontal plane having an elevation 49.0 feet, more or less, and ascending to an elevation of unlimited height, as referenced to the Baltimore City Vertical Datum, running thence the four following courses and distances, crossing said Newkirk Street Easterly 60.0 feet, more or less, to intersect the east side of said Newkirk Street, thence binding on the east side of said Newkirk Street Southerly 22.17 feet, more or less, thence crossing said Newkirk Street Westerly 60.0 feet, more or less, to intersect the west side of Newkirk Street and thence Northerly 22.17 feet, more or less, to the place of beginning.

Containing 1330.2 square feet or 0.0305 acres more or less.

As delineated on a plat numbered 337-A-29A prepared by the Survey Control Section and filed on February 25, 2022 in the Office of the Department of Transportation.

**Section 2. And be it further ordained,** That the proceedings for the condemnation and closing of the air rights area over a portion of the public right of way of Newkirk Street 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.

**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 Transportation 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 Transportation.

**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.