



Legislation Details (With Text)

File #: 21-0084 **Version:** 0 **Name:** Franchise - Gas Regulator Station Utility in Hanlon Park

Type: Ordinance **Status:** Withdrawn

File created: 5/17/2021 **In control:** Baltimore City Council

On agenda: **Final action:** 10/18/2021

Enactment date: **Enactment #:**

Title: Franchise - Gas Regulator Station Utility in Hanlon Park
For the purpose of granting a franchise to Baltimore Gas and Electric Company to construct, use, and maintain a 40' x 100' gas regulator station utility, subject to certain terms, conditions, and reservations; and providing for a special effective date.

Sponsors: City Council President (Administration)

Indexes: Franchise

Code sections:

Attachments: 1. 21-0084~1st Reader, 2. Fire 21-0084, 3. Parking 21-0084, 4. Law 21-0084, 5. 21-0084 - Testimony - Morgan Jessica - Oppose

Date	Ver.	Action By	Action	Result
10/18/2021	0	Baltimore City Council	Withdrawn	
5/20/2021	0	Baltimore City Council	Refer to Board of Estimates	
5/20/2021	0	Baltimore City Council	Refer to Fire Department	
5/20/2021	0	Baltimore City Council	Refer to Parking Authority Board	
5/20/2021	0	Baltimore City Council	Refer to Dept. of Housing and Community Development	
5/20/2021	0	Baltimore City Council	Refer to Dept. of Transportation	
5/20/2021	0	Baltimore City Council	Refer to City Solicitor	
5/20/2021	0	Baltimore City Council	Refer to Dept. of Planning	
5/17/2021	0	Baltimore City Council	Introduced	
5/17/2021	0	Baltimore City Council	Assigned	

* **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 Recreation and Parks)

A Bill Entitled

An Ordinance concerning
Franchise - Gas Regulator Station Utility in Hanlon Park
For the purpose of granting a franchise to Baltimore Gas and Electric Company to construct, use, and maintain

a 40' x 100' gas regulator station utility, subject to certain terms, conditions, and reservations; and providing for a special effective date.

By authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

Recitals

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

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That a franchise or right is granted to Baltimore Gas and Electric Company, its tenants, successors, and assigns (collectively, the "Grantee") to construct, use, and maintain, at Grantee's own cost and expense a gas regulator station utility, subject to the terms and conditions of this Ordinance, at the north side of the Gwynns Falls Parkway west of Dukeland Street, the location being described as follows:

Beginning for the same at a point on the northerly side of Gwynns Falls Parkway, 120 feet wide, being distant South 87° 04' 32" West 67.93 feet from the intersection formed by the northerly side of Gwynns Falls Parkway and the westerly side of Dukeland Street 50 feet wide, as shown on the City of Baltimore Department of Public Works Bureau of Plans and Surveys Land Records "Hanlon Park" Plat dated March 10, 1941, recorded among the Land Records of Baltimore City, Maryland; thence departing the point so fixed binding on and running with the northerly side of Gwynns Falls Parkway with all bearings herein being referred to the Baltimore City Survey Control System as now surveyed:

- (1) South 87° 04' 32" West for a distance of 100.00 feet to a point; thence departing from the Gwynns Falls Parkway and running through Hanlon Park by the following 3 courses and distances:
- (2) North 02° 55' 28" West for a distance of 40.00 feet to a point; thence
- (3) North 87° 04' 32" East for a distance of 100.00 feet to a point; and thence
- (4) South 02° 55' 28" West for a distance of 100.00 feet to a point to the place of beginning.

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

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

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

Section 2. And be it further ordained, That to become effective, the franchise or right granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within 6 months after the effective date of this Ordinance.

Section 3. And be it further ordained, That as compensation for the Franchise, the Grantee shall pay to

the Mayor and City Council of Baltimore a one-time franchise charge of \$. The franchise charge must be paid within 30 days following the effective date of this Ordinance.

Section 4. And be it further ordained, That:

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

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

Section 5. And be it further ordained, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

Section 6. And be it further ordained, That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of Baltimore City, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of the Director of the Department of Recreation and Parks. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses in connection with the readjustment, relocation, protection, or support.

Section 7. And be it further ordained, That at the option of the Mayor and City Council of Baltimore, acting by and through the Director of the Department of Recreation and Parks, the Grantee's failure to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise. Immediately on written notice to the Grantee of the exercise of this option, the Franchise terminates.

Section 8. And be it further ordained, That at any time and without prior notice, the Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public interest, welfare, safety, or convenience so requires. Immediately on written notice to the Grantee of the exercise of this right, the Franchise terminates.

Section 9. And be it further ordained, That on cancellation, expiration, forfeiture, revocation, or other termination of the Franchise for any reason, the Grantee shall remove all structures for which the Franchise is granted. The removal of these structures shall be (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor and City Council of Baltimore, (ii) made in a manner satisfactory to the Director of the Department of Recreation and Parks, and (iii) completed within the time specified in writing by the Director of the Department of Recreation and Parks.

Section 10. And be it further ordained, That the Grantee is liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses, costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any time subjected on account of, or in any way resulting from, (i) the construction, use, operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this Ordinance, except for activities caused by the sole negligent act or omission of the City, its elected/appointed officials, employees, agents, and volunteers arising from the activities permitted by this Franchise, except for activities caused by the sole negligent act or omission of the City, its elected/appointed officials, employees, agents, and volunteers arising from the activities permitted by this Franchise.

Section 11. And be it further ordained, That this Ordinance takes effect on the date it is enacted.