



Legislation Text

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INTRODUCTORY*

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 - Air Rights over Orleans Street, 189.30 Feet West of Wolfe Street

FOR the purpose of condemning and closing air rights over Orleans Street, 189.30 feet west of Wolfe Street, as shown on Plat 346-A-52C 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 Public Works shall proceed to condemn and close air rights over Orleans Street, 189.30 feet west of Wolfe Street, and more particularly described as follows:

Beginning for Parcel No. 1 at a point on the south side of Orleans Street, varying in width, distant South 87° 04' 30" West 189.30 feet, measured along the south side of said Orleans Street, from the west side of Wolfe Street, 70 feet wide, and at a horizontal plane having an elevation varying from 117.52 feet to 117.72 feet, and ascending to an elevation of unlimited height, and running thence binding on the south side of said Orleans Street, South 87° 04' 30" West 22.36 feet to intersect the west side of said air rights parcel of land; thence by a straight line drawn at a right angle to the south side of said Orleans Street and binding on the west side of said air rights parcel of land, North 02° 55' 30" West 69.95 feet; thence by a line curving to the left with a radius of 389.00 feet the distance of 22.51 feet which arc is subtended by a chord bearing South 86° 25' 08.5" East 22.51 feet to intersect the east side of said air rights parcel of land, and thence binding on the east side of said air rights parcel of land, South 02° 55' 30" East 67.40 feet to the place of beginning.

Containing 1,533.13 square feet land.

As delineated on Plat 346-A-52C, prepared by the Survey Control Section and filed on July 28, 2010, 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 air rights over Orleans 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 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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