



Legislation Text

File #: 22-0303, Version: 0

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The official copy considered by the City Council is the first reader copy.

Introductory*
City of Baltimore
Council Bill

Introduced by: The City Council President
At the request of: The Administration (Department of Transportation)
A Bill Entitled

An Ordinance concerning
City Streets - Closing - A Portion of Marion Street

For the purpose of condemning and closing air rights above a portion of Marion Street, extending Westerly 103 feet, more or less, from Kimmel Alley beginning at a horizontal plane of 14 feet above street level, and closing subterranean rights below a portion of Marion Street extending Westerly 62.5 feet, more or less, from Kimmel Alley, beginning at a horizontal plane at elevation 62 feet based on Baltimore City Survey Control System, as shown on a plat numbered 330-A-28A, Sheets 1 and 2, dated June 20, 2022, prepared by the Survey Section and filed with 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 air rights above a portion of Marion Street extending Westerly 103 feet more or less, from Kimmel Alley beginning at a horizontal plane of 14 feet above street level and closing subterranean rights below a portion of Marion Street, extending Westerly 62.5 feet, more or less, from Kimmel Alley beginning at a horizontal plane at elevation 62 feet, based on Baltimore City Survey Control System, and more particularly described as follows:

**DESCRIPTION OF
AIR RIGHTS ABOVE A PORTION OF MARION STREET**

Beginning for Parcel 1 at the point formed by the intersection of the east side of Bridge No. 1 and the north side of Marion Street, 20 feet wide, said point of beginning being distant Westerly 74.5 feet, more or less, measured along the north side of said Marion Street from the west side of North Howard Street, 82.5 feet wide, thence leaving the north side of said Marion Street and binding on the east side of Bridge No. 1 Southerly 20 feet, more or less, to intersect the south side of said Marion Street; thence

binding on the south side of said Marion Street Westerly 62.77 feet, more or less, to the west side of Bridge No. 1; thence crossing said Marion Street and binding on the west side of Bridge No. 1 Northerly 20 feet, more or less, to intersect the north side of said Marion Street and thence binding on the north side of said Marion Street Easterly 62.77 feet, more or less, to the place of beginning.

Containing 1,255.4 square feet or 0.0288 acres more or less

Beginning for Parcel 2 at the point formed by the intersection of the east side of Bridge No. 2 and the south side of Marion Street, 20 feet wide, said point of beginning being distant Westerly 62.77 feet, more or less, measured along the south side of said Marion Street from the west side of Kimmel Alley; thence binding on the south side of said Marion Street Westerly 40.65 feet, more or less, to the west side of said Bridge No. 2; thence crossing said Marion Street and binding on the said west side of side bridge No. 2 Northerly 20 feet, more or less, to intersect the north side of Marion Street; thence binding on the north side of said Marion Street Easterly 40.65 feet, more or less, to the east side of said Bridge No. 2 and thence crossing said Marion Street and binding on the said east side of said bridge No. 2 Southerly 20 feet, more or less, to the place of beginning.

Containing 813.0 square feet or 0.0187 acres more or less

Description of Subterranean Rights below a Portion of Marion Street

Beginning for Parcel 1 at the point formed by the intersection of the east side of Tunnel No. 1 and the north side of Marion Street, 20 feet wide, said point of beginning being distant Westerly 97.4 feet, more or less, measured along the north side of said Marion Street from the west side of North Howard Street, 82.5 feet wide, thence leaving the north side said of Marion Street and binding on the east side of Tunnel No. 1 Southerly 20 feet, more or less, to intersect the south side of said Marion Street; thence binding on the south side of said Marion Street Westerly 15.5 feet, more or less, to the west side Tunnel No. 1; thence crossing said Marion Street and binding on the west side of Tunnel No. 1 Northerly 20 feet, more or less, to the north side of said Marion Street and thence binding on the north side of said Marion Street Easterly 15.5 feet, more or less, to the place of beginning.

Containing 310.0 square feet or 0.0071 acres more or less

Beginning for Parcel 2 at the point formed by the intersection of the east side of Tunnel No. 2 and the south side of Marion Street, 20 feet wide, said point of beginning being distant Westerly 44 feet, more or less, measured along the south side of said Marion Street from the west side of Kimmel Alley; thence binding on the south side of said Marion Street Westerly 18.5 feet, more or less, to the west side of said Tunnel No. 2; thence crossing said Marion Street and binding on the west side of Tunnel No.2 Northerly 20 feet, more or less, to the north side of said Marion Street; thence binding on the north side of said Marion Street Easterly 18.5 feet, more or less, to the east side of said Tunnel and thence crossing said Marion Street and binding on the east side of Tunnel No. 2 Southerly 20 feet, more or less, to the place of beginning.

Containing 370.0 square feet or 0.0085 acres more or less

As delineated on a plat numbered 330-A-28A, Sheets 1 and 2, prepared by the Survey Control Section and filed on June 20, 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 air rights above a portion of Marion Street extending Westerly 103 feet more or less, from Kimmel Alley

beginning at a horizontal plane of 14 feet above street level, and closing of subterranean rights below a portion of Marion Street extending Westerly 63 feet from Kimmel Alley beginning at a horizontal plane at elevation 62 feet based on Baltimore City Survey Control System 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.