



Legislation Text

File #: 17-0022, Version: 0

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**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

**City Streets - Closing - Bed of Duker Alley**

For the purpose of condemning and closing the bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street, as shown on Plat 232-A-15A in the Office of 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 bed of Duker Alley, extending westerly 92 feet, more or less, to the westernmost extremity thereof from the west side of Albemarle Street, and more particularly described as follows:

Beginning for Parcel No. 1 at a point formed by the intersection of the west side of Albemarle Street 60 feet wide, and the south side of Duker Alley 10 feet wide, said point of beginning being distant northerly 191 feet, more or less, measured along the west side of said Albemarle Street from the point formed by the intersection of the west side of said Albemarle Street and the north side of South President Street varying width; thence binding on the south side of said Duker Alley Westerly 92 feet, more or less, to the westernmost extremity of said Duker Alley; thence binding on the westernmost extremity of said Duker Alley Northerly 10 feet to the north side of said Duker Alley; thence binding on the north side of said Duker Alley Easterly 92 feet, more or less, to intersect the west side of said Albemarle Street; and thence crossing said Duker Alley Southerly 10 feet to the place of beginning.

As delineated on Plat 232-A-15A , prepared by the Survey Control Section and filed on February 6, 2017, 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 bed of Duker Alley 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 Transportation 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 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 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 when it is enacted.