



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

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
Franchise - Private Pipelines Under and Across or Over and Across Portions of the South Clinton Street, South Highland Avenue, South Haven Street, Boston Street, O'Donnell Street, Eastern Avenue, East Lombard Street, and Pulaski Highway Rights-of-Way

FOR the purpose of granting a franchise to Petroleum Fuel & Terminal Company, to construct, use, and maintain private pipelines under and across or over and across portions of the 1600 block of South Clinton Street, the 1600 block of South Highland Avenue, the 1400 block of South Haven Street, the 4100 block of Boston Street, the 4100 block of O'Donnell Street, the 4400 block of Eastern Avenue, the 4500 block of East Lombard Street, and the 5100 block of Pulaski Highway rights-of-way, connecting the Company's North Terminal at 5101 Erdman Avenue to the Company's South Terminal at 1622 South Clinton Street, subject to certain terms, conditions, and reservations; repealing Ordinance 55-1462, Ordinance 79-1157, and Ordinance 82-851; and providing for a special effective date.

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

Recitals

Petroleum Fuel & Terminal Company owns and operates two petroleum product terminals, the North Terminal located at 5101 Erdman Avenue and the South Terminal located at 1622 South Clinton Street. A system of pipelines conveys the petroleum products between the two terminals. Portions of these pipelines cross City rights-of-way, either below grade or above grade (via pipeline bridges or attached by brackets on railroad bridges). Authority to cross City rights-of-way was granted under several franchise ordinances and Minor Privilege permits issued over the years to either a predecessor entity or to Petroleum Fuel & Terminal Company.

The pipelines between the Company's two terminals also cross private property, including railroad rights-of-way. Petroleum Fuel & Terminal Company must relocate its pipelines for a portion of railroad right-of-way. The Company also needs to add additional pipelines in alignment areas already covered by existing, but expired,

franchises. This franchise will consolidate all existing franchises and Minor Privilege permits permitted and assigned to Petroleum Fuel & Terminal Company into one franchise ordinance that will grant authority to Petroleum Fuel & Terminal Company for its pipelines and appurtenant structures to be constructed, operated, and maintained in City rights-of-way for an additional 25 years.

The following Ordinances will be repealed:

- (1) Ordinance 55-1462 originally issued to Merchants Terminal Corporation;
- (2) Ordinance 79-1157 issued to Petroleum Fuel & Terminal Company; and
- (3) Ordinance 82-851 issued to Petroleum Fuel & Terminal Company.

Structures authorized under Minor Privilege Permits 98405, 87364, and 115393 will also be consolidated into this new franchise ordinance, and these permits will require Board of Estimates action to rescind them.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to Petroleum Fuel & Terminal Company, its tenants, successors, and assigns (collectively, the "Grantee") to construct, use, and maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this Ordinance, the following described structures over and across the beds of South Clinton Street, South Highland Avenue, Eastern Avenue, and Pulaski Highway, and under and across the beds of South Haven Street, Boston Street, O'Donnell Street, and Lombard Street.

(a) An existing pipe bridgeway above and across South Clinton Street, approximately 225 feet north of the centerline of Eastbourne Avenue. The portion of the bridgeway located over and across the right-of-way measures approximately 70 feet long by 8 feet wide by 7 feet high and is approximately 18 feet above the surface of South Clinton Street at its lowest point. The bridgeway carries one 1-inch conduit, two 1½-inch conduits, two 2-inch conduits, two 4-inch conduits, 4 8-inch pipelines, two 10-inch pipelines, two 12-inch pipelines, and three 14-inch pipelines. The bridgeway occupies approximately 560 square feet of the right-of-way.

(b) An existing pipe bridgeway above and across South Highland Avenue, approximately 64 feet south of the south building line of Danville Avenue. The portion of the bridgeway located over and across the right-of-way measures approximately 134 feet long by 4 feet 6 inches wide by 3 feet high and is approximately 18 feet above the surface of South Highland Avenue at its lowest point. The bridgeway extends easterly 50 feet 3 inches from the west building line of South Highland Avenue, at a right angle to the building line thereof, thence running northerly for approximately 74 feet, parallel to the building line thereof, and thence easterly for 9 feet 9 inches to the east building line of Highland Avenue, at a right angle to the building line thereof. The bridgeway is supported by four 18-inch diameter concrete columns, three on the east side of Highland Avenue located 4 feet, 24 feet, and 64 feet respectively south of the south building line of Danville Avenue and projecting 10 feet 6 inches into the Highland Avenue right-of-way, and one on the west side of Highland Avenue located 64 feet south of the south building line of Danville Avenue and projecting 10 feet 9 inches into the Highland Avenue right-of-way. Each of the four supporting columns has cylindrical footings that are approximately 2 feet in diameter and 20 feet deep. The bridgeway carries one 2-inch conduit, two 8-inch pipelines, one 12-inch pipeline, and two 14-inch pipelines. The bridgeway occupies approximately 603 square feet of the right-of-way. The volume of each supporting column footing is approximately 62.8 cubic feet, for a total of 251.2 cubic feet for all 4 column footings.

(c) A new 12-inch pipeline under and across South Haven Street. Beginning for the centerline of the underground 12-inch pipeline on the west building line of Haven Street, 70 feet wide, at a point about 440 feet south of the south building line of Boston Street, and running thence in a northeasterly direction in and across Haven Street, about 80 feet to intersect the east building line thereof at a point 400 feet south of the south building line of Boston Street. The pipeline occupies approximately 80 linear feet of the right-of-way.

(d) An existing 12-inch pipeline under and across Boston Street. Beginning for the centerline of the 12-inch pipeline on the south building line of Boston Street, 70 feet wide, at a point approximately 230 feet east of the east building line of Haven Street, and running thence in and across Boston Street, at a right angle to the building line thereof, about 70 feet to intersect the north building line thereof at a point approximately 230 feet east of the east building line of Haven Street. The pipeline occupies approximately 70 linear feet of the right-of-way.

(e) An existing 12-inch pipeline under and across O'Donnell Street. Beginning for the centerline of the 12-inch pipeline on the south building line of O'Donnell Street, 70 feet wide, at a point approximately 230 feet east of the east building line of Haven Street, and running thence in and across O'Donnell Street, at a right angle to the building line thereof, approximately 70 feet to intersect the north building line thereof at a point approximately 230 feet east of the east building line of Haven Street. The pipeline occupies approximately 70 linear feet of the right-of-way.

(f) An existing 12-inch pipeline above and across Eastern Avenue Underpass. Beginning for the centerline of the 12-inch pipeline on the south building line of Eastern Avenue Underpass, 80 feet wide, at a point approximately 200 feet east of the east building line of Janney Street, and running thence on a northeasterly direction across and above Eastern Avenue Underpass on a bracket attached to the railroad bridge there situate, approximately 96 feet 8 inches to intersect the north building line thereof at a point approximately 230 feet east of the east building line of Janney Street. The pipeline occupies approximately 97 linear feet of the right-of-way.

(g) An existing 12-inch pipeline under and across East Lombard Street. Beginning for the centerline of the 12-inch pipeline on the south building line of East Lombard Street, 77 feet wide, at a point approximately 750 feet east of the east building line of Kresson Street, and running thence on a northeasterly direction in and across East Lombard Street, approximately 81 feet to intersect the north building line thereof at a point approximately 815 feet east of the east building line of Kresson Street. The pipeline occupies approximately 81 linear feet of the right-of-way.

(h) An existing 12-inch pipeline under and across Pulaski Highway. Beginning for the centerline of the 12-inch pipeline on the southeast building line of Pulaski Highway, 110 feet wide, at a point approximately 2,085 feet northeast of the east building line of Kresson Street, and running thence in a northwesterly direction under and across Pulaski Highway there situate, approximately 162 feet 8 inches to intersect the northeast building line thereof at a point approximately 1,985 feet northeast of the east building line of Kresson Street. The pipeline occupies approximately 162 linear feet of the right-of-way.

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 franchise charge of \$ _____ a year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) The initial term of the Franchise is 1 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Mayor and City Council of Baltimore or the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is 25 years.

(b) Either the Mayor and City Council of Baltimore, acting by and through the Director of General Services, or the Grantee may cancel the Franchise as at the end of the initial or any renewal term by giving written notice of cancellation to the other at least 90 days before the end of that term.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the annual franchise charge by giving written notice of the increase or decrease to the Grantee at least 150 days before the end of the original or renewal term immediately preceding the renewal term to which the increase or decrease will first apply. The new franchise charge will apply to all subsequent annual renewal terms, unless again increased or decreased in accordance with this section.

SECTION 6. 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 7. 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 Commissioner of Housing and Community Development and the Director of General Services. 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 8. AND BE IT FURTHER ORDAINED, That at the option of the Mayor and City Council of Baltimore, acting by and through the Director of General Services, 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. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore may waive the forfeiture or otherwise reinstate the Franchise.

SECTION 9. 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 10. 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 Commissioner of Housing and Community Development and the Director of General Services, and (iii) completed within the time specified in writing by the Director of General Services.

SECTION 11. 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 presence, 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.

SECTION 12. AND BE IT FURTHER ORDAINED, That Ordinance 55-1462, Ordinance 79-1157, and

Ordinance 82-851 are hereby repealed.

SECTION 13. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

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