



City of Baltimore

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

Legislation Text

File #: 13-0216, **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 General Services)

A BILL ENTITLED

AN ORDINANCE concerning **City Streets - Closing - Howil Terrace**

FOR the purpose of condemning and closing Howil Terrace, laid out contiguous to the north outline of the property known as 5928 York Road and extending from York Road Westerly 138.0 feet, more or less, to a 10-foot alley laid out in the rear of the properties known as 5926 and 5928 York Road, as shown on Plat 133-A-70A 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 General Services shall proceed to condemn and close Howil Terrace, laid out contiguous to the north outline of the property known as 5928 York Road and extending from York Road Westerly 138.0 feet, more or less, to a 10-foot alley laid out in the rear of the properties known as 5926 and 5928 York Road, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the west side of York Road, 80 feet wide, and the south side of Howil Terrace, 15 feet wide, and running thence binding on the south side of said Howil Terrace, Southwesterly 138.0 feet, more or less, to the east side of the former bed a 10-foot alley, laid out in the rear of the properties known as Nos. 5926 and 5928 York Road, as condemned and closed under Ordinance No. 07-581 approved on November 27, 2007 by the Mayor and City Council of Baltimore; thence by a straight line, Northerly 17.0 feet, more or less, to intersect the point formed by the intersection of the north side of said Howil Terrace and the east side of a Vehicular Turn-Around as described in a deed dated September 26, 2006 between the Mayor and City Council of Baltimore (Department of Real Estate) and Pergusa Enterprises, Inc., T/A Jerry's Belvedere Tavern,

and recorded among the

Land Records of Baltimore City in Liber F.M.C. No. 8438, Folio 056, there situate; thence binding on the north side of said Howil Terrace, Easterly 132.6 feet, more or less, to intersect the west side of said York Road, and thence binding on the west of said York Road, Southerly 15.0 feet, more or less, to the place of beginning.

As delineated on Plat 133-A-70A, prepared by the Survey Control Section and filed on November 15, 2012, 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 Howil Terrace 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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