



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 a Portion of Lovegrove Street
FOR the purpose of condemning and closing the Air Rights area over a portion of Lovegrove Street, extending northerly 100 feet from the north side of East Lanvale Street, as shown on Plat 227-A-23A 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 the Air Rights area over a portion of Lovegrove Street, extending northerly 100 feet from the north side of East Lanvale Street, and more particularly described as follows:

Beginning for the same at a point on the north side of East Lanvale Street 66 feet wide and the west side of Lovegrove Street 20 feet wide, the point of beginning being distant easterly 184.66 feet from a point formed by the intersection of the east side of North Charles Street and the north side of East Lanvale Street, the point also being in a horizontal plane having an elevation of 95.69 feet, as referenced to the Baltimore City Vertical Datum, running thence the following courses and distances:

1. Northerly for a distance of 100.0 feet binding on the west side of Lovegrove Street; thence
2. Easterly, at a right angle, a distance of 20.0 feet, to intersect the east side of Lovegrove Street;

thence

3. Southerly, a distance of 100.0 feet, binding on the east side of Lovegrove Street; thence
4. Westerly, binding on the north side of East Lanvale Street for a distance of 20.0 feet to the point of beginning.

This parcel defines the limits of an air right parcel having a lower elevation of 95.69 feet as referenced to the Baltimore City Vertical Datum and extending to an elevation of unlimited height.

Containing 1958.57 square feet or 0.045 acres, more or less.

As delineated on Plat 227-A-23A, prepared by the Survey Control Section and filed on August 26, 2014, 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 the Air Rights area 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 Air Rights area 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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