



Legislation Text

File #: 16-0747, **Version:** 0

Introduced by: The Council President

At the request of: The Administration (Department of Transportation)

A Bill Entitled

An Ordinance concerning

City Streets - Closing - A Portion of East Fairmount Avenue

For the purpose of condemning and closing a portion of East Fairmount Avenue, extending from the Norfolk Southern Railway Right of Way easterly 146.5 feet, more or less, to intersect the west side of a 10-foot alley, as shown on Plat 295-A-35A 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 a portion of East Fairmount Avenue, extending from the Norfolk Southern Railway Right of Way easterly 146.5 feet, more or less, to intersect the west side of a 10-foot alley, and more particularly described as follows:

Beginning for Parcel 1 at the point formed by the intersection of the north side of East Fairmount Avenue, 70 feet wide, and the west side of a 10-foot wide alley, the point of beginning being distant Westerly 75 feet, more or less, from a point formed by the intersection of the north side of East Fairmount Avenue and the west side of North Janney Street, 50 feet wide; thence crossing the existing right of way of East Fairmount Avenue, Southerly 70.0 feet to intersect the south side of East Fairmount Avenue; thence binding on the south side of East Fairmount Avenue, Westerly 146.5 feet, more or less, to intersect the east side of the Norfolk Southern Railway Right of Way, also known as North Iris Avenue, 125 feet wide; thence binding on the right of way, Northerly 70.0 feet to intersect the north side of East Fairmount Avenue and thence binding on the north side of East Fairmount Avenue, Easterly 146.5 feet, more or less to the place of beginning.

As delineated on Plat 295-A-35A, prepared by the Survey Control Section and filed on September 1, 2016, in the Office of the Department of Transportation.

Section 2. And be it further ordained, That the proceedings for the condemnation and closing of a portion of East Fairmount Avenue 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 on the date it is enacted.