



## Legislation Text

File #: 19-0318, Version: 0

\* **Warning:** This is an unofficial, introductory copy of the bill.  
The official copy considered by the City Council is the first reader copy.

### 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 - West Fairmount Avenue, a 10-Foot Alley, a Portion of Martin Luther King Jr. Boulevard, and a Portion of a 3-Foot Alley**

For the purpose of condemning and closing West Fairmount Avenue, a 10-foot alley, a portion of Martin Luther King Jr. Boulevard, and a portion of a 3-foot alley bounded by North Fremont Avenue, West Fayette Street, Martin Luther King Jr. Boulevard, and West Baltimore Street, as shown on Plat 329-A-25A 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 West Fairmount Avenue, a 10-foot alley, a portion of Martin Luther King Jr. Boulevard, and a portion of a 3-foot alley bounded by North Fremont Avenue, West Fayette Street, Martin Luther King Jr. Boulevard, and West Baltimore Street, and more particularly described as follows:

Beginning for Parcel 4 at the point formed by the intersection of the north side of West Baltimore Street 66 feet wide, and the west side of a 10-foot alley, the point of beginning being distant Easterly 81.96 feet measured along the north side of West Baltimore Street from the east side of North Fremont Avenue 66 feet wide; thence leaving the north side of West Baltimore Street North 04° 26' 27" West 153.43 feet to intersect the south side of West Fairmount Avenue 33 feet wide; thence binding on the south side of West Fairmount Avenue North 87° 01' 03" East 12.40 feet, to the east side of the 10-foot alley; thence binding on the east side of the 10-foot alley South 03° 38' 31" East 153.32 feet to intersect the north side of West Baltimore Street and thence binding on the north side of West Baltimore Street South 86° 36' 03" West 10.26 feet, to the place of beginning.

Containing 1,737 square feet or 0.040 acres, more or less.

Beginning for Parcel 5 at the point formed by the intersection of the east side of North Fremont Avenue 66 feet wide, and the north side of West Fairmount Avenue 33 feet wide, the point of beginning being distant Southeasterly 162.3 feet more or less, measured along the northeast side of North Fremont Avenue from the south side of West Fayette Street 66 feet wide; thence leaving the northeast side of North Fremont Avenue North 87° 01' 03" East 281.95 feet to intersect the west side of the proposed new right of way line for Martin Luther King Jr. Boulevard varying in width; thence binding on the west side of the proposed new right of way line of Martin Luther King Jr. Boulevard South 02° 47' 37" East 33.00 feet to intersect the south side of West Fairmount Avenue; then binding on the south side of West Fairmount Avenue South 87° 01' 03" West 269.75 feet to intersect the northeast side of North Fremont Avenue and thence binding on the northeast side of North Fremont Avenue North 23° 06' 04" West 35.14 feet to the place of beginning.

Containing 9,103 square feet or 0.209 acres, more or less.

Beginning for Parcel 6 at the point formed by the intersection of the west side of the existing right of way line of through highway Martin Luther King Jr. Boulevard varying in width and the south side of West Fairmount Avenue 33 feet wide, so projected, the point of beginning being distant Northeasterly 160.07 feet more or less measured along the west side of right of way line of through highway Martin Luther King Jr. Boulevard so projected from the north side of West Baltimore Street 66 feet wide; thence leaving the west side of the right of way line of Martin Luther King Jr. Boulevard South 87° 01' 03" West 16.72 feet to the west side of the proposed new right of way line of through highway Martin Luther King Jr. Boulevard; thence binding on the west side of the proposed new right of way line of Martin Luther King Jr. Boulevard North 02° 47' 37" West 183.00 feet to intersect the south side of West Fayette Street 66 feet wide; thence binding on the south side of West Fayette Street North 87° 01' 03" East 58.66 feet to the west side of the right of way line of Martin Luther King Jr. Boulevard and thence on the west side of the right of way line of Martin Luther King Jr. Boulevard South 10° 06' 28" West 187.88 feet to the place of beginning.

Containing 6,897 square feet or 0.158 acres, more or less.

Beginning for Parcel 7 at the point formed by the intersection of the north side of West Fairmount Avenue 33 feet wide, and the west side of a 3-foot alley the point of beginning being distant Easterly 63 feet, more or less, measured along the north side of West Fairmount Avenue from the east side of North Fremont Avenue 66 feet wide; thence binding on the west side of the 3-foot alley Northerly 16 feet to the northern property line of the property known as number 19 North Fremont Avenue; thence binding on the northern property line of the property so projected Easterly 3 feet to intersect the east side of the 3-foot alley; thence binding on the east side of the 3-foot alley Southerly 16 feet to intersect the north side of West Fairmount Avenue; and thence binding on the north side of West Fairmount Avenue Westerly 3 feet to the place of beginning.

Containing 48 square feet or 0.0011 acres, more or less.

As delineated on Plat 329-A-25A, prepared by the Survey Section and filed on October 16, 2018, in the Office of the Department of Transportation.

**Section 2. And be it further ordained,** That the proceedings for the condemnation and closing of West Fairmount Avenue, a 10-foot alley, a portion of Martin Luther King Jr. Boulevard, and a portion of a 3-foot

alley bounded by North Fremont Avenue, West Fayette Street, Martin Luther King Jr. Boulevard, and West Baltimore Street 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.