



Legislation Text

File #: 19-0325, Version: 0

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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 - Air Rights Area Over a Portion of the Public Right of Way of the 4100 Block of Hillen Road

For the purpose of condemning and closing the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road, as shown on Plat 347-A-76A 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 the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road, and more particularly described as follows:

Beginning for the same at a point on the west side of Hillen Road 120 feet wide the point of beginning being distant Northerly 596.6 feet, more or less, from a point formed by the intersection of the west side of Hillen Road and the north side of Argonne Drive 80 feet wide, the point also being in a horizontal plane 14.75 feet above street level at its lowest point; thence binding on the west side of Hillen Road North 16 degrees 24 minutes 40 seconds East 19.80 feet to a point on the north side of the air rights over a portion of the public right of way of the 4100 block of Hillen Road; thence crossing Hillen Road North 81 degrees 49 minutes 21 seconds East 131.49 feet to intersect the east side of Hillen Road; thence binding on the east side of Hillen Road South 15 degrees 44 minutes 42 seconds West 19.69 feet to a point on the south side of the air rights over a portion of the public right of way of the 4100 block of Hillen Road; thence crossing Hillen Road South 81 degrees 49 minutes 21 seconds West 131.74 feet to the point of beginning.

Containing 2,370 square feet or 0.054 acres, more or less.

As delineated on Plat 347-A-76A, prepared by the Survey Section and filed on March 7, 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 the air rights area over a portion of the public right of way of the 4100 Block of Hillen Road 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.