



Legislation Text

File #: 20-0501, 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 Transportation)

A Bill Entitled

An Ordinance concerning

City Streets - Closing - Air Rights over a Portion of the Public Right of Way of Rogers Alley

For the purpose of condemning and closing the air rights area over a portion of the public right of way of Rogers Alley, as shown on Plat 313-A-23A 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 Rogers alley, and more particularly described as follows:

Beginning for Parcel 1 from a point on the north side of Redwood Street, 66 feet wide, the point being Easterly 100.0 feet, more or less, from the east side of South Calvert Street, 66 feet wide, thence Northerly 55.0 feet, more or less, along the west side of Rogers Alley, 9.5 feet wide, to the point of beginning, the point also being in a horizontal plane having an elevation 43.5 feet, more or less, and ascending to an elevation of unlimited height, as referenced to the Baltimore City Vertical Datum, running thence the four following courses and distances, binding on the west side of Rogers Alley Northerly 18.0 feet, more or less; thence crossing Rogers Alley Easterly 9.5 feet, more or less, to intersect the east side of Rogers Alley; thence binding on the east side of Rogers Alley Southerly 18.0 feet, more or less; and thence crossing Rogers Alley Westerly 9.5 feet, more or less, to the place of beginning.

Containing 171 square feet or 0.0039 acres, more or less.

As delineated on Plat 313-A-23A, prepared by the Survey Section and filed on November 14, 2019, 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 Rogers Alley 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.