

ORDINANCES AND RESOLUTIONS
OF THE
MAYOR AND CITY COUNCIL
OF BALTIMORE

PASSED AT THE ANNUAL SESSION 2000-2001

Ordinances 00-104 to 01-265

Resolutions 00-012 to 01-022

Published by

BALTIMORE CITY DEPARTMENT OF LEGISLATIVE REFERENCE

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MAYOR AND CITY COUNCIL OF BALTIMORE
DEPARTMENT OF LEGISLATIVE REFERENCE

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EXPLANATION OF SYMBOLOGY

CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

Underlining indicates matter added to the bill by amendment.

~~Strike out~~ indicates matter stricken from the bill

by amendment or deleted from existing law by amendment.

Underlined italics indicate matter added to the bill by amendment after printing for third reading.

ORDINANCES

PASSED AT THE ANNUAL SESSION

2000-2001

CITY OF BALTIMORE
ORDINANCE 00-104
(Council Bill 00-063)

AN ORDINANCE CONCERNING

**Zoning — Parking Lot District — Conditional Use
Parking Lot — 815, 817-819, and 821 Madison Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of an open off-street parking a parking, open off-street area, other than accessory, for the parking of 4 or more automobiles, on the properties known as 815, 817-819, and 821 Madison Avenue, as outlined in red on the accompanying plat.

BY authority of

Article 30 - Zoning
Section(s) 6-309(1), 10-504, and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of an open off-street parking a parking, open off-street area, other than accessory, for the parking of 4 or more automobiles, on the properties known as 815, 817-819, and 821 Madison Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Article 30, §§ 6-309(1), 10-504, and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the parking, open off-street area must conform to the revised Site Plan, dated November 20, 2000;
2. any proposed revisions to the plan must be approved by the Planning Commission; and
3. the parking area complies parking, open off-street area must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-105
(Council Bill 00-069)**

AN ORDINANCE CONCERNING

**Urban Renewal — Canton Waterfront —
Amendment 3**

FOR the purpose of amending the Urban Renewal Plan for Canton Waterfront to revise certain height restrictions and to change certain use designations; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6(h)
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Canton Waterfront was originally approved by the Mayor and City Council of Baltimore by Ordinance 84-080 and last amended by Ordinance 96-084.

An amendment to the Urban Renewal Plan for Canton Waterfront is necessary to prevent excessively high development in certain areas.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes are ordained:

(1) On page 12 of the Plan, "Appendix A, Waterfront Area Controls, Public Access Corridors", delete subparagraphs 2 and 3 in their entirety and substitute:

2. A 30-FOOT WIDE PUBLIC ACCESS CORRIDOR SHALL BE DESIGNATED BETWEEN 2301 BOSTON STREET (NORTHSHORE) AND 2351 BOSTON STREET (ANCHORAGE TOWNHOMES), CONSISTING OF A 15-FOOT WIDE PUBLIC ACCESS CORRIDOR EACH ON 2301 BOSTON STREET AND 2351 BOSTON STREET.";

and, on page 12 of the Plan, renumber subparagraphs "4", "5", "6", "7", "8", "9", and "10", respectively, to be subparagraphs "3", "4", "5", "6", "7", "8", and "9", respectively.

- (+) (2) On page 13 of the Plan, in APPENDIX A, WATERFRONT AREA CONTROLS, Height Limitations, amend Subparagraph Area 2 as follows:

Area 2 - The average height of the built area shall not exceed [70] ~~40 feet, and the maximum height is [90] 50 feet~~ 65 FEET; AND THE MAXIMUM HEIGHT, EXCLUDING HVAC OR OTHER MECHANICAL SYSTEMS, IS 75 FEET. THE MAXIMUM HEIGHT FOR THE HVAC AND OTHER MECHANICAL SYSTEMS MAY NOT EXCEED 90 FEET. {The maximum building height on Boston Street, the northwest and the water's edge shall be 60 feet. Additional height above 60 feet up to the maximum of ~~90~~ 75 feet shall be constructed so it is not visible from that portion of the promenade adjacent to the area and from the sidewalk on the north side of Boston Street adjacent to the area or shall step up at an angle of no more than 45 degrees.}

- (3) Amend Exhibit 1, "Land Use Plan Map", to designate Area 2 as Mixed Land Use.

SECTION 2. AND BE IT FURTHER ORDAINED, That if this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and amendment of a renewal plan, those requirements are waived and the amendments adopted by this Ordinance are exempted from them.

SECTION 3. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 4. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-106
(Council Bill 00-133)**

AN ORDINANCE CONCERNING

Lead Paint Hazards — Inspections — Probable Cause

FOR the purpose of providing for the inspection, under certain situations, of certain dwellings to check for untreated lead-based paint hazards; clarifying and correcting certain language; and generally relating to probable cause for a search warrant to inspect dwelling units.

BY repealing and reordaining, with amendments

Article 32 - Building Code
Section(s) 113.8.1f
Baltimore City Code
(1997 Building Code Edition)

BY adding

Article 32 - Building Code
Section(s) 113.8.1g and h
Baltimore City Code
(1997 Building Code Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 32 — Building Code

Chapter 1 — Administration

§ 113.8.1 Probable cause: Probable cause for a search warrant under this § 113.8 exists if:

- f. the inspection is to check conditions in a [dwelling] ROOMING unit that is part of a rooming house or A DWELLING UNIT THAT IS PART OF A multiple-family dwelling, on an application for a new or renewal license for that house or dwelling, to determine whether the license should be issued, renewed, or denied[.]; OR
- G. THE INSPECTION IS TO IDENTIFY LEAD-BASED HAZARDS IN A DWELLING UNIT THAT IS THE LAST-REPORTED ADDRESS OF A CHILD WHO, BY NOTICE FROM A HEALTH CARE PROVIDER OR THE STATE DEPARTMENT OF THE ENVIRONMENT TO THE BUILDING CODE OFFICIAL OR THE HEALTH COMMISSIONER, IS REPORTED TO HAVE BEEN DIAGNOSED WITH A VENOUS BLOOD- LEAD LEVEL OF ~~MORE THAN~~ 15 MICROGRAMS PER DECILITER OR MORE; OR
- H. UNTREATED LEAD-BASED PAINT HAZARDS HAVE BEEN FOUND IN A UNIT OF A MULTIPLE-FAMILY DWELLING IN WHICH A CHILD WHO HAS BEEN DIAGNOSED WITH A VENOUS BLOOD-LEAD LEVEL OF ~~MORE THAN~~ 15 MICROGRAMS PER DECILITER OR MORE RESIDES, AND ENTRY IS NEEDED TO OTHER UNITS OF THE DWELLING FOR VISUAL INSPECTION TO DETERMINE COMPLIANCE WITH STATE ENVIRONMENT ARTICLE § 6-815 or § 6-819.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-107
(Council Bill 00-134)**

AN ORDINANCE CONCERNING

Lead Risk in Housing — Registration of Residential Property

FOR the purpose of expressly authorizing the Housing Commissioner to share certain registration information with the State Department of the Environment for certain purposes; clarifying certain language; and generally relating to the reduction of lead risk in housing.

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Section(s) 309(e)
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 13 — Housing and Urban Renewal

Division V. Housing Code of Baltimore City

Chapter 3. Notice; Emergencies; {etc.}

§ 309. Registration of residential property; designation of authorized agent.

(e) *Statements as confidential records.*

- (1) [The] EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBSECTION, written registration statements required by this section [shall be held as] ARE confidential records and [shall] MAY not be open to the public.
- (2) [provided that] FOR A SPECIFIED PROPERTY, the Commissioner shall furnish the name, address, and telephone number of the owner or operator of [a specific] THAT property [upon] ON THE written request [by] OF:
 - (I) the owner or resident of [a] property within a 1 block radius of the specified property[.];
or
 - (II) [upon written request by] the neighborhood association for the area in which the SPECIFIED property is located.
- (3) THE COMMISSIONER MAY SHARE THE REGISTRATION STATEMENTS FILED UNDER THIS SECTION WITH THE STATE DEPARTMENT OF THE ENVIRONMENT FOR INTEGRATION WITH THE REGISTRATION INFORMATION MAINTAINED BY THE STATE UNDER STATE ENVIRONMENT ARTICLE § 6-811.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-108
(Council Bill 00-174)**

AN ORDINANCE CONCERNING

Railroad Historic District

FOR the purpose of designating the properties known as 912, 914, 916, 918, and 920 Lemmon Street as the Railroad Historic District.

BY adding

Article 6 - Historical and Architectural Preservation
Section(s) 7-23
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 6 — Historical and Architectural Preservation

Subtitle 7 — Preservation Districts

§ 7-23. RAILROAD HISTORIC DISTRICT.

THE PROPERTIES KNOWN AS 912, 914, 916, 918, AND 920 LEMON STREET ARE DECLARED TO BE THE RAILROAD HISTORIC DISTRICT.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

ENROLLED**CITY OF BALTIMORE
ORDINANCE 00-109
(Council Bill 00-175)****AN ORDINANCE CONCERNING****Urban Renewal — Harlem Park Project II —
Amendment 5**

FOR the purpose of amending the Urban Renewal Plan for Harlem Park Project II to revise certain land uses, amend the uses allowed in commercial districts, authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, create new disposition lots, correct certain references, and add certain exhibits to reflect the changes in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Harlem Park Project II was originally approved by the Mayor and City Council of Baltimore by Ordinance 60-419 and last amended by Ordinance 98-337.

An amendment to the Urban Renewal Plan for Harlem Park Project II is necessary to revise certain land uses, amend the uses allowed in commercial districts, authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, create new disposition lots, correct certain references, and add certain exhibits to reflect the changes in the Plan.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Harlem Park Project II are approved:

- (1) On page 4 of the Plan, in C. Land Use Plan, amend Section C.2.a.(2) to read as follows:

[The uses tabulated below in Table A (page 5) and identified as “mixed residential” on the Land Use Plan, or such of these uses in existence at the time of the approval of this Plan by the Mayor and City Council of Baltimore, will be permitted to continue operations subject to the conditions listed below. Such uses are small “neighborhood” commercial uses which now legally exist and which are located within predominantly residential structures upon land zoned as residential.]
CURRENT USES CLASSIFIED AS NON-CONFORMING BY ZONING ENFORCEMENT SHALL ABIDE BY THE EXISTING REGULATIONS LISTED UNDER THIS SECTION.

- (2) On page 4 of the Plan, in C. Land Use Plan, amend Section C.2.a.(2)(e) to read as follows:

- (e) In the event of discontinuance or abandonment of any nonconforming use [of the non-conforming uses listed in Table A (on page 5)] for a period of [twelve (12)] 6 consecutive months, such non-conforming use shall not thereafter be re-established except that a use specified above in Section C.2.a(2)(a)(page 4) may be re-established.
- (3) On pages 5 through 8 of the Plan, delete Table A Mixed Residential (Non-conforming) Uses in its entirety.
- (4) On page 8 of the Plan, in C. Land Use Plan, amend Section C.2.a.(3) to read as follows:

[The uses tabulated in Table B below and identified as “Major Non-Conforming Commercial Uses” on the Land Use Plan, or such of these uses in existence at the time of the approval of this Plan, by ordinance of the Mayor and City Council of Baltimore, will be permitted to continue operations subject to the conditions listed below. Such uses are substantial commercial uses which now legally exist and which are located within commercial structures upon land zoned as residential.] CURRENT USES CLASSIFIED AS NON-CONFORMING BY ZONING ENFORCEMENT SHALL ABIDE BY THE EXISTING REGULATIONS LISTED UNDER THIS SECTION.
- (5) On page 9 of the Plan, delete Table B Major Non-conforming Uses, in its entirety.
- (6) On page 9 of the Plan, in C. Land Use Plan, amend Section C.2.a.(4)(b) to read as follows:
 - (4) Commercial

Uses permitted within the commercial use areas shall consist of the following:

 - (b) The following retail stores and services: Antique or gift shops; Bakeries, where all products are sold at retail on the premises; Barber shops, Beauty shops, and similar personal service shops; Confectionery stores and snack bars; Delicatessens; Drug stores; Financial institutions or agencies; Florist shops; Food stores; Hardware stores; Household appliance shops; Ice or ice cube dispensers - no manufacturing of ice on the premises; Laundromats, hand laundries, or laundry and dry cleaning pick-up stations; Jewelry stores, including watch repairing; Meat stores - animal or fowl storing or killing not permitted; Music or phonograph record shops; Offices, business and professional; Restaurants, with or without liquor licenses; Shoe stores and shoe repair shops; Sporting goods shops; Tailor shops; [Taverns and package good stores for the sale of alcoholic beverages;] Variety stores; Wearing apparel shops. In addition, such carpet cleaning establishments as exist at the time of the approval of this Plan by the Mayor and City Council of Baltimore will be permitted to remain.
- (7) On pages 9 and 10 of the Plan, in C. Land Use Plan, amend Section C.2.a.(5)(b) to read as follows:
 - (b) The public (inner block) open space areas shown on the Land Use Plan have been redeveloped for (a) active and passive recreation, or (b) for active and passive recreation and parking. [The following are permitted within these areas:
 - i. Landscaping
 - ii. Walkways

- iii. Play equipment
- iv. Benches
- v. Shelters
- vi. Service roadways
- vii. Parking Facilities]

THE DETERIORATION OF THE 29 INNER BLOCK PARKS HAS MADE IT NECESSARY TO CONSIDER OPTIONS FOR THEIR REUSE. PROPOSALS FOR THE REUSE OF THESE PARCELS SHALL BE SUBMITTED FOR REVIEW BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, THE DEPARTMENT OF PLANNING, OTHER CITY AGENCIES AS NECESSARY, AND THE LOCAL HARLEM PARK COMMUNITY ORGANIZATIONS.

- (8) On page 10 of the Plan, in C. Land Use Plan, amend Section C.2.a.(5)(c) to read as follows:

[(c) The replacement of the existing firehouse with the proposed public use area as shown on the Land Use Map, Exhibit No. 2, will be permitted.] IT MAY BE NECESSARY TO CONSOLIDATE CERTAIN INNER BLOCK PARKS WITH ADJACENT LAND FOR PROPOSED NEW DEVELOPMENT.

- (9) On page 11 of the Plan, in C. Land Use Plan, amend Section C.2.b.(2)(a) to read as follows:

(2) Clearance and Redevelopment Areas

(a) Inner block open space areas

[No structure shall be constructed except those accessory to recreation use.] THE DETERIORATION OF THE 29 INNER BLOCK PARKS HAS MADE IT NECESSARY TO CONSIDER OPTIONS FOR THEIR REUSE. PROPOSALS FOR THE REUSE OF THESE PARCELS SHALL BE SUBMITTED FOR REVIEW BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, THE DEPARTMENT OF PLANNING, OTHER CITY AGENCIES AS NECESSARY, AND THE LOCAL HARLEM PARK COMMUNITY ORGANIZATIONS.

- (10) On page 11 of the Plan, in C. Land Use Plan, delete Sections C.2.b.(2)(b)iii. through C.2.b.(2)(b)v. in their entirety.

- (11) On page 12 of the Plan, in C. Land Use Plan, amend Section C.2.b.(3) to read as follows:

(3) Rehabilitation Areas

Properties acquired by the Mayor and City Council of Baltimore for resale for rehabilitation or reconstruction pursuant to this Plan [or pursuant to the Renewal Plan for the "314" Demonstration Project, approved by Ordinance No. 1965 of the Mayor and City Council of Baltimore, approved May 14, 1959,] shall be sold subject to the following conditions:

- (12) On page 12 of the Plan, in C. Land Use Plan, delete Section C.2.b.(3)(d) in its entirety, and, on page 13, delete Sections C.2.b.(4), C.2.b.(4)(a), and C.2.b.(4)(b) in their entirety.

- (13) On page 13 of the Plan, in D. Project Proposals, amend paragraph D.1.a. to read as follows:

- a. Properties within the project area will be acquired for Demolition, New Construction and Rehabilitation. [Properties proposed for acquisition for clearance and redevelopment or already acquired for clearance and redevelopment under the Renewal Plan for the “314” Demonstration Project, approved by Ordinance No. 1965, approved May 14, 1959, are identified on Exhibit No. 4, Property Acquisition Map, dated March 30, 1959, and revised April 1, 1960, November 1, 1963, and February 23, 1966. Certain additional structures (for the most part garages or accessory buildings) identified on the Property Acquisition Map will be acquired and removed.] Properties identified for acquisition are listed in Exhibit 4, APPENDIX A, AND APPENDIX B of the Urban Renewal Plan for Harlem Park Project II, originally approved by the Mayor and City Council of Baltimore by Ordinance No. 419, dated July 6, 1960 and amended by Ordinance No. 234 dated June 3, 1963, by Ordinance No. 865 dated June 29, 1966, by a Minor Amendment dated May 24, 1967 and by Ordinance No. 337, dated June 24, 1998.

(14) On page 13 of the Plan, in D. Project Proposals, amend Section D.1.b.(1) to read as follows:

- b. Conditions Under Which Properties Not Designated for Acquisition May Be Acquired:

- (1) Non-Salvable or Non-Compliance with Notice to Rehabilitate

It may be necessary to acquire by purchase or by condemnation for Urban Renewal Purposes the fee simple interest or any lesser interest in and to such of the remaining properties or portions thereof in the Harlem Park Project II area not specifically designated for acquisition on the Property Acquisition Map, Exhibit No. 4, [and] Appendix A, AND APPENDIX B as may be deemed necessary and proper by the Commissioner of the Department of Housing and Community Development to effect the proper implementation of the Project. This may include:

(15) On page 14 of the Plan, in D. Project Proposals, amend Section D.1.b.(2) to read as follows:

- (2) Additional Reasons for Acquisition

It may be necessary to acquire by purchase or condemnation for Urban Renewal purposes the fee simple interest, or any lesser interest, in and to such of the remaining properties or portions thereof in the Harlem Park II Project area not designated for acquisition in addition to those properties listed in Exhibit No. 4, [and] Appendix A, AND APPENDIX B in order to carry out [rehabilitation] REDEVELOPMENT BY REHABILITATION AND/OR DEMOLITION by the Department of Housing and Community Development because:

(16) On page 15, of the Plan, in D. Project Proposals, delete Section D.3. in its entirety.

(17) On page 15, of the Plan, in D. Project Proposals, amend Section D.4. to read as follows:

D.[4.] 3. Developer’s Obligations

- a. Inner Block Open Space Areas

[(1) The Mayor and City Council of Baltimore will begin and complete the development of and the provision of facilities in the interior open space areas as required in this Plan within a reasonable time from the date of the approval of this Plan.

- (2) The Mayor and City council will provide lighting, sanitation, and protective services.
 - (3) When the inner open areas are first completed, the Mayor and City Council will assume responsibility for the supervision and maintenance of these areas.
 - (4) It will be the duty of the proper Agency personnel to encourage resident and non-resident owners to develop a consciousness of the importance of taking on the responsibility for maintenance and the supervision. Thus the assumption of that responsibility will be a gradual one, related to the readiness of a group to assume it. In the case of those blocks where this objective is not achieved, the Agency will reconsider the design and development of these inner block open space areas.] THE DETERIORATION OF THE 29 INNER BLOCK PARKS HAS MADE IT NECESSARY TO CONSIDER OPTIONS FOR THEIR REUSE. PROPOSALS FOR THE REUSE OF THESE PARCELS SHALL BE SUBMITTED FOR REVIEW BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, DEPARTMENT OF PLANNING, OTHER CITY AGENCIES AS NECESSARY AND THE LOCAL HARLEM PARK COMMUNITY ORGANIZATIONS.
- (18) At the end of the Plan, after Appendix A, add Appendix B to read as follows:

APPENDIX B

PROPERTIES FOR ACQUISITION, CONSOLIDATION, AND
DISPOSITION FOR REHABILITATION OR REDEVELOPMENT

THE FOLLOWING PROPERTIES ~~WILL~~ MAY BE ACQUIRED, CONSOLIDATED, AND DISPOSED OF FOR REHABILITATION OR REDEVELOPMENT. CERTAIN PROPERTIES LISTED BELOW MAY BE USED, IN WHOLE OR IN PART, AS REAR OR SIDE YARD SPACE FOR ADJACENT REHABILITATED HOUSING OR NEWLY CONSTRUCTED HOUSING.

1401 EDMONDSON AVENUE
 1403 EDMONDSON AVENUE
 1405 EDMONDSON AVENUE
 1407 EDMONDSON AVENUE
1409 EDMONDSON AVENUE
 1411 EDMONDSON AVENUE
 1413 EDMONDSON AVENUE
 1415 EDMONDSON AVENUE
 1417 EDMONDSON AVENUE
 1419 EDMONDSON AVENUE
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551 N. FULTON AVENUE
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623 N. FULTON AVENUE
625 N. FULTON AVENUE
627 N. FULTON AVENUE
629 N. FULTON AVENUE
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725 N. FULTON AVENUE
727 N. FULTON AVENUE
729 N. FULTON AVENUE
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733 N. FULTON AVENUE
735 N. FULTON AVENUE
737 N. FULTON AVENUE
739 N. FULTON AVENUE
741 N. FULTON AVENUE
743 N. FULTON AVENUE
745 N. FULTON AVENUE
805 N. FULTON AVENUE
809 N. FULTON AVENUE
813 N. FULTON AVENUE
815 N. FULTON AVENUE

~~817 N. FULTON AVENUE~~
820 N. FULTON AVENUE
821 N. FULTON AVENUE
827 N. FULTON AVENUE

~~529 N. GILMOR STREET~~
~~531 N. GILMOR STREET~~
~~533 N. GILMOR STREET~~
600 N. GILMOR STREET
700 N. GILMOR STREET
702 N. GILMOR STREET
704 N. GILMOR STREET
706 N. GILMOR STREET
708 N. GILMOR STREET
710 N. GILMOR STREET
712 N. GILMOR STREET
714 N. GILMOR STREET
716 N. GILMOR STREET
718 N. GILMOR STREET
720 N. GILMOR STREET
722 N. GILMOR STREET
724 N. GILMOR STREET
726 N. GILMOR STREET
728 N. GILMOR STREET
730 N. GILMOR STREET
732 N. GILMOR STREET
734 N. GILMOR STREET
802 N. GILMOR STREET
804 N. GILMOR STREET
806 N. GILMOR STREET
~~808 N. GILMOR STREET~~
~~810 N. GILMOR STREET~~
812 N. GILMOR STREET

1602 HARLEM AVENUE
1603 HARLEM AVENUE
1604 HARLEM AVENUE
1605 HARLEM AVENUE
1606 HARLEM AVENUE
1607 HARLEM AVENUE
1608 HARLEM AVENUE
1609 HARLEM AVENUE
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~~1620 HARLEM AVENUE~~
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1626 HARLEM AVENUE
1700 HARLEM AVENUE
1701 HARLEM AVENUE
1702 HARLEM AVENUE
1703 HARLEM AVENUE
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1721 HARLEM AVENUE
1722 HARLEM AVENUE
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1725 HARLEM AVENUE

1601 W. LAFAYETTE AVENUE
~~1603 W. LAFAYETTE AVENUE~~
~~1605 W. LAFAYETTE AVENUE~~
~~1607 W. LAFAYETTE AVENUE~~
~~1609 W. LAFAYETTE AVENUE~~
~~1611 W. LAFAYETTE AVENUE~~
1613 W. LAFAYETTE AVENUE
1615 W. LAFAYETTE AVENUE
1617 W. LAFAYETTE AVENUE
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1621 W. LAFAYETTE AVENUE
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1625 W. LAFAYETTE AVENUE
1627 W. LAFAYETTE AVENUE
1629 W. LAFAYETTE AVENUE
1631 W. LAFAYETTE AVENUE
1633 W. LAFAYETTE AVENUE
1635 W. LAFAYETTE AVENUE

1637 W. LAFAYETTE AVENUE
1639 W. LAFAYETTE AVENUE
1641 W. LAFAYETTE AVENUE
1643 W. LAFAYETTE AVENUE
~~1701 W. LAFAYETTE AVENUE~~
1701 W. LAFAYETTE AVENUE
1703 W. LAFAYETTE AVENUE
1705 W. LAFAYETTE AVENUE
1707 W. LAFAYETTE AVENUE
~~1709 W. LAFAYETTE AVENUE~~
1711 W. LAFAYETTE AVENUE
1713 W. LAFAYETTE AVENUE
1715 W. LAFAYETTE AVENUE
1717 W. LAFAYETTE AVENUE
1719 W. LAFAYETTE AVENUE
1721 W. LAFAYETTE AVENUE
1723 W. LAFAYETTE AVENUE

1600-02 W. LANVALE STREET
1601 W. LANVALE STREET
~~1602 W. LANVALE STREET~~
1603 W. LANVALE STREET
~~1604 W. LANVALE STREET~~
1605 W. LANVALE STREET
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1634 W. LANVALE STREET
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1637 W. LANVALE STREET
~~1638 W. LANVALE STREET~~
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1641 W. LANVALE STREET
~~1642 W. LANVALE STREET~~
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1645 W. LANVALE STREET
1700 W. LANVALE STREET
1701 W. LANVALE STREET
1702 W. LANVALE STREET
1703 W. LANVALE STREET
1704 W. LANVALE STREET
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1722 W. LANVALE STREET
1723 W. LANVALE STREET
1724 W. LANVALE STREET
1725 W. LANVALE STREET
1726 W. LANVALE STREET
1727-29 W. LANVALE STREET
1728 W. LANVALE STREET
~~1729 W. LANVALE STREET~~
1730 W. LANVALE STREET

602 N. MOUNT STREET
604 N. MOUNT STREET
605 N. MOUNT STREET
606 N. MOUNT STREET
607 N. MOUNT STREET
608 N. MOUNT STREET
609 N. MOUNT STREET
610 N. MOUNT STREET
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627 N. MOUNT STREET
~~628 N. MOUNT STREET~~
629 N. MOUNT STREET
~~701 N. MOUNT STREET~~
~~702 N. MOUNT STREET~~
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715 N. MOUNT STREET
716 N. MOUNT STREET
~~717 N. MOUNT STREET~~
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722 N. MOUNT STREET
~~723 N. MOUNT STREET~~
724 N. MOUNT STREET
~~725 N. MOUNT STREET~~
726 N. MOUNT STREET
728 N. MOUNT STREET
801 N. MOUNT STREET
~~802 N. MOUNT STREET~~
803 N. MOUNT STREET
~~804 N. MOUNT STREET~~
805 N. MOUNT STREET
~~806 N. MOUNT STREET~~
807 N. MOUNT STREET

~~808 N. MOUNT STREET~~
 809 N. MOUNT STREET
 810 N. MOUNT STREET
 811 N. MOUNT STREET
 812 N. MOUNT STREET
 814 N. MOUNT STREET
 816 N. MOUNT STREET
 818 N. MOUNT STREET
~~819 N. MOUNT STREET~~
 820 N. MOUNT STREET
~~821 N. MOUNT STREET~~
 822 N. MOUNT STREET
~~823 N. MOUNT STREET~~
 824 N. MOUNT STREET
 826 N. MOUNT STREET

523 N. STRICKER STREET
 525 N. STRICKER STREET
 527 N. STRICKER STREET
~~528 1/2 N. STRICKER STREET~~
 529 N. STRICKER STREET
~~530 N. STRICKER STREET~~
 531 N. STRICKER STREET
 532 N. STRICKER STREET
 533 N. STRICKER STREET

526 N. CALHOUN STREET
 528 N. CALHOUN STREET
~~528 1/2 N. CALHOUN STREET~~
 530 N. CALHOUN STREET
 532 N. CALHOUN STREET
 534 N. CALHOUN STREET

THE FOLLOWING DISPOSITION LOTS ARE CREATED:

DISPOSITION LOT 1A - 820 N. FULTON AVENUE
DISPOSITION LOT 2A - 827 N. FULTON AVENUE
DISPOSITION LOT 2B - 821 N. FULTON AVENUE
DISPOSITION LOT 2C - 813-815 N. FULTON AVENUE
DISPOSITION LOT 2D - 809 N. FULTON AVENUE
DISPOSITION LOT 2E - 805 N. FULTON AVENUE
DISPOSITION LOT 17A - 1604-1608 EDMONDSON AVENUE

THE FOLLOWING DISPOSITION LOTS ARE EXPANDED:

DISPOSITION LOT 2 TO INCLUDE:
~~1701-23~~ 1703-1707, 1711-1723 W. LAFAYETTE AVENUE
~~804-828~~ 810-826 N. MOUNT STREET
~~1700-1730 W. LAFAYETTE STREET AVENUE~~

DISPOSITION LOT 3 TO INCLUDE:
1601, 1613-1643 W. LAFAYETTE AVENUE

~~802-826~~ 801-811 N. MOUNT STREET
~~1600-1638~~ 1600-02, 1606-1620, 1626-1634 W. LANVALE STREET

DISPOSITION LOT 9 TO INCLUDE:

701-745 N. FULTON STREET
~~1701-1729~~ 1701-1703, 1707-1727-29 W. LANVALE STREET
704-728 N. MOUNT STREET
1700-1724 HARLEM AVENUE

DISPOSITION LOT 10 TO INCLUDE:

~~1601-1645~~ 1601-1641 and 1645 W. LANVALE STREET
700-734 N. GILMOR STREET
~~1602-1626~~ 1600-1618, 1622-1626 HARLEM AVENUE
~~703-725~~ 703, 707-715, 719-721 N. MOUNT STREET

DISPOSITION LOT 16 TO INCLUDE:

1701-1725 HARLEM AVENUE
~~618-649~~ 613, 617-649 N. FULTON AVENUE
~~602-626~~ 602-610, 614-626 N. MOUNT STREET

DISPOSITION LOT 17 TO INCLUDE:

~~1607-1625~~ 1603-1625 HARLEM AVENUE
605-629 N. MOUNT STREET
~~1610-1626~~ 1604-1612, 1616, 1622-1626 EDMOND SON AVENUE

DISPOSITION LOT 18 TO INCLUDE:

1603-1605 HARLEM AVENUE

DISPOSITION LOT 26 TO INCLUDE:

~~551 N. FULTON AVENUE~~
~~1701-1729~~ 1701-1713, 1719-1721 EDMOND SON AVENUE

DISPOSITION LOT 27 TO INCLUDE:

1601-1603, 1607-1631, 1635-1637 1607, 1613, 1615-1617, 1619-1625, 1629, 1637
EDMOND SON AVENUE

DISPOSITION LOT 28 TO INCLUDE:

~~528, 532~~ 528-532 N. STRICKER STREET
~~531 N. GILMOR STREET~~
~~1501-1533~~ 1501-1517, 1521-1529, 1533 EDMOND SON AVENUE

DISPOSITION LOT 29 TO INCLUDE:

526-528 N. CALHOUN STREET
530-534 N. CALHOUN STREET
1401-1431 EDMONDSON AVENUE
523-527 N. STRICKER STREET
529-533 N. STRICKER STREET”;

SECTION 2. AND BE IT FURTHER ORDAINED, That Exhibit 5, Land Disposition Map is revised to reflect the new disposition lots and the expanded disposition lots, and Exhibit 4, Property Acquisition Map, is revised to reflect the properties listed in Appendix B. Exhibit 2, Land Use Plan, is revised to reflect the change in

land use category from “Public Open Space” to “Residential” for Disposition Lots 2, 3, 9, 10, 16B, 17, 18, 26, 27, 28, and 29.

SECTION 23. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Harlem Park Project II, as amended by this Ordinance and identified as “Urban Renewal Plan, Harlem park Project II, revised to include Amendment 5, dated ____”, is approved. The Clerk of the City Council shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 34. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 45. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 56. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 67. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved December 20, 2000

MARTIN O’MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 00-110
(Council Bill 00-177)**

AN ORDINANCE CONCERNING

Franchise — Bridgeway over Northern Parkway

FOR the purpose of granting a franchise to Gilman School, Incorporated, and Bryn Mawr School for Girls of Baltimore City, Inc., to construct, use, and maintain a bridgeway above and across Northern Parkway, the center of the bridge to be located approximately 1,140 feet east of the centerline intersection of Roland Avenue and Northern Parkway and being a minimum of ~~16~~ 18 feet ~~above~~ over the 4 center lanes of Northern Parkway roadway, and a minimum clearance of 17'0" over the eastbound and westbound curb lanes of Northern Parkway roadway, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of

Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to Gilman School, Incorporated and Bryn Mawr School for Girls of Baltimore City, Inc., its tenants, successors, and assigns (collectively, the "Grantee") to construct, use, and maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this Ordinance, a bridgeway connecting the campus of Gilman School and the campus of Bryn Mawr School above and across Northern Parkway, and more particularly described as follows:

Bryn Mawr School is located at 109 West Melrose Avenue with frontage on Northern Parkway. Gilman School is located at 5407 Roland Avenue and has frontage on Northern Parkway opposite the frontage of Bryn Mawr School. The schools propose to construct a new pedestrian bridge across Northern Parkway, measuring approximately 8'-0" wide by 300'-0" long, with a minimum vertical clearance of ~~16'-0"~~ 18'-0" over the 4 center lanes of Northern Parkway roadway and a minimum clearance of 17'-0" over the eastbound and westbound curb lanes of Northern Parkway roadway. Approximately ~~110~~ 100 feet of the bridgeway will cross over the roadway. Northern Parkway currently bisects the schools' campuses with Bryn Mawr School located on the north side of Northern Parkway and Gilman School on the south side. The purpose of the bridge is to increase safety for the students, who must daily cross Northern Parkway, which is an extremely busy primary road. Bryn Mawr, Gilman, and Roland Park Country Schools have an extensive class sharing arrangement that require the students to cross Northern Parkway. The bridge will be a single span steel tied arch structure supported by a concrete abutment with stairs on the Bryn Mawr side and a concrete pier with framed concrete stairs on the Gilman side. The centerline location of the bridge is approximately 1,140 feet east of the centerline intersection of Roland Avenue and Northern Parkway. Both abutments will be constructed out of the public right-of-way for Northern Parkway.

SECTION 2. AND BE IT FURTHER ORDAINED, That as a condition of the franchise:

- (a) signs may not be constructed, placed, or attached on or to the bridgeway; and
- (b) the Planning Commission has Final Design Approval for the bridgeway.

SECTION 2 ~~3~~ 4. AND BE IT FURTHER ORDAINED, That to become effective, the franchise or right granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within 6 months after the effective date of this Ordinance.

SECTION 3 ~~4~~ 5. AND BE IT FURTHER ORDAINED, That as compensation for the Franchise, the Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$7,312.50 a year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise.

SECTION 4 ~~5~~ 6. AND BE IT FURTHER ORDAINED, That:

(a) The initial term of the Franchise is 1 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Mayor and City Council of Baltimore or the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is 25 years.

(b) Either the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, or the Grantee may cancel the Franchise as at the end of the initial or any renewal term by giving written notice of cancellation to the other at least 90 days before the end of that term.

SECTION 5 6. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the annual franchise charge by giving written notice of the increase or decrease to the Grantee at least 150 days before the end of the original or renewal term immediately preceding the renewal term to which the increase or decrease will first apply. The new franchise charge will apply to all subsequent annual renewal terms, unless again increased or decreased in accordance with this section.

SECTION 6 7. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 7 8. AND BE IT FURTHER ORDAINED, That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of Baltimore City, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of the Commissioner of Housing and Community Development and the Director of Public Works. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses in connection with the readjustment, relocation, protection, or support.

SECTION 8 9. AND BE IT FURTHER ORDAINED, That at the option of the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, the Grantee's failure to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise. Immediately on written notice to the Grantee of the exercise of this option, the Franchise terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore may waive the forfeiture or otherwise reinstate the Franchise.

SECTION 9 10. AND BE IT FURTHER ORDAINED, That at any time and without prior notice, the Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public interest, welfare, safety, or convenience so requires. Immediately on written notice to the Grantee of the exercise of this right, the Franchise terminates.

SECTION 10 11. AND BE IT FURTHER ORDAINED, That on cancellation, expiration, forfeiture, revocation, or other termination of the Franchise for any reason, the Grantee shall remove all structures for which the Franchise is granted. The removal of these structures shall be (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of Housing and Community Development and the Director of Public Works, and (iii) completed within the time specified in writing by the Director of Public Works.

SECTION 11 12. AND BE IT FURTHER ORDAINED, That the Grantee is liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses, costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any time subjected on account of, or in any way resulting from, (i) the presence, construction, use, operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this Ordinance.

SECTION ~~12~~ 13. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-111
(Council Bill 00-186)**

AN ORDINANCE CONCERNING

Baltimore City Landmark List — Grace Hampden Methodist Church

FOR the purpose of designating the Grace Hampden Methodist Church, 1014 West 36th Street, as a historical landmark.

BY adding

Article 6 - Historical and Architectural Preservation
Section(s) 12-1, to be under the new subtitle "Landmark List — 2000s"
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 6 - Historical and Architectural Preservation

SUBTITLE 12. LANDMARK LIST — 2000S

§ 12-1. Grace Hampden Methodist Church.

GRACE HAMPDEN METHODIST CHURCH, 1014 WEST 36TH STREET.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-112
(Council Bill 00-189)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Community Correction Center —
400-414 East Lafayette Avenue and ~~400-412 Bowen Alley~~**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a community correction center on the property known as 400-414 East Lafayette Avenue and ~~400-412 Bowen Alley~~, as outlined in red on the accompanying plat; and making this Ordinance subject to a certain contingency.

BY authority of

Article - Zoning
Section(s) 4-1103(1) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a community correction center on the property known as 400-414 East Lafayette Avenue and ~~402-412 Bowen Alley~~, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1103(1) and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum capacity of the facility is 85 residents;
2. 24-hour supervision must be provided;
3. a consolidation of lots does not constitute a change in conditional use;
4. the plans submitted in connection with this Ordinance are made a part of this Ordinance, and no change may be made to the plans without the prior approval of the Planning Department; and
5. the community correction center ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted, contingent on the enactment of an Ordinance to permit the use of 402-412 Bowen Alley for

open off-street parking, and until an Ordinance for that purpose is enacted and becomes effective, this Ordinance does not become effective.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-113
(Council Bill 00-190)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
Stadium Place**

FOR the purpose of approving the application of Stadium Place, Inc., the developer, and the City of Baltimore, the owner of certain property located at the site of Memorial Stadium, to have that property designated a Residential Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 2
Baltimore City Revised Code
(Edition 2000)

Recitals

The City of Baltimore is the fee simple owner of property located at the site of Memorial Stadium, north of 33rd Street, south of 36th Street, east of Ellerslie Avenue, and west of Ednor Road (Block 3986-C, Ward 9, Section 21) depicted on the Existing Conditions ~~Plat~~ Plan attached as Exhibit C-1, consisting of 32.385 acres, more or less (the "Property").

The City of Baltimore has entered into an Exclusive Negotiating Priority Contract with the developer, Stadium Place, Inc., for the property.

The developer proposes that the property be used for a retirement community and YMCA Community Center consisting of:

- (1) housing for the elderly;
- (2) nursing home and assisted living;
- (3) medical and dental offices;
- (4) indoor and outdoor recreational facilities;
- (5) multi-purpose neighborhood centers and community center;

- (6) restaurant;
- (7) adult day care;
- (8) day nurseries;
- (9) group day care centers;
- (10) nursery school;
- (11) offices;
- (12) B-1 business establishments;
- (13) computer training center; and
- (14) pharmacy distribution center.

On May 12, 2000, representatives of Stadium Place, Inc., met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the property and to institute proceedings to have the property designated a Residential Planned Unit Development.

The representatives of Stadium Place, Inc., have applied to the Baltimore City Council for designation of the property as a Residential Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 2 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of Stadium Place, Inc., the developer of the property located at the site of Memorial Stadium, north of 33rd Street, south of 36th Street, east of Ellerslie Avenue, and west of Ednor Road (Block 3986-C, Ward 9, Section 21), consisting of 32.385 acres, more or less, as shown in the ~~Plats~~ Plans entitled "Existing Conditions", dated ~~May 12~~ November 15, 2000 (Exhibit C-1) and the "Proposed Conditions", dated ~~May 12~~ November 15, 2000 (Exhibit C-2) (the Existing Conditions ~~plat~~ Plan and the Proposed Conditions ~~plat~~ Plan are collectively referred to as "the Development Plan"), to designate the property a Residential Planned Unit Development under Title 9, Subtitles 1 and 2 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitle 2, the following uses are permitted within the Planned Unit Development:

- (a) all uses currently permitted in an R-7 Zoning District and additional uses that may later be permitted in an R-7 Zoning District;
- (b) all conditional uses of an R-7 Zoning District allowable by authority of the Board of Municipal and Zoning Appeals;
- (c) in addition, the following uses are permitted:
 - (1) housing for the elderly, with a maximum of 600 units and all accessory uses, including multipurpose rooms, dining facilities, personal service shops, and other amenities primarily for the occupants of the facility;

- (2) convalescent, nursing, and rest homes (assisted living), with a maximum of 60 beds for the nursing home and 105 beds for assisted living;
 - (3) medical and dental clinics;
 - (4) indoor and outdoor recreational facilities, multi-purpose neighborhood centers, and community center (YMCA);
 - ~~(5) restaurants not to exceed 4,000 square feet;~~
 - ~~(6)~~ (5) adult day care for no more than 60 adults; and
 - ~~(7)~~ (6) day nurseries, group day care centers, and nursery school; and
- (d) the following uses are permitted but are limited to the maximum square footage designated below:
- (1) offices – business and professional, not to exceed 5,000 square feet in Area B and not to exceed 48,000 square feet in Area D;
 - (2) business establishment uses as permitted in a B-1 Zoning District, not to exceed 18,000 square feet in total usage;
 - (3) computer training center, not to exceed 3,500 square feet; ~~and~~
 - (4) pharmacy distribution center, not to exceed 3,500 square feet; ~~and~~
 - (5) restaurants not to exceed 4,000 square feet, with carry-out permitted, but no fast food restaurant is permitted.

SECTION 3. AND BE IT FURTHER ORDAINED, That the minimum yard requirements are not applicable to specific lots created within the Residential Planned Unit Development but must otherwise be in compliance with the plans approved by the Planning Commission.

SECTION 4. AND BE IT FURTHER ORDAINED, That the general location of buildings on the property and parking ratio requirements shall be as set forth on the Development Plan.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by Stadium Place, Inc., is approved.

SECTION 6. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property ~~must be reviewed~~ are subject to Final Design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 8. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the

Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 9. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-114
(Council Bill 00-199)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
Constellation Property**

FOR the purpose of approving the application of Fells Point Development, LLC, the developer and ground lessee of certain property located south of Dock Street and Thames Street in the Fells Point Urban Renewal Area, to have that property designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicant; and providing for a special effective date.

BY authority of
Article - Zoning
Title 9, Subtitles 1 and 4
Baltimore City Revised Code
(Edition 2000)

Recitals

The developer is the ground lessee of certain property located south of Dock Street and Thames Street in the Fells Point Urban Renewal Area, consisting of ~~5.93~~ 8.09 acres, more or less.

The City of Baltimore is the fee simple owner of certain street beds contiguous to the property, of which some street beds might be closed as shown on the Development Plan (hereinafter defined) for development by the developer.

~~The owner proposes to develop and construct certain improvements on the property, including any street beds that might be closed for the project.~~

The property is subject to the provisions of the Fells Point Urban Renewal Plan, as amended from time to time.

On May 10, 2000, representatives of Fells Point Development, LLC, met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the property and to institute proceedings to have the property designated a Business Planned Unit Development.

The representatives of the developer have applied to the Baltimore City Council for designation of the property as a Business Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

The City of Baltimore, acting by and through the Department of Housing and Community Development, intends to subject the affected street beds to the Business Planned Unit Development.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of Fells Point Development, LLC, developer and ground lessee of the property shown on the plats entitled “Existing Conditions — Constellation Planned Unit Development”, dated ~~May 10~~ September 1, 2000 (Exhibit A), and “Proposed Conditions A & B — Constellation Planned Unit Development”, dated ~~May 10~~ November 15, 2000 (Exhibit B, referred to as the ~~“Development Plan”~~ “Proposed Conditions”), and “Development Plan A & B – Constellation Planned Unit Development” (Exhibit C, referred to as the “Development Plan”), to designate all of the property a Business Planned Unit Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitles 1 and 4, the following uses are permitted within the Business Planned Development with respect to the Parcels designated on the Development Plan (which Parcels are hereinafter individually referred to as a “Parcel” and collectively as “Parcels”):

- (a) with respect to Parcel A and Parcel A Annex, all uses as allowed in the ~~B-1 and B-2 Zoning Districts~~, and
- (b) ~~dwelling, single-family, single-family semi-detached, single-family attached, and multi-family attached;~~ Retail Commercial A land use category under the Fells Point Urban Renewal Plan; provided, however, that live entertainment may be provided only in restaurants built on Parcel A with liquor licenses as to which average daily receipts from the sale of food exceeds the average daily receipts from the sale of alcoholic beverages and are located on the ground floor;
- (b) with respect to Parcels B, C, D, and E, all uses as allowed in the Retail Commercial land use category under the Fells Point Urban Renewal Plan;
- (c) with respect to all Parcels:
 - (1) one automatic teller machine is permitted per building;
 - (2) marinas and recreational boat launches and tie-ups, outdoor table service when accessory to a restaurant, and microwave antennas (satellite dishes) are permitted, subject to Design Approval by the Planning Commission;
 - (3) dwelling and physical culture and health services (reducing salons and gymnasiums) are permitted on all floors of buildings constructed on any Parcel;
 - (4) decks are permitted if they are not visible from the adjacent public street; and
 - (5) blood donor centers, tattoo museums, and newspaper boxes (on private property) are prohibited.
- (d) uses accessory to any of the foregoing.

SECTION 3. AND BE IT FURTHER ORDAINED, That as outlined on the Development Plan:

- (a) the maximum aggregate usable square footage of structures constructed on the property shall be 600,000 square feet, but this square footage does not include the square footage of any parking garage constructed on any Parcel; of the 600,000 square feet, no more than 200,000 usable square footage may be used for retail business establishments, and this 200,000 square footage does not include hotels, bed and breakfast establishments, or physical culture and health services (reducing salons and gymnasiums);
- (b) setbacks with respect to the property are as set forth on the final development plans or as otherwise approved;
- (c) the maximum number of hotel and breakfast rooms is 200;
- (d) auditoriums, concert halls, and taverns are not permitted on the property.

SECTION 4. AND BE IT FURTHER ORDAINED, That the maximum building height of structures constructed within the Parcels designated on the Development Plan shall be as follows:

	<u>Maximum Height</u>
(a) <u>Parcel A</u>	<u>78 feet</u>
<u>Parcel A (facing Thames Street)</u>	<u>63 feet</u>
<u>Parcel A (facing Promenade)</u>	<u>63 feet</u>
(b) <u>Parcel A-Annex</u>	<u>40 feet</u>
<u>Parcel A-Annex (facing Thames Street)</u>	<u>40 feet</u>
<u>Parcel A-Annex (facing Promenade)</u>	<u>40 feet</u>
(c) <u>Parcel B</u>	<u>80 feet</u>
<u>Parcel B (facing Thames Street)</u>	<u>60 feet</u>
<u>Parcel B (facing Promenade)</u>	<u>60 feet</u>
(d) <u>Parcel C</u>	<u>80 feet</u>
<u>Parcel C (facing Thames Street)</u>	<u>60 feet</u>
<u>Parcel C (facing Promenade)</u>	<u>60 feet</u>
(e) <u>Parcel D</u>	<u>55 feet</u>
(f) <u>Parcel E</u>	<u>55 feet</u>
<u>Parcel E (facing Bond Street)</u>	<u>45 feet</u>
<u>(Parcel E is omitted in Option B)</u>	

The maximum building height is defined as the vertical distance measured, in the case of flat roofs, from the mean curb level to the highest point of the roof adjacent to the street wall, and, in the case of pitched roofs, from the mean curb level to the mean height level of the roof. Thames Street is the street from which the height is measured. Parcel E shall use the same calculation for maximum height as Parcel D. In determining the height of a building, the measurement may not include non-occupied architectural elements or features, subject to Final Design approval from the Planning Commission.

SECTION 5. AND BE IT FURTHER ORDAINED, That the maximum percentage of building square footage of structures permitted to be constructed at the maximum permitted building heights is as follows:

<u>(a) Parcel A</u>	<u>95%</u>
<u>(b) Parcel A-Annex</u>	<u>100%</u>
<u>(c) Parcel B</u>	<u>45%</u>
<u>(d) Parcel C</u>	<u>45%</u>
<u>(e) Parcel D</u>	<u>100%</u>
<u>(f) Parcel E</u>	<u>95%</u>
<u>(Parcel E is omitted in Option B)</u>	

SECTION 6. AND BE IT FURTHER ORDAINED, That parking calculations are based on the provisions of the Baltimore City Zoning Code and the Fells Point Urban Renewal Plan. Parking required, or otherwise provided, for any of the Parcels designated on the Development Plan is not required to be provided for on any specific Parcel, but may be provided in a garage or on a lot located on another Parcel.

SECTION 7. AND BE IT FURTHER ORDAINED, That the minimum lot area requirement is calculated on an aggregate basis, based on the entire acreage included in the Business Planned Unit Development, and not on the basis of the acreage of specific lots created within the Business Planned Unit Development. The maximum density is intended to be constrained by the height limits as shown on the Development Plan.

SECTION 8. AND BE IT FURTHER ORDAINED, That the developer must allow for a 30-foot wide area between the structure on Parcel A and any existing or future structures on Parcel A Annex where no permanent structure shall be permitted to be constructed. The developer intends to use this area for parking and to service buildings on the Parcels, and, provided that no permanent structure is built thereon, the developer may use such area for other uses ancillary to its development.

SECTION 3 9. AND BE IT FURTHER ORDAINED, That the minimum yard requirements are not applicable to specific lots created within the Business Planned Unit Development but must otherwise be in compliance with the plans approved by the Planning Commission.

SECTION 4 10. AND BE IT FURTHER ORDAINED, That the maximum height of buildings on the Property and floor area requirements shall be as set forth on the Development Plan.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by Fells Point Development, LLC, is approved; to the extent that there are any discrepancies between the text of this Ordinance and the Development Plan, the text of this Ordinance controls.

SECTION 6 11. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property must be reviewed by receive Final Design approval from the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 7 12. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 8 13. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 9 14. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on ~~the 30th day after the~~ the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-115
(Council Bill 00-200)**

AN ORDINANCE CONCERNING

**Urban Renewal — Fells Point —
Amendment ~~17~~ 18**

FOR the purpose of amending certain provisions of the Urban Renewal Plan for the Fells Point Urban Renewal Area; incorporating by reference the applicability of any future Planned Unit Developments to the Project Area; adding certain exhibits to reflect changes in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Fells Point was originally approved by the Mayor and City Council of Baltimore by Ordinance 75-999 and last amended by Ordinance 93-261.

An amendment to the Urban Renewal Plan for Fells Point is necessary to amend certain provisions of the Urban Renewal Plan, to incorporate by reference the applicability to a portion of the Project Area of the Business Planned Unit Development approved by the Mayor and City Council of Baltimore by Ordinance _____, to otherwise incorporate by reference the applicability of any future Planned Unit Developments to the Project Area, and to add certain exhibits to reflect the changes in the Plan.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

This proposed amendment to the Urban Renewal Plan for Fells Point has been approved by the Director of the Department of Planning for conformity to the Master Plan, for the detailed location of any public improvements proposed in the amendment to the Urban Renewal Plan, and for conformity to existing and proposed zoning classifications. The proposed amendment has also been approved and recommended to the Mayor and City Council by the Commissioner of the Department of Housing and Community Development.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Fells Point are approved:

- (1) On page 10 of the Plan, in B. Land Use Plan, after Section B.1.k.(3), add new Section B.1.l. to read as follows:

1.1 PLANNED UNIT DEVELOPMENTS

IN ALL PORTIONS OF THE PROJECT AREA THAT ARE NOW OR MAY LATER BE SUBJECT TO ANY PLANNED UNIT DEVELOPMENT CREATED UNDER TITLE 9 OF THE ZONING CODE, INCLUDING WITHOUT LIMITATION THE BUSINESS PLANNED UNIT DEVELOPMENT APPROVED BY THE MAYOR AND CITY COUNCIL BY ORDINANCE ____ (“CONSTELLATION PUD”), A COPY OF WHICH IS ATTACHED AS EXHIBIT 5, ALL USES PERMITTED BY THE PUD ARE PERMITTED IN THE PORTIONS OF THE PROJECT AREA COVERED BY THE PUD IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE PUD.

- (2) On page 12 of the Plan, in B. Land Use Plan, delete the last sentence of Section B.2.b.(3)(b)(iii) and substitute: amend Section B.2.b.(4) to read as follows:

~~(4) Height Limits~~

The maximum building HEIGHTS SHALL NOT EXCEED THE HEIGHTS SET FORTH IN THE CONSTELLATION PUD. ~~height of structures shall not exceed 40 feet unless approved in advance by the Commissioner of the Department of Housing and Community Development where the Commissioner finds that a waiver advances the objectives of this Plan or as provided for in Appendix C. NOTWITHSTANDING THIS LIMITATION, THE BUILDING HEIGHT OF ANY STRUCTURE (OTHER THAN A PARKING GARAGE) BORDERING CAROLINE STREET MAY NOT EXCEED ____ FEET, AND THE HEIGHT OF ANY PARKING GARAGE CONSTRUCTED AT THE INTERSECTION OF DOCK STREET AND CAROLINE STREET MAY NOT EXCEED ____ FEET.~~

- (3) On page 12 of the Plan, in B. Land Use Plan, after Section B.2.b.(4), add new Section B.2.c. to read as follows:

C. PUD STANDARDS AND CONTROLS

~~(4) TO THE EXTENT OF ANY CONFLICT BETWEEN THE PROVISIONS OF SECTION B.2. OF THIS RENEWAL PLAN AND THE STANDARDS AND CONTROLS PROVISIONS OF ANY PUD, OR TO THE EXTENT THAT STANDARDS AND CONTROLS, PERMITTED USES, OR ANY OTHER PROVISIONS CONTAINED IN ANY PUD ARE NOT CONTAINED IN THE RENEWAL PLAN, THE STANDARDS AND CONTROLS, PERMITTED USES, OR ANY OTHER PROVISIONS OF THE PUD INCLUDING WITHOUT LIMITATION, THOSE AFFECTING USE, PARKING, AESTHETIC CONTROLS, SETBACKS, SPECIFIC LOT CONTROLS, AND BUILDING HEIGHTS, CONTROL SHALL CONTROL.~~

~~(2) NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS RENEWAL PLAN,~~

- (4) On page 27 of the Plan in Appendix C, delete the language concerning height limits for Waterfront Areas 1 and 2 and substitute: THE BUILDING CONSTRUCTED ON PARCEL A OF THE MAXIMUM BUILDING HEIGHTS SHALL BE AS SET FORTH IN THE CONSTELLATION PUD MAY BE THE SAME SIZE AS THE TERMINAL WAREHOUSE BUILDING THAT EXISTED ON PARCEL A BEFORE ITS DEMOLITION.

(5) Notwithstanding the provisions of Appendix C, the public access corridor extending south from Bond Street (i.e., public access corridor no. 2 on Appendix C) shall occupy the approximate location set forth on Exhibit A attached hereto, and the public access corridor required to extend southeast from the intersection of Thames and existing Caroline Streets (i.e., public access corridor no. 3 on Appendix C) may be relocated as designated on the Constellation PUD.

(6) On page 5 of the Plan, in B. Land Use Plan, to Section B.1., add a second paragraph to read as follows:

“USES LISTED IN AND ALLOWED BY THIS PLAN ARE INTENDED TO BE ALLOWED. IF A USE IS NOT LISTED, IT MAY NOT BE ESTABLISHED AS EITHER A PRINCIPAL OR CONDITIONAL USE.”.

(7) Amend Exhibit 1, “Land Use Plan”, to include 1636 Thames Street in Retail Commercial A.

SECTION 2. AND BE IT FURTHER ORDAINED, That the use category for Waterfront Area No. 1 shall be Retail Commercial, the use category for Waterfront Area No. 2 (except the portion of Waterfront Area No. 2 designated prior hereto as Retail Commercial A, which portion of Waterfront Area No. 2 shall remain Retail Commercial A) shall be Retail Commercial, and the use category for the portion of Disposition Lot 16A and 16C located within the boundary of the Constellation PUD shall be Retail Commercial.

SECTION 2 3. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Fells Point as amended by this Ordinance and identified as “Urban Renewal Plan, Fells Point, revised to include Amendment ~~17~~ 18, dated _____”, is approved. The Clerk of the City Council shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3 4. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 4 5. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 5 6. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 6 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-116
(Council Bill 00-203)**

AN ORDINANCE CONCERNING

Underground Conduits — Fees

FOR the purpose of repealing certain limitations on the City's power to set, bill, and collect fees for the use of certain underground conduits; correcting, clarifying, and conforming certain language; providing for a special effective date; and generally relating to underground conduits for wires.

BY repealing and reordaining, with amendments

Article 26 - Surveys, Streets, and Highways
Section(s) 23-5
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 26 - Surveys, Streets, and Highways

Subtitle 23 - Underground Conduits for Wires

§ 23-5. Fees for conduit use.

(a) *Board of Estimates to set.*

The Board of Estimates [is hereby authorized and empowered to determine and fix] MAY SET AND, FROM TIME TO TIME, MODIFY the annual [amount to be charged] CHARGES IMPOSED for the use of the conduits [which] THAT [have been or hereafter may be] ARE constructed under this article[, and at any time and from time to time, to increase or decrease such charges as circumstances warrant so as to charge or allocate to each user of the said conduits (whether such user is a City or other governmental agency, a public utility, a private corporation, or otherwise) its share of the actual cost to the City of owning, operating, and maintaining the same, in proportion to the amount of conduit space occupied by each such user].

(b) *[Advice of Directors of Public Works and Finance.*

Provided, that in making any such determination, the Board of Estimates shall give consideration to, but shall not be bound by, any recommendation which may be made by the Director of Public Works (or such person as may hereafter succeed to his duties and functions) and the Director of Finance.

(c) *Fees to be billed semi-annually.] BILLING AND PAYMENT.*

[All of said] THESE charges shall be billed [semi-annually, in advance as of the 1st days of January and July in each and every year, and such bills shall be paid within 30 days after the date thereof] AND PAID AS THE BOARD OF ESTIMATES DIRECTS.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect ~~on the 30th day after the date it is enacted~~ as follows:

- (1) for any existing conduit uses by a regulated electric distribution company, this Ordinance takes effect on January 1, 2003; and
- (2) for all other conduit uses, this Ordinance takes effect on the 30th day after it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-117
(Council Bill 00-221)**

AN ORDINANCE CONCERNING

**Metropolitan District of Baltimore County —
Extension 140**

FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

BY authority of
Chapter 539
Acts of the General Assembly of 1924
and
Chapter 515
Acts of the General Assembly of 1955

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore consents to and approves the petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 20.498 acres, located in the 2C3 Election District of Baltimore County in the vicinity of the south side of Meadow Road, west of Painters Mill Road, as more particularly shown on the plat labeled Extension 140 and filed with the Department of Public Works of Baltimore County.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-118
(Council Bill 00-222)**

AN ORDINANCE CONCERNING

Corrective Bill

FOR the purpose of correcting certain technical errors and omissions in the City Code; clarifying language; specifying that this Ordinance is not intended to affect any law other than to correct technical errors; and providing for a special effective date.

BY repealing and reordaining, without amendments

Article - Zoning
Section(s) 4-203(17)
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning
Section(s) 4-1007(a) and 4-306
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 1- Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(7) (He Title 10, Subtitle 2)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 5 - Finance, Property, and Procurement
Section(s) 28-12(b)
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article — Zoning

§ 4-203. Conditional uses — Board approval required.

In an R-1 District, conditional uses that require Board approval are as follows:

- (17) Travel trailers, recreational vehicles, and similar camping equipment: parking or storage.

COMMENT: Shown here, unamended, to provide context for the correction made to Zg § 14-306 below.

§ 4-1007. Yards.*(a) Permitted uses.*

For each principal permitted use in an [R-1] R-7 District, a front yard, 2 side yards, and a rear yard must be provided with the following minimum depths:

	<i>Front</i>	<i>Interior Side</i>	<i>Street Corner Side</i>	<i>Rear</i>
Single-family detached dwellings	20 ft.	10 ft.	15 ft.	25 ft.
Single-family semi-detached dwellings	20 ft.	10 ft.	15 ft.	25 ft.
Single-family attached dwellings	20 ft.	10 ft. for ends of groups	15 ft.	25 ft.
Multiple-family detached dwellings	20 ft.	15 ft.	15 ft.	25 ft.
Multiple-family attached dwellings	20 ft.	10 ft. for ends of groups	15 ft.	25 ft.
All other principal permitted uses	30 ft.	15 ft.	20 ft.	30 ft.

COMMENT: Corrects typographical error made in Ordinance 99-547, which enacted this section.

§ 14-306. Boats, trailers, etc.: parking or storage.*(a) Required findings and conditions.*

For parking or storage of boats, boat trailers, travel trailers, RECREATIONAL VEHICLES, or similar camping equipment, the Board must find, and require as conditions of approval, that:

- (1) at no time will this equipment be used for living or housekeeping purposes;
- (2) the equipment will not have fixed connections to electricity, water, gas, or sanitary sewer facilities;
- (3) EXCEPT ONLY AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION, if the equipment is parked or stored outside of a garage, it will be parked or stored to the rear of the front building line of the lot and located at least 3 feet from the side or rear lot lines;

- (2) [(ii)] maintaining a directory of certified business enterprises;
- (3) [(iii)] providing information and needed assistance to MBEs[, AND WBEs[, and SLBEs] to increase their ability to compete effectively for the award of City contracts;
- (4) [(iv)] investigating alleged violations of this subtitle and, when appropriate, making written recommendations for remedial action;
- (5) [(v)] developing and distributing all necessary forms, applications, and documents necessary to comply with this subtitle;
- (6) [(vi)] maintaining statistics on and reviewing regularly the progress of agencies towards achieving the annual goals for the utilization of minority and women's business enterprises;
- (7) [(vii)] recommending to appropriate City officials methods to further the policies and goals of this subtitle;
- (8) [(viii)] monitoring contractors throughout the duration of their contracts to ensure that all efforts are made to comply with this subtitle; and
- (9) [(ix)] certifying compliance with this subtitle before contracts are submitted to the Board of Estimates for award.

COMMENT: Corrects numbering and nomenclature errors.

SECTION 2. AND BE IT FURTHER ORDAINED, That the comments and catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That (i) the provisions of this Ordinance are intended solely to correct technical errors in the law, and (ii) there is no intent to revive or otherwise affect any law that is the subject of any other Ordinance, whether enacted before or after the enactment of this Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-119
(Council Bill 00-223)**

AN ORDINANCE CONCERNING

**Urban Renewal — Middle East —
Amendment 6**

FOR the purpose of amending the Urban Renewal Plan for Middle East to revise certain land uses; authorizing the acquisition by purchase or by condemnation of certain properties for urban renewal purposes; creating

new disposition lots; correcting certain references; revising certain exhibits to reflect the changes in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Middle East was originally approved by the Mayor and City Council of Baltimore by Ordinance 79-1202 and last amended by Ordinance 86-708.

An amendment to the Urban Renewal Plan for Middle East is necessary to revise certain land uses, authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, create new disposition lots, correct certain references, and revise certain exhibits to reflect the changes in the Plan.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Middle East are approved:

- (1) On page 2 of the Plan, in B. Land Use Plan, amend Section B.1. to read as follows:

Only the use categories shown on the Land Use Plan Map, Exhibit No. 1, shall be permitted within the project area. These are Residential, Commercial, Industrial, [and] Public, AND INSTITUTIONAL. In addition, certain uses, for the most part mixed uses, will be permitted to continue subject to the provisions governing non-conforming and non-complying uses set forth in Sections B.1.[e]F. and B.1.[f]G. below.

- (2) On page 3 of the Plan, in B. Land Use Plan, 1. Permitted Land Uses, redesignate items e. and f., respectively, to be items f. and g., respectively; and add new item e. to read as follows:

E. INSTITUTIONAL

IN THE AREA DESIGNATED INSTITUTIONAL ON THE LAND USE PLAN MAP, USES ARE LIMITED TO ACTIVE AND PASSIVE RECREATION; HOSPITALS, MEDICAL CENTERS, AND RELATED MEDICAL FACILITIES; NEIGHBORHOOD CENTERS, PARKS, AND PLAYGROUNDS; PLAZAS AND MALLS; SCHOOLS AND RELATED EDUCATIONAL FACILITIES; AND OFF-STREET PARKING.

- (3) On page 4 of the Plan, in B. Land Use Plan, amend Section B.2.a.(1)(e) to read as follows:

- (e) No sign shall extend above the roof line or parapet wall of the building to which it is attached; no sign shall project more than 12 inches from the building to which it is attached. No free-standing sign shall be permitted. NO NEW GENERAL ADVERTISING SIGN (AS DEFINED IN ZONING CODE § 11-101) IS PERMITTED.

- (4) On page 6 of the Plan, in C. Techniques Used To Achieve Plan Objectives, amend Section C.1.b.(2) to read as follows:

- (2) [Rehabilitation by the Department of Housing and Community Development or Others]
ADDITIONAL REASONS FOR ACQUISITION

It may be necessary to acquire by purchase or condemnation FOR URBAN RENEWAL PURPOSES the fee simple interest[,] or any lesser interest in and to [such of the remaining] properties OR PORTIONS OF PROPERTIES IN THE MIDDLE EAST URBAN RENEWAL AREA[,] not specifically designated for acquisition on the Property Acquisition Map (EXHIBIT NO. 2), APPENDIX A OR APPENDIX C, AS MAY BE DEEMED NECESSARY AND PROPER BY THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT in order to carry out rehabilitation by the Department of Housing and Community Development or for resale. These properties [are being] MAY BE acquired because:

- (a) it is necessary to make residential structures available for [use for] OCCUPANCY BY low- and moderate-income families; or
- (b) rehabilitation on a structure-by-structure basis is infeasible and assemblage of a group of properties is required to carry out the objectives set forth in this Plan; or
- (c) rehabilitation of individual, scattered properties is necessary in order to remove blighting influences from otherwise sound residential blocks.

- (5) On page 14 in Appendix B, Section 2.c., amend item (1) to read as follows:

- (1) General

Product advertising or supplier product signs [shall be] ARE permitted provided (i) [such] THE sign or signs in total are no larger than 25% of the area of the allowable sign for the building or 12 square feet, whichever is smaller, AND (ii) THE SIGN IS NOT A GENERAL ADVERTISING SIGN (AS DEFINED IN ZONING CODE § 11-101). All lighting and electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches, and panel boxes [shall] MUST be concealed from view as much as possible.

- (6) On page 16 in Appendix B, Section 2.c., redesignate item (8) to be item (9); and, add new item (8) to read as follows:

- (8) GENERAL ADVERTISING SIGNS

NO NEW GENERAL ADVERTISING SIGN (AS DEFINED IN ZONING CODE § 11-101) IS PERMITTED.

- (7) At the end of the Plan, after Appendix B, add Appendix C to read as follows:

APPENDIX C

PROPERTIES FOR ACQUISITION AND DISPOSITION FOR REHABILITATION OR REDEVELOPMENT

IN ADDITION TO THOSE GROUPS OF PROPERTIES TO BE ACQUIRED AND DISPOSED OF FOR REDEVELOPMENT (DESIGNATED WITH DISPOSITION LOT NUMBERS ON EXHIBIT 3 AND IN APPENDIX

A), THE FOLLOWING PROPERTIES ARE ALSO BEING ACQUIRED AND DISPOSED OF FOR REHABILITATION OR REDEVELOPMENT. CERTAIN PROPERTIES LISTED BELOW MAY BE USED, IN WHOLE OR IN PART, AS REAR OR SIDE YARD SPACE FOR ADJACENT PROPERTY.

~~1716 ASHLAND AVENUE~~
~~1718 ASHLAND AVENUE~~
~~1720 ASHLAND AVENUE~~
~~1722 ASHLAND AVENUE~~
1723 ASHLAND AVENUE
~~1724 ASHLAND AVENUE~~
~~1726 ASHLAND AVENUE~~
1729 ASHLAND AVENUE
1731 ASHLAND AVENUE
~~1732 ASHLAND AVENUE~~
1733 ASHLAND AVENUE
1735 ASHLAND AVENUE
~~1736 ASHLAND AVENUE~~
~~1740 ASHLAND AVENUE~~
1743 ASHLAND AVENUE
~~1744 ASHLAND AVENUE~~
1745 ASHLAND AVENUE
1747 ASHLAND AVENUE
1749 ASHLAND AVENUE
~~1813 ASHLAND AVENUE~~
~~1815 ASHLAND AVENUE~~
~~1821 ASHLAND AVENUE~~
~~1823 ASHLAND AVENUE~~
~~1827 ASHLAND AVENUE~~
~~1829 ASHLAND AVENUE~~
~~1835 ASHLAND AVENUE~~
~~1911 ASHLAND AVENUE~~
~~1916 ASHLAND AVENUE~~
~~1918 ASHLAND AVENUE~~
~~1920 ASHLAND AVENUE~~
~~1922 ASHLAND AVENUE~~
2001 ASHLAND AVENUE
2003 ASHLAND AVENUE
2007 ASHLAND AVENUE
2009 ASHLAND AVENUE
2011 ASHLAND AVENUE
2013 ASHLAND AVENUE
2015 ASHLAND AVENUE
2019 ASHLAND AVENUE
2021-2025 ASHLAND AVENUE

~~1707 BARNES STREET~~
~~1712 BARNES STREET~~
~~1713 BARNES STREET~~
~~1714 BARNES STREET~~
~~1715 BARNES STREET~~
~~1716 BARNES STREET~~
~~1717 BARNES STREET~~
~~1722 BARNES STREET~~

1027 N. BROADWAY
1033 N. BROADWAY
1041 N. BROADWAY

800 N. CASTLE STREET
801 N. CASTLE STREET
802 N. CASTLE STREET
806 N. CASTLE STREET
807 N. CASTLE STREET
808 N. CASTLE STREET
811 N. CASTLE STREET
817 N. CASTLE STREET
818 N. CASTLE STREET
819 N. CASTLE STREET
820 N. CASTLE STREET

814 N. CHAPEL STREET
818 N. CHAPEL STREET
826 N. CHAPEL STREET
828 N. CHAPEL STREET

830 N. CHESTER STREET
838 N. CHESTER STREET
840 N. CHESTER STREET

808 N. DURHAM STREET
812 N. DURHAM STREET
814 N. DURHAM STREET
818 N. DURHAM STREET
825 N. DURHAM STREET
827 N. DURHAM STREET

1702 E. EAGER STREET
1706 E. EAGER STREET
1725 E. EAGER STREET
1727 E. EAGER STREET
1728 E. EAGER STREET
1729 E. EAGER STREET
1743 E. EAGER STREET
1800 E. EAGER STREET
1809 E. EAGER STREET
1811 E. EAGER STREET
1812 E. EAGER STREET
1813 E. EAGER STREET
1814 E. EAGER STREET
1816 E. EAGER STREET
1818 E. EAGER STREET
1820 E. EAGER STREET
1826 E. EAGER STREET
1829 E. EAGER STREET
1832 E. EAGER STREET
1836 E. EAGER STREET

~~1838 E. EAGER STREET~~
~~1839 E. EAGER STREET~~

1704 E. MADISON STREET
1728 E. MADISON STREET
1730 E. MADISON STREET
1734 E. MADISON STREET
1736 E. MADISON STREET
1740 E. MADISON STREET
~~1800 E. MADISON STREET~~
~~1802 E. MADISON STREET~~
~~1804 E. MADISON STREET~~
~~1808 E. MADISON STREET~~
~~1814 E. MADISON STREET~~
~~1816 E. MADISON STREET~~
~~1824 E. MADISON STREET~~
~~1826 E. MADISON STREET~~
~~1830 E. MADISON STREET~~
~~1832 E. MADISON STREET~~
~~1834 E. MADISON STREET~~
~~1836 E. MADISON STREET~~
~~1900 E. MADISON STREET~~
~~1904 E. MADISON STREET~~
~~1910 E. MADISON STREET~~
~~1916 E. MADISON STREET~~
~~1918 E. MADISON STREET~~
~~1920 E. MADISON STREET~~
~~1922 E. MADISON STREET~~
~~1924 E. MADISON STREET~~
~~1926 E. MADISON STREET~~
~~2000 E. MADISON STREET~~
~~2004 E. MADISON STREET~~
~~2006 E. MADISON STREET~~
~~2014 E. MADISON STREET~~
~~2018 E. MADISON STREET~~

803 McDONOGH STREET
810 McDONOGH STREET
812 McDONOGH STREET
~~907 McDONOGH STREET~~
~~909 McDONOGH STREET~~
~~911 McDONOGH STREET~~
~~913 McDONOGH STREET~~
~~917 McDONOGH STREET~~
~~919 McDONOGH STREET~~
~~923 McDONOGH STREET~~
~~925 McDONOGH STREET~~
~~927 McDONOGH STREET~~
~~931 McDONOGH STREET~~
~~933 McDONOGH STREET~~
~~935 McDONOGH STREET~~
~~937 McDONOGH STREET~~

803 RUTLAND AVENUE
806 RUTLAND AVENUE
808 RUTLAND AVENUE
809 RUTLAND AVENUE
810 RUTLAND AVENUE
815 RUTLAND AVENUE
827 RUTLAND AVENUE
831 RUTLAND AVENUE
835 RUTLAND AVENUE
839 RUTLAND AVENUE
900 RUTLAND AVENUE
902 RUTLAND AVENUE
904 RUTLAND AVENUE
906 RUTLAND AVENUE
908 RUTLAND AVENUE
912 RUTLAND AVENUE
914 RUTLAND AVENUE
918 RUTLAND AVENUE
920 RUTLAND AVENUE
922 RUTLAND AVENUE
924 RUTLAND AVENUE
926 RUTLAND AVENUE
930 RUTLAND AVENUE
932 RUTLAND AVENUE
934 RUTLAND AVENUE

904 SHUTER STREET
906 SHUTER STREET
910 SHUTER STREET
912 SHUTER STREET
916 SHUTER STREET
921 SHUTER STREET

811 N. WASHINGTON STREET
829 N. WASHINGTON STREET
833 N. WASHINGTON STREET

800 N. WOLFE STREET
802 N. WOLFE STREET
803 N. WOLFE STREET
807 N. WOLFE STREET
808 N. WOLFE STREET
809 N. WOLFE STREET
811 N. WOLFE STREET
814 N. WOLFE STREET
815 N. WOLFE STREET
819 N. WOLFE STREET
821 N. WOLFE STREET
822 N. WOLFE STREET
823 N. WOLFE STREET
824 N. WOLFE STREET
825 N. WOLFE STREET
827 N. WOLFE STREET

~~831 N. WOLFE STREET~~
~~833 N. WOLFE STREET~~
~~837 N. WOLFE STREET~~
~~839 N. WOLFE STREET~~

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Middle East, as amended by this Ordinance and identified as “Urban Renewal Plan, Middle East, revised to include Amendment 6, dated _____”, is approved. The Clerk of the City Council shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 4. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 5. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 6. AND BE IT FURTHER ORDAINED, All recommended land use changes are deleted on Exhibit 1, except for those in the area bounded by Broadway, Ashland Avenue, Rutland Avenue, and Madison Street. All recommended references are deleted for the deleted properties from Exhibits 2 and 3.

SECTION 6 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved December 20, 2000

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-120
(Council Bill 00-238)**

AN ORDINANCE CONCERNING

Rezoning — 801 Wagner Street

FOR the purpose of changing the zoning for the property known as 801 Wagner Street, as outlined in red on the accompanying plat, from the M-3 Zoning District to the R-8 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 67
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 67 of the Zoning District Maps is amended by changing from the M-3 Zoning District to the R-8 Zoning District the property known as 801 Wagner Street, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-121
(Council Bill 00-239)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use
Parking , Open Off-Street Area — 1004 - 1006 Small Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of an open off-street parking area on the property known as 1004-1006 Small Street, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-1104, and 14-102(2)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of an open off-street parking area on the property known as 1004-1006 Small Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code, §§ 4-1104, and 14-102(2) of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. any changes in the Site Plan must be approved by the Planning Department; and
2. the parking area ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-122
(Council Bill 00-255)**

AN ORDINANCE CONCERNING

**Rezoning — 750 East Pratt Street
(formerly known as 101 Concord Street)**

FOR the purpose of changing the zoning for the property known as 750 East Pratt Street (formerly known as 101 Concord Street), as outlined in red on the accompanying plat, from the M-2-3 Zoning District to the B-5-2 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 56
Baltimore Revised City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 56 of the Zoning District Maps is amended by changing from the M-2-3 Zoning District to the B-5-2 Zoning District the property known as 750 East Pratt Street (formerly known as 101 Concord Street), as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission,

the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-123
(Council Bill 00-256)**

AN ORDINANCE CONCERNING

**Urban Renewal — Inner Harbor East —
Amendment 9**

FOR the purpose of amending the Urban Renewal Plan for Inner Harbor East to amend Exhibit E to reflect the change in zoning, upon approval by separate ordinance, for 750 East Pratt Street (formerly known as 101 Concord Street); waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Inner Harbor East was originally approved by the Mayor and City Council of Baltimore by Ordinance 71-1188 and last amended by Ordinance 97-231 and by a minor amendment approved by the Board of Estimates on June 10, 1998.

An amendment to the Urban Renewal Plan for Inner Harbor East is necessary to amend Exhibit E of the Urban Renewal Plan, to reflect the change in zoning, upon approval by separate ordinance, of 750 East Pratt Street (formerly known as 101 Concord Street).

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following change in the Urban Renewal Plan for Inner Harbor East is approved:

Upon approval of rezoning by separate ordinance, amend Exhibit E, "Zoning ", to reflect the change of zoning for the property known as 750 East Pratt Street (formerly known as 101 Concord Street), from the M-2-3 Zoning District to the B-5-2 Zoning District.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Inner Harbor East, as amended by this Ordinance and identified as "Urban Renewal Plan, Inner Harbor East, revised to include Amendment 9, dated ___", is approved. The Clerk of the City Council shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 4. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 5. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-124
(Council Bill 00-258)**

AN ORDINANCE CONCERNING

**Rezoning — Ward 2, Section 6, Block 1827, Lots 3, 4; Ward 3,
Section 7, Block 1826, Lots 1, 2; and Ward 3, Section 7,
Block 1818, Lots 21/27, 31, 32, 33, 34, 35/37, 38/40,
41/43, 44, 45/52, 53, 54, 99, 100/102**

FOR the purpose of changing the zoning for certain properties known as Ward 2, Section 6, Block 1827, Lots 3, 4; Ward 3, Section 7, Block 1826, Lots 1, 2; and Ward 3, Section 7, Block 1818, Lots 21/27, 31, 32, 33, 34, 35/37, 38/40, 41/43, 44, 45/52, 53, 54, 99, 100/102, as outlined in red on the accompanying plat, from the M-3 Zoning District to the B-2-2 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 67
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 67 of the Zoning District Maps is amended by changing from the M-3 Zoning District to the B-2-2 Zoning District the properties known as Ward 2, Section 6, Block 1827, Lots 3, 4; Ward 3, Section 7, Block 1826, Lots 1, 2; and Ward 3, Section 7, Block 1818, Lots 21/27, 31, 32, 33, 34, 35/37, 38/40, 41/43, 44, 45/52, 53, 54, 99, 100/102, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 20, 2002

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-125
(Council Bill 00-275)**

AN ORDINANCE CONCERNING

**Acquisition of Property — Portion of Lot 003 of Block 564
Lying North of a Line Drawn from the Southern Boundary of Lot 027
to its Intersection with the Western Boundary of Lot 001**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to acquire, by purchase or condemnation, the fee simple or other interests in certain property located as a portion of Lot 003 of Block 564 lying north of a line drawn from the southern boundary of Lot 027 to its intersection with the western boundary of Lot 001, and needed for the completion of the expansion and renovation of the Central Library/State Library Resource Center; and providing for a special effective date.

BY authority of

Article I - General Provisions
Section 4
and

Article II - General Powers
Sections 2 and 15
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That it is necessary to acquire, for the completion of the expansion and renovation of the Central Library/State Library Resource Center, the fee simple or other interests that the Director of Public Works considers needed or sufficient in the land and improvements located as a portion of Lot 003 of Block 564 lying north of a line drawn from the southern boundary of Lot 027 to its intersection with the western boundary of Lot 001.

Together with all right, title, interest, and estate that the owner of that property has in all streets, alleys, ways, or lanes, public or private, contained within or abutting the property.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Department of Real Estate, or any other person or agency that the Board of Estimates designates, may negotiate and acquire on behalf of the Mayor and City Council of Baltimore the fee simple or other interests in the land and improvements described in this Ordinance as needed or sufficient for the purposes described in this Ordinance. If the Department of Real Estate, or the person or agency otherwise designated by the Board of Estimates, is unable to agree with the owner on the purchase price for the property, it shall promptly notify the City Solicitor, who shall institute the necessary legal proceedings to acquire by condemnation the fee simple or other interests needed or sufficient for the purposes described in this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That proceedings for the acquisition by condemnation of the property described in this Ordinance and all rights of all parties interested or affected shall be in accordance with Title 12 of the Real Property Article of the Maryland Code.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-126
(Council Bill 00-276)**

AN ORDINANCE CONCERNING

**Acquisition of Property — Lots 4 through 14 (including Lot 5A) of
Block 6425, Ward 26 and that Part of Lot 1 North of a Line
Drawn from the Southern Boundary of Lot 4**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to acquire, by purchase or condemnation, the fee simple or other interests in certain property known as Lots 4 through 14 (including Lot 5A) of Block 6425, Ward 26 and that part of Lot 1 north of a line drawn from the southern boundary of Lot 4, and needed to allow the development of the Southeast Regional Library authorized by recent bond referenda; and providing for a special effective date.

BY authority of
Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2 and 15
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That it is necessary to acquire, for development purposes, the fee simple or other interests that the Director of Public Works considers needed or sufficient in the land and improvements known as Lots 4 through 14 (including Lot 5A) of Block 6425, Ward 26 and that part of Lot 1 north of a line drawn from the southern boundary of Lot 4.

Together with all right, title, interest, and estate that the owner of that property has in all streets, alleys, ways, or lanes, public or private, contained within or abutting the property.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Department of Real Estate, or any other person or agency that the Board of Estimates designates, may negotiate and acquire on behalf of the Mayor and City Council of Baltimore the fee simple or other interests in the land and improvements described in this Ordinance as needed or sufficient for the purposes described in this Ordinance. If the Department of Real Estate, or the person or agency otherwise designated by the Board of Estimates, is unable to agree with the owner on the purchase price for the property, it shall promptly notify the City Solicitor, who shall institute the necessary legal proceedings to acquire by condemnation the fee simple or other interests needed or sufficient for the purposes described in this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That proceedings for the acquisition by condemnation of the property described in this Ordinance and all rights of all parties interested or affected shall be in accordance with Title 12 of the Real Property Article of the Maryland Code.

SECTION 4. AND BE IT FURTHER ORDAINED, That all plans for the Southeast Regional Library must receive Final Design Approval by the Planning Commission.

SECTION 4.5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-127
(Council Bill 00-277)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Amendment —
Baltimore Inner Harbor East**

FOR the purpose of approving certain amendments to the Development Plan of the Baltimore Inner Harbor East Planned Unit Development.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 4
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Ordinance 97-229
Section(s) 3(a), 3(c), and 5

Recitals

By Ordinance 97-229, the Mayor and City Council approved the application of the Harbor East Limited Partnership, now known as Harbor East LLLP, to have certain property located in Inner Harbor East, consisting of 5 acres, more or less, designated as a Business Planned Unit Development and approved the Development Plan submitted by the applicant.

Harbor East LLLP, wants to amend the Development Plan, as previously approved by the Mayor and City Council, to allow office use on a certain parcel designated as H-1 on the plat recorded among the Plat Records of Baltimore City as Plat F.M.C. 3581 and included in the Planned Unit Development.

Section 6 of Ordinance 97-229 provides that an Ordinance is required for any changes in the approved Planned Unit Development, whether the changes be "major or minor, including changes in density or use".

Accordingly, on October 18, 2000, representatives of Harbor East LLLP, met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed amendment to the Development Plan.

The representatives of Harbor East LLLP, have now applied to the Baltimore City Council for approval of this amendment.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Ordinance 97-229

Section 3. AND BE IT FURTHER ORDAINED, That [in accordance with the provisions of Section 12.0-4(a),]:

(A) [the] THE following uses are permitted within the Planned Development:

[(a) There shall be a minimum of 600 parking spaces, a maximum of 750 hotel rooms, and the following uses as accessory to a hotel:]

(I) HOTEL, WITH A MAXIMUM OF 750 HOTEL ROOMS.

(II) [1.] Open off-street parking and off-street parking garages, WITH A MINIMUM OF 600 PARKING SPACES.

(III) OFFICES, TO BE LOCATED ONLY ON PARCEL H-1 AND NOT TO EXCEED 40,000 SQUARE FEET. OFFICE USE SHALL NOT BE PERMITTED ON THE FIRST FLOOR OF THE BUILDING LOCATED ON PARCEL H-1.

(IV) THE FOLLOWING USES AS ACCESSORY TO THE HOTEL:

1. [2.] Gift shop, car rental agency, travel agency, fitness and health/ physical culture facilities, cabana, food kiosk, and accessory structures for swimming pool and other facilities as accessory to a hotel.
2. [3.] Amusement arcades, for entertainment only, with interior access only.
3. [4.] Dance halls.
4. [5.] Meeting and banquet halls and catering facilities, including live entertainment and dancing.
5. [6.] Taverns and restaurants, with or without live entertainment and dancing.
6. [7.] Outdoor table service when accessory to a restaurant or tavern use.

(c) Any use other than [the hotel, garage and accessory uses] as listed in SUBSECTION (a) [above] OF THIS SECTION IS:

- (i) [shall be] considered a major amendment to the Planned Unit Development, [subject to the] REQUIRING approval of the Mayor and City Council[, and shall];
- (II) [1. Be] subject to the provisions of the Inner Harbor East Urban Renewal Plan[.];
- (III) [2. Be] subject to Planning Commission approval for final design, in accordance with the requirements of this Ordinance[.]; AND
- (IV) [3. Be] subject to a floor area ratio of 7.

SECTION 3. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property must be reviewed by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying amended Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the amended Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the amended Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

ENROLLED**CITY OF BALTIMORE
ORDINANCE 00-128
(Council Bill 00-283)****AN ORDINANCE CONCERNING****Planned Unit Development — Designation —
Brewers Hill**

FOR the purpose of approving the application of Natty Boh, LLC, a Maryland joint venture, whose joint venture parties are the contract purchasers or are negotiating for the purchase of 3601 Dillon Street, 3701 Dillon Street, ~~4000 Dillon Street~~ 4001 Hudson Street, 3601 O'Donnell Street, 3701 O'Donnell Street, 1200 South Conkling Street, 1211 South Conkling Street, 1301 South Conkling Street, East Side South Conkling Street (26-04-6486-003), PB&W Railroad Right of Way (26-02-6486), PB&W Railroad Right of Way (26-02-6498A), and the Rear East Side South Conkling Street (26-02-6498A-004), to have those properties designated an Industrial Planned Unit Development; approving the Development Plan submitted by the applicant; waiving certain requirements; and providing for a special effective date.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 5
Baltimore City Revised Code
(Edition 2000)

Recitals

Natty Boh, LLC, is a Maryland joint venture, whose joint venture parties are the contract purchasers of the properties shown on the attached plat as Exhibit A, consisting of 30.47 acres, more or less.

Natty Boh plans to develop the properties as a mixed-use development consisting of offices, manufacturing, warehouse, retail, and residences.

On October 11, 2000, representatives of Natty Boh, LLC, met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the property and to institute proceedings to have the property designated an Industrial Planned Unit Development.

The representatives of Natty Boh, LLC, have now applied to the Baltimore City Council for designation of the property as an Industrial Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of Natty Boh, LLC, a Maryland joint venture, whose joint venture parties are the contract purchasers or are negotiating for the purchase of those properties known as 3601 Dillon Street, 3701 Dillon Street, ~~4000 Dillon Street~~ 4001 Hudson Street, 3601 O'Donnell Street, 3701 O'Donnell Street, 1200 South Conkling Street, 1211 South Conkling Street, 1301 South Conkling Street, East Side South Conkling Street (26-04-6486-003), PB&W Railroad Right of Way (26-02-6486), PB&W Railroad Right of Way (26-02-6498A), and the Rear East Side South Conkling Street (26-02-6498A-004), consisting of 30.47 acres, more or less, as outlined on the accompanying Development Plan entitled "Brewers Hill", dated October 20, 2000, consisting of:

- (1) Exhibit A, "Existing Conditions", dated ~~October 20~~ November 22 December 4, 2000;
- (2) Exhibit B, "Concept 1 Proposed Conditions", dated ~~October 20~~ November 22 December 4, 2000;
and
- (3) Exhibit C, "Concept 2 Proposed Conditions", dated ~~October 20~~ November 22 December 4, 2000;

to designate the property an Industrial Planned Development under Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by Natty Boh, LLC, is approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitle 5 of the Zoning Code, the following uses are authorized within the Industrial Planned Unit Development:

- (a) Uses authorized for M-3 Zoning Districts.
 - (1) Except as provided by paragraphs 2, 3, and 4 below, all uses specified in the Zoning Article, §§ 7-402, 7-406, 7-407 and 7-408 of the Baltimore City Revised Code as permitted, accessory, or conditional uses in an M-3 Zoning District are specifically authorized as permitted, accessory, and, subject to the requirements of Zoning Article, Title 14 Conditional Uses, respectively, in the Industrial Planned Unit Development.
 - (2) Radio and television antennas and towers, including microwave antennas (satellite dishes), that extend no more than 25 feet above the building on which they are mounted are specifically authorized as a permitted use in the Industrial Planned Unit Development.
 - (3) The following uses specified in § 7-406 as permitted uses in the M-3 Zoning District are prohibited in the Industrial Planned Unit Development:

Abattoirs; Ammonia: manufacturing; Acids: manufacturing; Animal by-products: processing; Asbestos products: manufacturing; Asphaltic mix plants; Bituminous products: processing; Bleacheries; Bone distillation; Bone and ivory products: processing; Chemicals and allied products: manufacturing; Coal distillation; Fats: rendering; Fish: processing; Hides: processing; Offal: processing; Ore: handling and storage; Pesticides and fungicides: manufacturing and processing; Petroleum and related industries: refining; Stables for horses; Stock yards; Tar: manufacturing; Tire manufacturing – including open storage of tires and tire products; Tire retreading and recapping establishments – including open storage of tires or tire products; Vinegar: manufacturing; Yeast: manufacturing; Concrete and concrete product manufacturing; Coal yards; Flammable liquids: manufacturing and storage; Hiring halls and work distribution centers; Radio antennas and towers, including microwave antennas (satellite dishes), when they extend higher than 25 feet above the building on which they are mounted.
 - (4) The following uses specified in §§ 7-407 and 7-408 as conditional uses in the M-3 Zoning District are prohibited in the Planned Unit Development:

Arsenals; Automobile dismantling and scrapping; Automotive testing grounds; Boats less than 65 feet long: manufacturing and repairing with sales; Explosives: manufacturing and storage; Junk or scrap storage and yards; Marine terminals: passenger; Radioactive waste handling; Hazardous material handling and storage;

Incinerators: commercial or municipal; Penal and correctional institutions; Open storage of tires or tire products as a principal or accessory use within 200 feet of a residence district; Recyclable materials recovery facilities, with outdoor storage of materials; Rock crushing; Waste disposal for land fill and land reclamation; Atomic reactors; Marinas; Mining: gravel, sand, or other raw materials; Sewerage pumping stations; Community corrections centers; Substance abuse treatment centers.

(b) Uses authorized for Business Districts.

- (1) The following uses specified in the Zoning Article, Title 6 of the Baltimore City Revised Code as permitted uses in the Business Zoning Districts, together with all accessory uses incidental to them, are specifically authorized as permitted uses in the designated areas of the Industrial Planned Unit Development.
- (2) The following uses are permitted in the existing buildings in Area A of the Development Plan according to the following limitations:
 - a. Up to a maximum of 55,000 square feet of aggregate net leasable area, with a maximum area of 15,000 square feet per tenant:

Art and school supply stores; Artisans' and craft work – sales; Bakeries – including the sale of bakery products to restaurants, hotels, clubs and similar establishments; Banks and savings and loan associations; Barber shops; Beauty shops; Book and magazine stores and similar establishments (Class A); Business and office machines: sales, rental, and service; Camera and photographic supply stores; Candy and ice cream stores; Carry out food shops; Cartage and express facilities; Communication systems: sales and services; Computer centers; Drug stores; Electrical and household appliance stores; Dry cleaning establishments; Financial institutions; Food stores, grocery stores, and delicatessens; Garden supply, tool and seed stores; Gift and card shops; Industrial supplies: sales; Libraries and art galleries; Newsstands; Photographic printing and developing establishments; Office supply stores; Opticians: sales and service; Outdoor table service when accessory to a restaurant; Photocopying services; Photographic printing and developing establishments; Plumbing, heating, and electrical equipment showrooms and shops; Record, tape, CD and sheet music stores; Sign painting shops; Sporting and athletic goods stores; Stationary stores; Schools and studios: business, dance, and music; Shoe and hat repair stores; Restaurants and lunch rooms; Taverns (limited to three tenants of up to 7,500 square feet per tenant); Tobacco shops; Tailor or dressmaking shops: custom work or repairs; Travel bureaus; Video movies: sales and rentals; Woodworking: custom, and custom furniture-making shops

- b. The following uses do not count toward the 55,000 square foot limitation:

Offices – businesses, governmental, and professional; Dwellings (up to 200 units); Artisans' and craft work - production; Automatic teller machines; Blueprinting and photostating establishments; Bookbinding; Catering establishments, food prepared on-site, but events not held on site; Clinics: medical and dental; Clubs and lodges: non-profit; Day nurseries, group day care centers, and nursery schools; Indoor recreational facilities; Frozen food lockers; Junior colleges, colleges, business colleges, and universities; Laboratories: medical and dental; Massage therapists' offices; Moving and storage establishments; Museums; Newspaper distribution agencies: for home delivery and retail trade; Orthopedic and medical appliance stores; Outdoor recreational facilities; Physical culture and health services –

gymnasiums; Photographers; Religious institutions, as follows: churches, temples and synagogues, convents, seminaries and monasteries; Printing establishments; Printing and publishing; Radio and television stations and studios; Recording studios; Schools: business colleges, community colleges, colleges, and universities; School, commercial; Schools, trade; Secretarial and telephone answering services; Security sales, brokerages, and exchanges; Swimming pools; Tennis and lacrosse clubs; Telephone exchanges; trade centers; and science centers; newspaper publishing.

- (3) The aggregate net leasable area for retail in new buildings in Areas B and C may not exceed 30,000 square feet. The aggregate net leasable area for new buildings, not including a parking garage, may not exceed 90,000 square feet. The following uses are permitted in Areas B and C:

- a. Up to 30,000 square feet of the following uses are permitted in Area B in a new building that may or may not include a parking garage, with a minimum tenant size of 7,500 square feet: Bakeries - including the sale of bakery products to restaurants, hotels, clubs and similar establishments (only sales area counts toward retail limitation); Electrical and household appliance stores; Financial institutions; Furniture stores – including upholstery; Garden supply, tool and seed stores - wholesale; Office supply stores; and
- b. Up to 30,000 square feet of the following uses are permitted in Area B in a new building that may or may not include a parking garage, with no minimum tenant size:

Blueprinting and photostating establishments; Catering establishments, food prepared on-site, but events not held on site; Clinics: medical and dental; Day nurseries, group day care centers, and nursery schools; Indoor recreational facilities; Junior colleges, colleges, business colleges, and universities; Laboratories: medical and dental; Massage therapists' offices; Offices: medical and dental; Physical culture and health services – gymnasiums; Schools, commercial; Schools, trade; Tennis and lacrosse clubs; and

- c. Up to 90,000 square feet of following uses are permitted in a new building that may or may not include a parking garage in Area B: Offices – businesses, governmental, professional; and
- d. Up to 25,000 square feet of the following uses are permitted in Areas B and C in up to three, free-standing, pad sites with no minimum tenant size:

Auto accessory stores, including repair and installation; Automatic teller machines; Banks – drive in; Car washes; Battery and tires; sales and service; Blueprinting and photostating establishments; Dry cleaners – with or without drive in; Day nurseries, group day care centers and nursery schools; Food stores, grocery stores and delicatessens – accessory to a gasoline station; Garages: repairs, servicing, storage; Gasoline service stations; Photographic printing and developing establishments, with or without a drive in; Restaurant and lunch rooms; Restaurants: drive-in.

- e. Outdoor recreational facilities are permitted in Areas B and C.

- (4) The following uses are authorized in the Planned Unit Development only if first approved by the Board of Municipal and Zoning Appeals in accordance with the requirements and provisions of the Zoning Article, Title 14, Conditional Uses, for the approval of conditional uses:

Restaurants and lunch rooms including live entertainment and dancing; taverns including live entertainment and dancing (up to 7,500 square feet per tenant); Meeting and banquet halls; radio and television antennas and towers when free-standing.

SECTION 4. AND BE IT FURTHER ORDAINED, That the aggregate net let leasable area in the Planned Unit Development may not exceed the following limitations:

- (a) Limit on retail uses.

The aggregate net leasable area in both existing and new buildings in the Planned Unit Development for all retail uses authorized under this Ordinance may not exceed 85,000 square feet.

- (b) Aggregate limit for entire development.

Notwithstanding anything to the contrary contained in this Ordinance, the aggregate net leasable area for all buildings and all uses in the Planned Unit Development may not exceed 1,085,000 square feet.

SECTION 5. AND BE IT FURTHER ORDAINED, That off-street parking requirements for the Planned Unit Development are as follows:

- (a) Off-street parking spaces must be provided as follows:

- (1) Office Use - 2.5 spaces per 1,000 square feet of floor area
- (2) Retail Use - 3 spaces per 1,000 square feet of floor area
- (3) Warehouse/Manufacturing/Industrial Use - .5 spaces per 1,000 square feet of floor area
- (4) Residential Use - 1.5 spaces per each residential unit.

- ~~(b) Off-street parking spaces that are located within 300 feet of the boundary of the Planned Unit Development may be included as off-street parking spaces for the Plan with approval by the Planning Commission. The Planning Commission may also grant a variance to increase up to 450 feet, the maximum distance between off-street parking spaces and the PUD boundaries.~~

- ~~(c) When the actual leased and occupied areas require the usage of 100% of the off-street parking spaces in the Plan as required in Section (a) above, Developer shall prepare a parking plan for approval by the Planning Commission. In approving a parking plan, the Planning Commission shall consider the availability of additional parking spaces both on the Properties and within close proximity to the properties and the actual usage of the parking spaces in determining the necessity of providing a parking garage as part of the parking plan.~~

- (b) The PUD assumes that a parking garage will be constructed to accommodate the increased intensity of use (office and retail) on this site. Therefore, the Planning Commission must approve the use of any parking areas outside of this Planned Unit Development, which are to be used to meet the parking requirements of this Planned Unit Development. The Commission shall also approve the design of any proposed parking lot to be used to meet the parking requirements for this site.

- (c) The Planning Commission shall consider the following in their review of whether or not the use of land located outside this Planned Unit Development for parking is acceptable:

- (1) Has the parking garage already been constructed;
- (2) Does the parking accommodate the existing structures or proposed new buildings or additions;
- (3) Can parking be accommodated within the boundaries of the Planned Unit Development; and
- (4) What impact will using a proposed site located outside the PUD for parking have on the City's overall inventory of available industrial land.

SECTION 6. AND BE IT FURTHER ORDAINED, That upon purchase or lease by Natty Boh, LLC, its successors or assigns, of the properties designated an Industrial Planned Unit Development under this Ordinance, such properties shall be included in the PUD.

SECTION 6 7. AND BE IT FURTHER ORDAINED, That if the Planned Unit Development approved by this Ordinance in any way fails to meet the statutory requirements for the preparation, adoption, and approval of the Planned Unit Development, those requirements are waived and the Planned Unit Development approved by this Ordinance is exempted from them.

SECTION 7 8. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property must be reviewed by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 8 9. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 9 10. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-129
(Council Bill 00-284)**

AN ORDINANCE CONCERNING

**Urban Renewal — Canton Industrial Area —
Amendment 1**

FOR the purpose of amending the Urban Renewal Plan for Canton Industrial Area to provide for a new land use category; providing for Planned Unit Development standards and controls; revising an exhibit to reflect the changes in the Plan; waiving certain content and procedural requirements; making the

provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Canton Industrial Area was originally approved by the Mayor and City Council of Baltimore by Ordinance 90-637.

An amendment to the Urban Renewal Plan for Canton Industrial Area is necessary to provide for a new land use category, provide for Planned Unit Development standards and controls, and to revise an exhibit to reflect the changes in the Plan.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Canton Industrial Area are approved:

- (1) On page 4 of the Plan, after Section B. 1. a. (2) (c), add new subsection (3) to read as follows:

(3) INDUSTRIAL/COMMERCIAL

IN THE AREA DESIGNATED ON THE GENERAL LAND USE PLAN AS "INDUSTRIAL-COMMERCIAL," USES SHALL INCLUDE THOSE PERMITTED UNDER ANY INDUSTRIAL PLANNED UNIT DEVELOPMENT (PUD) LEGISLATION APPROVED BY THE MAYOR AND CITY COUNCIL FOR THIS AREA.

- (2) On page 7 of the Plan, after Section B. 2. b. (2), add new subsection c to read as follows:

C. PUD STANDARDS AND CONTROLS

TO THE EXTENT THERE EXISTS ANY CONFLICT BETWEEN THE PROVISIONS OF THIS RENEWAL PLAN AND THE STANDARDS AND CONTROLS OF ANY PUD, WHERE THERE ARE STANDARDS AND CONTROLS CONTAINED IN ANY PUD THAT ARE NOT CONTAINED IN THE RENEWAL PLAN, THE STANDARDS AND CONTROLS OF THE PUD, INCLUDING, WITHOUT LIMITATION, THOSE AFFECTING USE, PARKING, ACCESS, AESTHETIC CONTROLS, SETBACKS, SPECIFIC LOT CONTROLS, AND BUILDING HEIGHTS, ARE CONTROLLING.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Canton Industrial Area, as amended by this Ordinance and identified as "Urban Renewal Plan, Canton Industrial Area, revised to include Amendment 1, dated October 25, 2000", is approved. The Clerk of the City Council shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That the revisions shown on the Urban Renewal Plan on Exhibit 1, Land Use Plan, dated October 25, 2000, are approved.

SECTION 4. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 5. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 6. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-130
(Council Bill 00-302)**

AN ORDINANCE CONCERNING

**Dirt Bikes, Unregistered Motorcycles, and Similar Vehicles —
Motor Fuel Sales**

FOR the purpose of prohibiting the sale, transfer, or dispensing of motor fuel for delivery into any dirt bike or any unregistered motorcycle or similar vehicle; correcting certain language; and generally relating to dirt bikes, unregistered motorcycles, and similar vehicles.

BY adding

Article 19 - Police Ordinances
Section(s) 40-9
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances
Section(s) 40-21
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 19. Police Ordinances

Subtitle 40. Dirt Bikes, Unregistered Motorcycles, and Similar Vehicles

§ 40-9. PROHIBITED CONDUCT — MOTOR FUEL SALES.

NO SERVICE STATION NOR ANY OTHER PERSON MAY SELL, TRANSFER, OR DISPENSE MOTOR FUEL FOR DELIVERY INTO ANY DIRT BIKE OR INTO ANY UNREGISTERED MOTORCYCLE OR SIMILAR VEHICLE.

§ 40-21. Penalties.

Any person who violates any provision of §§ 40-6 through 40-10 of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine OF not more than \$1,000 for each offense.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-131
(Council Bill 00-278)**

AN ORDINANCE CONCERNING

Rezoning — 801 Key Highway

FOR the purpose of changing the zoning for the property known as 801 Key Highway, for that portion of the property in the M-2-2 Zoning District, as outlined in blue on the accompanying plat, and for that portion of the property in the M-3 Zoning District, as outlined in red on the accompanying plat, from the M-2-2 and M-3 Zoning Districts to the B-2-3 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 66
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 66 of the Zoning District Maps is amended by changing from the M-2-2 and M-3 Zoning Districts to the B-2-3 Zoning District the property known as 801 Key Highway, as outlined in blue and red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 29, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-132
(Council Bill 00-279)**

AN ORDINANCE CONCERNING

**Urban Renewal — Inner Harbor Project I —
Amendment 16**

FOR the purpose of amending the Urban Renewal Plan for Inner Harbor Project I to expand the boundary of the existing Urban Renewal Plan, extend the term of the Plan by 40 years, revise the boundary of a certain development parcel, provide standards for that parcel and propose land use and zoning changes for future development of it, revise certain land uses, revise and delete certain land uses, delete parcels that were previously identified as not to be acquired, revise and delete certain development areas, correct certain references, and revise and add exhibits to reflect the changes in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Inner Harbor Project I was originally approved by the Mayor and City Council of Baltimore by Ordinance 67-1045 and last amended by Ordinance 89-296.

An amendment to the Urban Renewal Plan for Inner Harbor Project I is necessary to expand the boundary of the existing Urban Renewal Plan, extend the term of the Plan by 40 years, revise the boundary of a certain development parcel, provide standards for that parcel and propose land use and zoning changes for future development of it, revise certain land uses, revise and delete certain land uses, delete parcels that were previously identified as not to be acquired, revise and delete certain development areas, correct certain references, and revise and add exhibits to reflect the changes in the Plan.

It is necessary and desirable that the boundary be changed to allow for an enlarged development parcel.

It is necessary to extend the term of the Plan by 40 years.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Inner Harbor Project I are approved:

- (1) On page 2 of the Plan, in Section II, "Description of Project", amend Subsection A. "Boundaries of Urban Renewal Area" to read as follows:

The boundaries of the Inner Harbor Project I (hereinafter referred to as "Project") are shown on Exhibit A, entitled "Land Acquisition", and are described as follows:

Beginning for the same at the point formed by the intersection of the east side of Charles Street, as now laid out 117 feet wide, and the north side of Lombard Street, as now laid out 66 feet wide, and running thence binding on the north side of said Lombard Street, crossing Light Street, Ellicott Street, Grant Street, Hollingsworth Street, Calvert Street, Cheapside Street, and Hunter Street, Easterly 1122 feet, more or less, to the northwest corner of South Street and Lombard Street; thence by a straight line crossing said South Street, Northeasterly 70 feet, more or less, to the northeast corner of South Street and Lombard Street; thence binding on the northeast side of Lombard Street, as now laid out varying in width, Southeasterly 147 feet, more or less, to the northwest corner of Commerce Street and Lombard Street; thence by a straight line crossing said Commerce Street, Southeasterly 50 feet, more or less, to the northeast corner of Commerce Street and Lombard Street; thence binding on the north and east sides of last said Lombard [street] STREET the three following courses and distances; namely, Easterly 176 feet, more or less, Southerly 41 feet, more or less, and Easterly 143 feet, more or less, to the northwest corner of Lombard Street and Gay Street; thence by a straight line crossing said Gay Street, Easterly 67 feet, more or less, to the northeast corner of Lombard Street and Gay Street; thence binding in part on the east side of Gay Street, as now laid out varying in width, in part on the line of the east side of said Gay Street projected southerly and in all crossing Lombard Street, Warehouse Alley, and Pratt Street, Southerly 489 feet, more or less, to intersect the south side of said Pratt Street, Westerly 80 feet, more or less, to the west side of Pier No. 3, there situate; thence binding on the west side of said Pier No. 3, Southerly 731 feet, more or less, to the southwest corner of said Pier No. 3; thence by a straight line leaving said Pier No. 3, Southeasterly 1920 feet, more or less, to the point formed by the intersection of the existing pierhead and bulkhead line and the line of the south side of Montgomery Street, as now laid out 82.5 feet wide, if projected easterly; thence binding on the existing pierhead and bulkhead line AND ON THE OUTLINE OF THE KEY HIGHWAY URBAN RENEWAL PROJECT, SOUTHEASTERLY 26 FEET, MORE OR LESS, TO POINT LVI ON SAID PIERHEAD AND BULKHEAD LINE; THENCE CONTINUING ON THE OUTLINES OF THE KEY HIGHWAY URBAN RENEWAL PROJECT, THE FOUR FOLLOWING COURSES AND DISTANCES; SOUTHEASTERLY 270 FEET, MORE OR LESS; THENCE WESTERLY 652 FEET,

MORE OR LESS, TO INTERSECT THE WEST SIDE OF KEY HIGHWAY, AS NOW LAID OUT; THENCE BINDING ON THE WEST SIDE OF SAID KEY HIGHWAY, NORTHERLY 275 FEET, MORE OR LESS, TO INTERSECT THE SOUTH SIDE OF MONTGOMERY STREET, AS NOW LAID OUT 82.5 FEET WIDE, [Southeasterly 26 feet, more or less, to point LVI on said pierhead and bulkhead line; thence continuing to bind on the existing pierhead and bulkhead line, Southeasterly 83 feet, more or less, to intersect the line of the division line between the property known as #801/07 Key Highway and the property adjoining on the south thereof known as #815/35 Key Highway if projected easterly; then binding in part on last said line so projected, in part on last said division line, in part on the line of last said, division line if projected westerly and in all, Westerly 585 feet, more or less, to intersect the west side of Key Highway, as now laid out; thence binding on the west side of said Key Highway, Northerly 100 feet, more or less, to intersect the south side of Montgomery Street, as now laid out 82.5 feet wide,] thence binding on the south side of said Montgomery Street Westerly 154 feet, more or less, to intersect the west side of Covington Street, as now laid out 66 feet wide; thence binding on the west side of said Covington Street, Northerly 198 feet, more or less, to intersect the south side of Key Highway, as now laid out varying in width; thence binding on the south side of said Key Highway, Westerly 680 feet, more or less, to the southeast corner of said Key Highway and Battery Avenue, as now laid out varying in width; thence by a straight line crossing said Battery Avenue, Southwesterly 63 feet more or less, to the southwest corner of said Key Highway and said Battery Avenue; thence binding on the south side of Key Highway, Westerly 330 feet, more or less, to the southeast corner of said Key Highway and William Street; thence by a straight line crossing William Street, Northwesterly 90 feet, more or less, to the southwest corner of ~~Williams~~ William Street and Hughes Street; thence binding on the south side of Hughes Street, as now laid out varying in width crossing Light Street, Charles Street, and Hanover Street, Westerly 1279 feet, more or less, to the southwest corner of said Hughes Street and Hanover Street, thence binding on the west side of Hanover Street, as now laid out 66 feet wide, crossing Hughes Street, Hill Street, York Street, and Lee Street, Northerly 675 feet, more or less, to the northwest corner of said Hanover Street and Lee Street; thence binding on the north side of Lee Street, as now laid out 80 feet wide, and crossing said Hanover Street, Easterly 253 feet, more or less, to intersect the west side of Charles Street, as now laid out 66 feet wide; thence binding in part on the west side of last said Charles Street, in part on the line of the west side of last said Charles Street projected northerly crossing Barre Street, Northerly 394 feet, more or less, to intersect the north side of Barre Street, as now laid out 66 feet wide; thence binding on the north side of said Barre Street, Easterly 70 feet, more or less, to intersect the west side of Charles Street, as now laid out 50 feet wide; thence binding on the west side of the last said Charles Street, crossing Conway Street, Perry Street, Camden Street, Pratt Street, and Balderston Street, Northerly 1573 feet, more or less, to the southwest corner of last said Charles Street and Lombard Street; thence by a straight line crossing last said Charles Street, Southeasterly 51 feet, more or less, to the southeast corner of last said Charles Street and Lombard Street, as now laid out 66 feet wide and thence by a straight line crossing last said Lombard Street, Northerly 66 feet to the place of beginning.

- (2) On page 4 of the Plan, in Section II. C. 1., in the third line, after "Adjustments'", insert a period; and, in the same line, beginning with "and", strike down through and including the end of Section II. C. 1. f., on page 5, in its entirety.
- (3) On page 5 of the Plan, in Section III, "Land Disposition", in paragraphs A. and B., in each instance, after "and C.," delete "Proposed".
- (4) On page 6 of the Plan, amend Section IV. A. to read as follows:

Exhibit C, entitled “[Proposed] Land Use”, shows the proposed locations of street rights-of-way, easements, and all public, semi-public, commercial, residential, and commercial-residential uses of land for the Project.

- (5) On page 6 of the Plan, amend Section IV. B. 2. c. to add new items (6) MARINA and (7) HOTEL.
- (6) On page 6 of the Plan, delete Section IV. B. 2. f. in its entirety and redesignate Section IV. B. 2. g. to be IV. B. 2. f.
- (7) On page 7 of the Plan, delete Section IV. B. 3. m. in its entirety.
- (8) On page 8 of the Plan, amend Section V. C. 1st paragraph to read as follows:

All Parking within any Development Area, except Development Areas 9A-9B, 17, AND 17a [and 25], shall be enclosed within structures and roofed, so as to be screened from public view, provided that limited open-air surface parking spaces for special loading and unloading may be permitted in any Development Area at the discretion of the Department, sub-section P below notwithstanding.

- (9) On page 16 of the Plan, amend Section V. P. Development Area 17a b. i. to read as follows:

b. Building Requirements:

- i. Maximum Permitted Height: [Elevation 55 feet except for limited extensions of specialized construction, as may be approved by the Department] ELEVATION OF TWO-STORY PARKING GARAGE AT ELEVATION 28 FEET, AND EXISTING RUSTY SCUPPER RESTAURANT STRUCTURE AT 40 FEET.

- (10) On page 18 of the Plan, amend Section V. P. Development Area 25 to read as follows:

Development Area 25

- a. General use: [Marine Storage and Fabrication] COMMERCIAL - RESIDENTIAL

b. Building Requirements:

ALL STANDARDS AND CONTROLS ARE AS DESCRIBED IN THE SEPARATE PLANNED UNIT DEVELOPMENT ORDINANCE FOR THIS DEVELOPMENT AREA.

- (i) Maximum Permitted Height: [Elevation 50 feet] ELEVATION - 71 FEET, EXCEPT FOR ARCHITECTURAL ELEMENTS OR MECHANICAL EQUIPMENT ENCLOSURES AT 78 FEET, WITH CHIMNEYS AT 81 FEET, AND ELEVATOR ENCLOSURES AT 78 FEET.

- (ii) Maximum Permitted Coverage: [100%] 55%

c. CONTROLS ON WATERFRONT PROPERTY:

OBJECTIVES FOR WATERFRONT DEVELOPMENT AND CONTROLS ON LAND AND PROPERTY ALONG THE WATERFRONT ARE CONTAINED IN APPENDIX 1 - WATERFRONT AREA CONTROLS.

- (11) On page 18 of the Plan, after Section V. P. Development Area 26 b. ii, insert Section V.Q. to read as follows:

Q. PUD STANDARDS AND CONTROLS:

TO THE EXTENT THAT THERE EXISTS ANY CONFLICT BETWEEN THE PROVISIONS OF SECTION V. OF THIS RENEWAL PLAN AND THE STANDARDS AND CONTROLS OF ANY PUD, OR THERE ARE STANDARDS AND CONTROLS CONTAINED IN ANY PUD THAT ARE NOT CONTAINED IN THE RENEWAL PLAN, THE STANDARDS AND CONTROLS OF THE PUD, INCLUDING, WITHOUT LIMITATION, THOSE AFFECTING USE, PARKING, ACCESS, AESTHETIC CONTROLS, SETBACKS, SPECIFIC LOT CONTROLS AND BUILDING HEIGHTS, ARE CONTROLLING.

(12) On page 19 of the Plan, amend Section VII. to read as follows:

The Inner Harbor Project I Renewal Plan, as it may be amended from time to time, shall remain in full force and effect for a period of [forty] 40 years from the date of [original adoption] ENACTMENT OF AMENDMENT NO. 16 of this Renewal Plan by ordinance of the Mayor and City Council of Baltimore.

(13) At the end of the Plan, add Appendix I to read as follows:

APPENDIX 1

WATERFRONT AREA CONTROLS

THIS APPENDIX AND THE ACCOMPANYING EXHIBIT F CONTAIN THE VARIOUS SPECIAL CONTROLS APPLICABLE TO PROPERTIES ALONG THE LOT 25 WATERFRONT. THESE ADDITIONAL CONTROLS HAVE BEEN INCLUDED IN ORDER TO ENSURE THAT PUBLIC ACCESS TO THE WATERFRONT BE MAXIMIZED, OPPORTUNITIES FOR VISUAL ENJOYMENT OF THE WATER BE CREATED AND/OR PRESERVED, AND CONTRAST AND VARIETY OF BUILDING FACADES ALONG THE WATERFRONT BE MAINTAINED.

PEDESTRIAN ACCESS

PUBLIC PEDESTRIAN ACCESS TO THE WATER SHALL BE PROVIDED THROUGH A SERIES OF EASEMENTS – PUBLIC ACCESS CORRIDORS – LEADING TO A SHORELINE WALK – PEDESTRIAN PROMENADE, THE GENERAL LOCATION OF WHICH IS SHOWN ON THE ACCOMPANYING EXHIBIT. THE PEDESTRIAN PROMENADE WILL BE ESTABLISHED BY AN EASEMENT WHICH SHALL BE NO LESS THAN 20 FEET IN WIDTH. IN LIMITED AREAS WHERE IT CAN BE DEMONSTRATED THAT IT IS FUNCTIONALLY JUSTIFIED, THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MAY ALLOW A PROMENADE AND/OR LANDSCAPED AREA OF LESSER WIDTH. THESE REQUIRED EASEMENT IMPROVEMENTS SHALL BE BUILT AND MAINTAINED BY THE DEVELOPER. PUBLIC PEDESTRIAN ACCESS ON PRIVATE PROPERTY SHALL BE SUBJECT TO SUCH REASONABLE RULES AND REGULATIONS AS MAY BE PROMULGATED BY THE OWNER OF SUCH PROPERTY AND AGREED TO IN WRITING BY THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT. THE PEDESTRIAN PROMENADE SHALL BE COMPLETED THE LATER OF: (1) TWO YEARS FROM THE PASSAGE OF THE ORDINANCE APPROVING AMENDMENT NO. 16 TO THE URBAN RENEWAL PLAN, OR (2) THE DATE OF SUBSTANTIAL COMPLETION OF THE DEVELOPMENT PLAN AS DESCRIBED IN THE COMPANION PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE FOR LOT 25. IN SOME CASES, AN EXCEPTION TO THE PERMANENTLY CONSTRUCTED PROMENADE REQUIREMENT MAY BE GRANTED BY THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT IF THE PROMENADE EASEMENT IS GRANTED TO THE CITY OF BALTIMORE AND A TEMPORARY WALKWAY ACROSS THE SITE CONNECTING EXISTING PORTIONS OF THE PROMENADE IS PROVIDED BY THE PROPERTY OWNER. THE COMMISSIONER MAY EXTEND THE TIME FOR COMPLETION OF THE PEDESTRIAN PROMENADE IF IT IS DEEMED NECESSARY TO DO SO FOR THE HEALTH, SAFETY, AND WELFARE OF THE CITIZENS.

PROMENADE STANDARDS

DESIGN OF LIGHTS, STREET FURNITURE, DECORATIVE ELEMENTS, AND PAVING DETAILS MUST BE APPROVED BY THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

1. LIGHTING – ADEQUATE LIGHTING TO PROVIDE PUBLIC SAFETY DURING EVENING HOURS.
2. BENCHES – ONE BENCH EVERY 100 FEET OR THE EQUIVALENT NUMBER.
3. SATELLITE DISHES, UTILITY CONNECTIONS OR POLES OR ANY OTHER OBSTACLES TO THE PEDESTRIAN ARE NOT PERMITTED. BOLLARDS, STATUES, FOUNTAINS, KIOSKS OR OTHER DECORATE ELEMENTS MAY BE PERMITTED SUBJECT TO WRITTEN APPROVAL BY THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.
4. OFF-STREET PARKING ADJACENT TO THE PROMENADE IS NOT ENCOURAGED. HOWEVER, IF IT IS FOUND TO BE NECESSARY, THE PARKING LOT OR FACILITY SHALL BE SCREENED FROM THE PROMENADE. SCREENING MUST CONSIST OF A MASONRY WALL OR DURABLE FENCE OR COMBINATION THEREOF SUFFICIENT TO SCREEN AUTOMOBILES. IN LIEU OF SUCH WALL OR FENCE, ADEQUATE LANDSCAPING SUFFICIENT TO SCREEN AUTOMOBILES AT THE TIME OF ORIGINAL PLANTING MAY BE USED. SCREENING AND LANDSCAPING MUST BE MAINTAINED IN GOOD CONDITION BY THE PROPERTY OWNER.
5. AUTOMOBILES, TRUCKS, OR OTHER MOTORIZED VEHICLES MAY NOT CROSS OR OTHERWISE USE THE PEDESTRIAN PROMENADE EXCEPT FOR THOSE VEHICLES NEEDED FOR SERVICE, MAINTENANCE, OR PUBLIC SAFETY OF THE PROMENADE.
6. TRASH RECEPTACLES – ONE TRASH RECEPTACLE SHOULD BE PROVIDED FOR EVERY 100 FEET OF PROMENADE.
7. DESIGN – FINAL DESIGN FOR THE PROMENADE IS SUBJECT TO PLANNING COMMISSION APPROVAL.
8. HOURS – THE PEDESTRIAN PROMENADE SHALL REMAIN OPEN FOR PUBLIC PEDESTRIAN ACCESS TO AND FROM THE ADJOINING PUBLIC STREETS AND WALKWAYS AND FOR PEDESTRIAN TRAFFIC 24 HOURS A DAY, ~~OR AS NEGOTIATED IN AN EASEMENT AGREEMENT BETWEEN THE DEVELOPER AND THE CITY OF BALTIMORE.~~

PUBLIC ACCESS CORRIDORS

IN ORDER TO ASSURE PUBLIC ACCESS TO THE PEDESTRIAN PROMENADE AND TO PRESERVE AND ENHANCE VIEWS TO THE WATER, THE PUBLIC ACCESS CORRIDORS SHALL BE DESIGNATED ON EXHIBIT F. LANDSCAPING, TREES, LIGHTS, BENCHES, TABLES, AND OTHER PUBLIC AMENITIES THAT WILL ENHANCE, NOT IMPEDE, PUBLIC VIEW OF THE WATER ARE PERMITTED. OFF-STREET PARKING IS NOT PERMITTED WITHIN THE CORRIDORS, EXCEPT FOLLOWING REVIEW AND APPROVAL OF THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT. THESE ACCESS CORRIDORS SHOULD CONNECT SIDEWALK AND PROMENADE AND BE PHYSICALLY AND VISUALLY UNINTERRUPTED. THE GENERAL LOCATION OF THE PUBLIC ACCESS CORRIDORS IS SHOWN ON “EXHIBIT F.”

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Inner Harbor Project I, as amended by this Ordinance and identified as “Urban Renewal Plan, Inner Harbor Project I, revised to include Amendment 16, dated October 6, 2000”, is approved. The Clerk of the City Council shall file a copy of the

amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That the revisions shown in the amended Urban Renewal Plan on Exhibit A, Land Acquisition; Exhibit B, Development Areas; Exhibit C, Proposed Land Use; Exhibit D, Proposed Zoning; Exhibit E, Right of Way Adjustments; and new Exhibit F, Waterfront Area Controls, dated October 6, 2000, are approved.

SECTION 3.4. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 4.5. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 5.6. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 6.7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved December 29, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 00-133
(Council Bill 00-280)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
801 Key Highway**

FOR the purpose of approving the application of L.I. Square Corporation, the contract purchaser and proposed developer of certain property known as 801 Key Highway, to have that property designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 4
Baltimore City Revised Code
(Edition 2000)

Recitals

L.I. Square Corporation is the contract purchaser of the fee simple interest in the property known as 801 Key Highway, consisting of 5.566 acres, more or less.

The owner proposes to develop the property to be used for a hotel and residences.

The property is subject to the provisions of the Inner Harbor Project I Urban Renewal Plan.

On September 22, 2000, representatives of L.I. Square Corporation met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the property and to institute proceedings to have the property designated a Business Planned Unit Development.

The representatives of L.I. Square Corporation have now applied to the Baltimore City Council for designation of the property as a Business Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of L.I. Square Corporation to designate as a Business Planned Unit Development the property known as 801 Key Highway, consisting of 5.566 acres, more or less, as outlined on the accompanying Development Plan.

SECTION 2. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitles 1 and 4, the following uses are permitted within the Planned Unit Development:

- (a) hotel, with a minimum of 800 parking spaces and a maximum of 235 hotel rooms;
- (b) dwellings;
- (c) all permitted, accessory, and conditional uses allowed in the B-2 Zoning District; and
- (d) the following uses as accessory to a hotel:
 - (i) open off-street parking and off-street parking garage;
 - (ii) gift shop;
 - (iii) car rental agency;
 - (iv) travel agency;
 - (v) fitness and health/physical cultural facilities;
 - (vi) cabana;
 - (vii) food kiosk;
 - (viii) accessory structures for a swimming pool;
 - (ix) amusement arcades, for entertainment only, with only interior access;
 - (x) meeting and banquet halls and catering facilities, including live entertainment and dancing;

(xi) taverns and restaurants, with or without live entertainment and dancing;

~~(xi)~~ (xii) outdoor table service when accessory to a restaurant or tavern use; and

~~(xii)~~ (xiii) marinas and boat tie-ups.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Mayor and City Council approve the accompanying Development Plan consisting of:

- (a) Exhibit A, "Cover Sheet/Context Map", dated ~~October 6~~ November 27, 2000;
- (b) Exhibit B, "Existing Conditions Plan", dated ~~October 6~~ November 27, 2000;
- (c) Exhibit C, "Proposed Conditions Plan", dated ~~October 6~~ November 27, 2000;
- (d) Exhibit D, "Building Height Plan and Detail", dated ~~October 6~~ November 27, 2000; and
- (e) Exhibit E, "Conceptual Landscape Plan", dated ~~October 6~~ November 27, 2000.

SECTION 4. AND BE IT FURTHER ORDAINED, That the maximum permitted height of the buildings on the Development Plan is 71 feet, except for architectural elements or mechanical equipment enclosures at 78 feet, with chimneys at 81 feet and elevator enclosures at 78 feet; and that the maximum permitted coverage of the Lot is 55%, all as set forth on the Development Plan.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance. Final Design Approval will be given by the Planning Commission.

~~**SECTION 4. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent improvements on the property must be reviewed by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.~~

SECTION 5 6. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 6 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved December 29, 2000

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 01-134
(Council Bill 00-282)**

AN ORDINANCE CONCERNING

**Urban Renewal — Inner Harbor Project I —
Amendment 17**

FOR the purpose of amending the Urban Renewal Plan for Inner Harbor Project I to reflect the land use and zoning changes, upon approval by separate ordinance, for 414 Light Street, and to revise Exhibits C and D to reflect the changes in zoning for that development parcel; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Inner Harbor Project I was originally approved by the Mayor and City Council of Baltimore by Ordinance 67-1045 and last amended by Ordinance 89-296.

An amendment to the Urban Renewal Plan for Inner Harbor Project I is necessary to reflect the land use and zoning changes, upon approval by separate ordinance, for 414 Light Street and to revise Exhibits C and D to reflect the changes in zoning for that development parcel.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Inner Harbor Project I are approved:

- (1) On page 6 8 of the Plan, delete Section IV. B. 2. g. in its entirety.
- (2) Upon approval of rezoning by separate ordinance, for the development parcel known as 414 Light Street, amend Exhibit C, "Proposed Land Use", to reflect the change in zoning from the M-1 Industrial District to the ~~Central Commercial~~ Commercial Residential District.
- (3) Upon approval of rezoning by separate ordinance, amend Exhibit D, "Proposed Zoning", to reflect the change of zoning for the development parcel known as 414 Light Street, from the M-1-3 Zoning District to the B-5-2 Zoning District.
- (4) On page 22 of the Plan after Section V.P., insert:

R. FINAL DESIGN APPROVAL:

FINAL DESIGN APPROVAL BY THE PLANNING COMMISSION IS REQUIRED BEFORE BUILDING PERMITS MAY BE RELEASED FOR PARCEL C, THE FORMER MCCORMICK SITE KNOWN AS 414 LIGHT STREET.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Inner Harbor Project I, as amended by this Ordinance and identified as “Urban Renewal Plan, Inner Harbor Project I, revised to include Amendment 17, dated October 24, 2000”, is approved. The Clerk of the City Council shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 4. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 5. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved January 31, 2001

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-135
(Council Bill 01-337)**

AN ORDINANCE CONCERNING

**City Property — Naming 88 State Circle the
Janet Leland Hoffman Building**

FOR the purpose of naming the building, located at 88 State Circle, Annapolis, Maryland, the Janet Leland Hoffman Building.

BY authority of

Article 5 - Finance, Property, and Procurement
Section 20-2
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the building, located at 88 State Circle, Annapolis, Maryland, is named the Janet Leland Hoffman Building.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved February 26, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-136
(Council Bill 00-084)**

AN ORDINANCE CONCERNING

**Supplementary Parking Revenue Loan Fund Capital Appropriation —
Department of Public Works — \$6,000,000**

FOR the purpose of providing a Supplementary Parking Revenue Loan Fund Capital Appropriation in the amount of \$6,000,000 to the Department of Public Works — Program 580 (Account #9965-580-540), to provide funding for the construction of a parking garage at the proposed Greyhound Intermodel site; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents Parking Revenue Bonds in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2000 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2000 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On March 29, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$6,000,000 shall be made available to the Department of Public Works — Program 580 (Account #9965-580-540) as a Supplementary Parking Revenue Loan Fund Capital Appropriation for Fiscal Year 2000, to provide funding for the construction of a parking garage at the proposed Greyhound Intermodel site. The source of revenue for this appropriation is Parking Revenue Bonds in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2000.

SECTION 2. AND BE IT FURTHER ORDAINED, That this project requires Planning Commission Final Design Approval.

SECTION 2 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved March 2, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-137
(Council Bill 00-226)**

AN ORDINANCE CONCERNING

Renewal and Conservation Plans — Amendments

FOR the purpose of requiring that all changes to a Renewal Plan or Conservation Plan be approved by an Ordinance adopted in the same manner as that required for approval of a new Plan; excepting certain minor changes from certain notice requirements; clarifying and correcting certain language; and providing for a special effective date.

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Section(s) 2-6(d) and (g)
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 13 - Housing and Urban Renewal

Subtitle 2 - Department of Housing And Community Development

§ 2-6. Adoption and approval of plan.**(d) *Enabling ordinances.***

- (1) The Department of Housing and Community Development may recommend to the City Council the passage of an ordinance approving [any] A Renewal Plan or, IF REQUIRED BY SUBSECTION (B) OF THIS SECTION, a Conservation Plan [when required by subsection (b) of this section, which] THAT the Department [of Housing and Community Development] has adopted.
- (2) This ordinance may not be passed until after a public hearing at which parties in interest and citizens have had an opportunity to be heard.
- (3) Notice of the hearing [shall] MUST be given by:
 - (I) posting notice in the neighborhood of the area involved at least 10 days before the hearing; and
 - (II) [by] publication once a week for 2 consecutive weeks in a newspaper of general circulation in Baltimore City.
- (4) [(3)] The notice [shall] MUST:
 - (i) contain the time, date, place, and purpose of the hearing[.];
 - (ii) generally identify the area covered by the [renewal plan or conservation] plan[.];
 - (iii) outline the general scope of the [renewal project or conservation] project under consideration[.]; and
 - (iv) state that the documents [comprising] CONSTITUTING the [renewal plan or conservation] plan are available for inspection at a place designated in the notice.
- (5) [(4)] The public hearing may be adjourned from time to time without further notice.
- (6) [(5)] Amendments PROPOSED to a [renewal plan or conservation] plan [proposed] as a result of a public hearing:
 - (I) do not require further notice or additional hearings[.]; but
 - (II) [all proposed amendments shall] MUST be referred to the Department of Housing and Community Development and to the Director of [the Department of] Planning for THEIR study[,] and [the Department and the Director shall] report to the City Council [their recommendations with respect to them.
- (7) [(6)] Any change in the Zoning Code [embodied] CONTAINED in a [renewal plan or a conservation] plan [shall] MUST be approved by ordinance in accordance with the procedural requirements of Article 66B of the State Code.

(g) *[Substantial change] CHANGE requires new approval.*

- (1) No [substantial] change [or changes shall] MAY be made [in] TO any Renewal Plan or Conservation Plan [which has been approved by ordinance, without such change or changes first

being] UNLESS THAT CHANGE IS APPROVED BY AN ORDINANCE OF THE MAYOR AND CITY COUNCIL.

- (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN ORDINANCE SEEKING TO AMEND A RENEWAL PLAN OR CONSERVATION PLAN MUST BE adopted and approved in the same manner as [set forth in] THAT REQUIRED BY this section for the ADOPTION AND approval of [the] A NEW Renewal Plan or Conservation Plan [originally].
- (3) IF THE PLANNING COMMISSION DETERMINES THAT THE PROPOSED AMENDMENT IS A TECHNICAL CORRECTION OR A MINOR MODIFICATION THAT WOULD NOT SUBSTANTIALLY AFFECT THE PLAN OR THE SIZE, USE, OR DISPOSITION OF ANY PROPERTY SUBJECT TO THE PLAN, THE PROPOSED AMENDMENT NEED NOT BE POSTED OR ADVERTISED AS OTHERWISE REQUIRED BY SUBSECTION (D) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved March 2, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-138
(Council Bill 00-281)**

AN ORDINANCE CONCERNING

Rezoning — 414 Light Street

FOR the purpose of changing the zoning for the property known as 414 Light Street, as outlined in red on the accompanying plat, from the M-1-3 Zoning District to the B-5-2 Zoning District.

BY amending

Article 30 - Zoning
Zoning District Maps
Sheet(s) 56
Baltimore City Code

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 56 of the Zoning District Maps is amended by changing from the M-1-3 Zoning District to the B-5-2 Zoning District the property known as 414 Light Street, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission,

the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved March 2, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-139
(Council Bill 00-291)**

AN ORDINANCE CONCERNING

**City Property — Renaming the Central Administration Building to
the Alice G. Pinderhughes Administration Building**

FOR the purpose of changing the name of the Central Administration Building, located at 200 East North Avenue, Baltimore, Maryland 21202, to the Alice G. Pinderhughes Administration Building.

BY authority of

Article 5 - Finance, Property, and Procurement
Section 20-2
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the name of the Central Administration Building, located at 200 East North Avenue, Baltimore, Maryland 21202, is changed to the Alice G. Pinderhughes Administration Building.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved March 2, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-140
(Council Bill 00-330)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$1,500,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,500,000 to the Department of Public Works — (Bureau of General Services - Account 9916-197-097), to provide funding for renovations of the Mitchell Courthouse and Courthouse East; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(2) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from State Aid and the Fiscal 2001 General Fund Special Reserve in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

That grant could not have been expected with reasonable certainty when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

On December 6, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,500,000 shall be made available to the Department of Public Works — (Bureau of General Services - Account 9916-197-097) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide funding for renovations of the Mitchell Court House and Courthouse East. The source of revenue for this appropriation is the funds from State Aid and the Fiscal 2001 General Fund Special Reserve, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved March 2, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-141
(Council Bill 01-332)**

AN ORDINANCE CONCERNING

Supplementary General Fund Operating Appropriation — Health Department — \$450,000

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$450,000 to the Health Department — Program 302 (Bureau of Food Control), to create 9 environmental sanitarian positions, 1 administrative position, and for non-labor costs, such as computers and office supplies; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8 (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the approved increase in food inspection fees in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On December 20, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$450,000 shall be made available to the Health Department — Program 302 (Bureau of Food Control) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to create 9 environmental sanitarian positions, 1 administrative position, and for non-labor costs, such as computers and office supplies. The source of revenue for this appropriation is funds from the approved increase in food inspection fees, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved March 2, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-142
(Council Bill 01-333)**

AN ORDINANCE CONCERNING

**Supplementary Federal Fund Operating Appropriation —
Mayor's Office of Criminal Justice — \$4,046,554**

FOR the purpose of providing a Supplementary Federal Fund Operating Appropriation in the amount of \$4,046,554 to the Mayor's Office of Criminal Justice — Program 224 (Mayor's Office of Criminal Justice), to provide appropriations for the Local Law Enforcement Block Grant, Round V; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents a grant from the U.S. Department of Justice - Office of Justice Programs - Bureau of Justice Assistance in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On December 20, 2000, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$4,046,554 shall be made available to the Mayor's Office of Criminal Justice — Program 224 (Mayor's Office of Criminal Justice) as a Supplementary Federal Fund Operating Appropriation for Fiscal Year 2001, to provide funding for the Local Law Enforcement Block Grant, Round V. The source of revenue for this appropriation is a grant from the U.S. Department of Justice - Office of Justice Programs - Bureau of Justice Assistance, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved March 2, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-143
(Council Bill 00-265)**

AN ORDINANCE CONCERNING

Sale of Property — 902 Sterrett Street

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property located at 902 Sterrett Street Block 0858, Lot 110/111 and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property located at 902 Sterrett Street, Block 0858, Lot 110/111, and more particularly described as follows:

The subject parcel (Block 0858, Lot 110/111) is an unimproved lot. The site is located south and west of Washington Boulevard, north of Monroe Street, and east of Russell Street in the neighborhood commonly referred to as Washington Village,

containing 556 square feet, more or less, this property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved March 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-144
(Council Bill 00-320)**

AN ORDINANCE CONCERNING

Dirt Bikes and Similar Vehicles — City-Owned Property

FOR the purpose of prohibiting the operation of certain dirt bikes, unregistered motorcycles, and similar vehicles on any property, wherever located, that is owned or regulated by the City; and generally relating to dirt bikes, unregistered motorcycles, and similar vehicles.

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances
Section(s) 40-6 and 40-7
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, without amendments

Article 19 - Police Ordinances
Section(s) 40-21
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 19. Police Ordinances

Subtitle 40. Dirt Bikes, Unregistered Motorcycles, and Similar Vehicles

§ 40-6. Prohibited conduct — riding or driving.

No person may drive or ride any dirt bike or any unregistered motorcycle or similar vehicle on any public or private property THAT IS LOCATED in Baltimore City OR, WHEREVER LOCATED, THAT IS OWNED OR REGULATED BY THE CITY.

§ 40-7. Prohibited conduct — permitting another to ride or drive.

No owner or other person in control or custody of a dirt bike or an unregistered motorcycle or similar vehicle may permit it to be driven or ridden by any other person on any public or private property THAT IS LOCATED in Baltimore City OR, WHEREVER LOCATED, THAT IS OWNED OR REGULATED BY THE CITY.

§ 40-21. Penalties.

Any person who violates any provision of §§ 40-6 through 40-10 of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine not more than \$1,000 for each offense.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved March 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-145
(Council Bill 00-321)**

AN ORDINANCE CONCERNING

Franchise — Bridgeway over Lombard Street

FOR the purpose of granting a franchise to 750 East Pratt Street, LLC, to construct, use, and maintain a pedestrian bridgeway above and across the 700 block of East Lombard Street, connecting the office building to be constructed by 750 East Pratt Street, LLC, above the existing Baltimore Gas and Electric Company substation, located at 750 East Pratt Street (formerly 101 Concord Street), to the structured parking garage located at 55 Market Place; ~~including a conduit for district chilled water;~~ subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

Recitals

750 East Pratt Street, LLC, proposes to construct and develop a multi-story office building above the existing Baltimore Gas and Electric Company electric substation located at 750 East Pratt Street.

750 East Pratt Street, LLC proposes to construct a new pedestrian bridgeway over the 700 block of East Lombard Street to connect the proposed office building to the structured garage located at 55 Market Place.

Portions of the bridgeway will be located above and across public property.

The purpose of the pedestrian bridgeway is to provide a safe and convenient means of pedestrian travel for employees and visitors to the office building between the proposed office building and the garage over the six lanes of East Lombard Street.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to 750 East Pratt Street, LLC, its tenants, successors, and assigns (collectively, the "Grantee") to construct, use, and maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this Ordinance, a pedestrian bridgeway that will connect to the office building to be constructed by 750 East Pratt Street, LLC, at 750 East Pratt Street above the existing Baltimore Gas & Electric substation at 750 East Pratt Street, and the parking structure at 55 Market Place, by crossing the 700 block of East Lombard Street, located within an aerial easement area more particularly described as follows:

Beginning for the same at a point on the face of the office building to be constructed by 750 East Pratt Street, LLC, above the existing Baltimore Gas and Electric Company substation building located at 750 East Pratt Street, formerly known as 101 Concord Street, Baltimore City, Maryland. Said point being the bridgeway's most westerly point on the face of said proposed office building, that being approximately 5.50 feet from the northwest corner of said building; thence leaving the face of said building and crossing over Lombard Street, to connect to a point on the face of a building wall located at 55 Market Place, said point being situate approximately 170 feet from the southwest corner of said building, at the bridgeway's most westerly point on the face of said building wall.

Said easement having a bottom elevation of 58.38 feet, more or less, and a top elevation of 77.71 feet, more or less, at the northerly line of East Lombard Street and a bottom elevation of 56.50 feet, more or less, and a top elevation of 75.83 feet, more or less, at the southerly line of said street. The portion of the pedestrian bridgeway over the public way is 16 feet wide by 85 feet long and 19 feet 4 inches high. The area of the bridgeway over the public way is 1,360 square feet.

~~A pipe for district chilled water, eight inches in diameter and approximately 88 feet in length, will be suspended under the decking of the bridge.~~

Uplighting will be incorporated into the bridgeway to light the exterior of the bridgeway..

SECTION 2. AND BE IT FURTHER ORDAINED, That to become effective, the franchise or right granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within 6 months after the effective date of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That as compensation for the Franchise, the Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$18,503.44 a year, subject to increase or

decrease as provided in Section 5 of this Ordinance. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) The initial term of the Franchise is 1 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Mayor and City Council of Baltimore or the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is 25 years.

(b) Either the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, or the Grantee may cancel the Franchise ~~as~~ at the end of the initial or any renewal term by giving written notice of cancellation to the other at least 90 days before the end of that term.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the annual franchise charge by giving written notice of the increase or decrease to the Grantee at least 150 days before the end of the original or renewal term immediately preceding the renewal term to which the increase or decrease will first apply. The new franchise charge will apply to all subsequent annual renewal terms, unless again increased or decreased in accordance with this section.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of Baltimore City, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of the Commissioner of Housing and Community Development and the Director of Public Works. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses in connection with the readjustment, relocation, protection, or support.

SECTION 8. AND BE IT FURTHER ORDAINED, That at the option of the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, the Grantee's failure to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise. Immediately on written notice to the Grantee of the exercise of this option, the Franchise terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore may waive the forfeiture or otherwise reinstate the Franchise.

SECTION 9. AND BE IT FURTHER ORDAINED, That at any time and without prior notice, the Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public interest, welfare, safety, or convenience so requires. Immediately on written notice to the Grantee of the exercise of this right, the Franchise terminates.

SECTION 10. AND BE IT FURTHER ORDAINED, That on cancellation, expiration, forfeiture, revocation, or other termination of the Franchise for any reason, the Grantee shall remove all structures for which the Franchise is granted. The removal of these structures shall be (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of Housing and Community Development and the Director of Public Works, and (iii) completed within the time specified in writing by the Director of Public Works.

SECTION 11. AND BE IT FURTHER ORDAINED, That the Grantee is liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses, costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any time subjected on account of, or in any way resulting from, (i) the presence, construction, use, operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this Ordinance.

SECTION 12. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved March 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-146
(Council Bill 00-158)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Non-profit
Home for the Rehabilitation of Non-bedridden Alcoholic Persons and for
the Care and Custody of Homeless Persons — Correction —
1701 West Pratt Street**

FOR the purpose of removing the requirement for off-street parking spaces; and generally relating to the conditional use home for 1701 West Pratt Street, as approved by Ordinance 98-361.

BY repealing and reordaining, with amendments

Ordinance 98-361

Section(s) 1

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Ordinance 98-361

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a non-profit home for the rehabilitation of non-bedridden alcoholic persons and for the care and custody of homeless persons on the property known as 1701 West Pratt Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Article 30, §§ 4.8-1d-2 and 11.0-6d of the Baltimore City Code, subject to the following conditions:

- (1) the maximum number of dwelling units in the facility is 35; AND
- (2) [the applicants must provide at least 2 off-street parking spaces on the site; and
- (3) the home must comply with all applicable federal, state, and local licensing and certification requirement.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved March 22, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-147
(Council Bill 00-240)**

AN ORDINANCE CONCERNING

**City Streets — Opening —
Cider Alley**

FOR the purpose of condemning and opening Cider Alley, extending from Penn Street westerly 219.5 feet, more or less, and lying within the Market Center West Urban Renewal Project, as shown on Plat 314-A-10 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of

Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, and 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open Cider Alley, extending from Penn Street westerly 219.5 feet, more or less, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Cider Alley, 25 feet wide and the west side of Penn Street, varying in width, said point of beginning being distant Northerly 154.0 feet, more or less, measured along the west side of said Penn Street from the north side of Lombard Street, 66 feet wide, and running thence binding on the south side of said Cider Alley, Westerly 219.0 feet, more or less, to the westernmost extremity of said Cider Alley; thence binding on the westernmost extremity of said Cider Alley, Northerly 25.0 feet, more or less, to intersect the north side of said Cider Alley; thence binding on the north side of said Cider Alley, Easterly 220.0 feet, more or less, to intersect the west side of said Penn Street, and thence binding on the west side of said Penn Street, Southerly 25.0 feet, more or less, to the place of beginning.

As delineated on Plat 314-A-10, prepared by the Survey Control Section and filed on June 7, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of Cider 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 Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved March 22, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-148
(Council Bill 00-241)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Cider Alley**

FOR the purpose of condemning and closing Cider Alley, extending from Penn Street westerly 219.5 feet, more or less, and lying within the Market Center West Urban Renewal Project, as shown on Plat 314-A-10A in the Office of the Department of Public Works; 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 Public Works shall proceed to condemn and close Cider Alley, extending from Penn Street westerly 219.5 feet, more or less, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Cider Alley, 25 feet wide and the west side of Penn Street, varying in width, said point of beginning being distant Northerly 154.0 feet, more or less, measured along the west side of said Penn Street from the north side of Lombard Street, 66 feet wide, and running thence binding on the south side of said Cider Alley, Westerly 219.0 feet, more or less, to the westernmost extremity of said Cider Alley; thence binding on the westernmost extremity of said Cider Alley, Northerly 25.0 feet, more or less, to intersect the north side of said Cider Alley; thence binding on the north side of said Cider Alley, Easterly 220.0 feet, more or less, to intersect the west side of said Penn Street, and thence binding on the west side of said Penn Street, Southerly 25.0 feet, more or less, to the place of beginning.

As delineated on Plat 314-A-10A, prepared by the Survey Control Section and filed on June 7, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of Cider 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 Public Works 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 Public Works 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.

Approved March 22, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-149
(Council Bill 00-242)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
English Consul Avenue**

FOR the purpose of condemning and closing English Consul Avenue, extending from a point 395.5 feet, more or less, southeast of Magnolia Avenue, Southeasterly 324 feet, more or less, to the end thereof, as shown on Plat 314-A-14A in the Office of the Department of Public Works; 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 Public Works shall proceed to condemn and close English Consul Avenue, extending from a point 395.5 feet, more or less, southeast of Magnolia Avenue, Southeasterly 324 feet, more or less, to the end thereof, and more particularly described as follows:

Beginning for Parcel No. 1 at a point on the southwest side of English Consul Avenue, 40 feet wide, distant Southeasterly 395.5 feet, more or less, measured along the southwest side of said English Consul Avenue from the southeast side of Magnolia Avenue, 65 feet wide, said point of beginning also being the point formed by the intersection of the southwest side of said English Consul Avenue and the northwesternmost outline of the property known as No. 3310 English Consul Avenue, and running thence binding on the line of the northwesternmost outline of said property, if projected northeasterly, Northeasterly 40.0 feet to intersect the northeast side of said English Consul Avenue; thence binding on the northeast side of said English Consul Avenue the two following courses and distances; namely, Southeasterly 40.7 feet, more or less, and Southeasterly 282.3 feet, more or less, to the southeasternmost extremity of said English Consul Avenue; thence binding on the southeasternmost extremity of said English Consul Avenue, Southwesterly 40.0 feet to the southwest side of said English Consul Avenue, and thence binding on the southwest side of said English Consul Avenue the two following courses and distances; namely, Northwesterly 283.5 feet, more or less, and Northwesterly 41.8 feet, more or less, to the place of beginning.

As delineated on Plat 314-A-14A, prepared by the Survey Control Section and filed on August 31, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of English Consul 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 Public Works 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 Public Works 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.

Approved March 22, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-150
(Council Bill 00-243)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Highland Avenue**

FOR the purpose of condemning and closing Highland Avenue, extending from Leland Avenue, Northerly 318 feet, more or less, to the end thereof, as shown on Plat 314-A-12A in the Office of the Department of Public Works; 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 Public Works shall proceed to condemn and close Highland Avenue, extending from Leland Avenue, Northerly 318 feet, more or less, to the end thereof, and more particularly described as follows:

Beginning for Parcel No.1 at the point formed by the intersection of the north side of Leland Avenue, 70 feet wide, and the west side of Highland Avenue, 60 feet wide, and running thence binding on the west side of said Highland Avenue, Northerly 328.5 feet, more or less, to the northernmost extremity of said Highland Avenue; thence binding on the northernmost extremity of said Highland Avenue by straight lines the three following courses and distances; namely, Easterly 30.0 feet, Southerly 20.0 feet and Easterly 30.0 feet to the east side of said Highland Avenue; thence binding on the east side of said Highland Avenue, Southerly 308.5 feet, more or less, to intersect the

north side of said Leland Avenue, and thence binding on the north side of said Leland Avenue, Westerly 60.0 feet to the place of beginning.

As delineated on Plat 314-A-12A, prepared by the Survey Control Section and filed on August 7, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of Highland 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 Public Works 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 Public Works 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.

Approved March 22, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-151
(Council Bill 00-245)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing, and
Rest Home (Assisted Living) — 502 North Linwood Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 502 North Linwood Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-1104 and 14-102(2)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 502 North Linwood Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1104 and 14-102(2) of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of residents is 5, including any resident manager;
2. there may be no more than 2 persons per sleeping room;
3. sleeping rooms for clients may not be in the basement;
4. the minimum age for resident-clients is 50 years;
5. 24-hour supervision must be provided;
6. there may be no exterior sign on the facility other than a nameplate no larger than six inches wide by 6 inches high; and
7. the convalescent, nursing, and rest home (assisted living) ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved March 22, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-152
(Council Bill 00-299)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing, and
Rest Home (Assisted Living) — 3910 Milford Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 3910 Milford Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-604 and 14-102(2)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 3910 Milford Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-604 and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of residents is 6, including any resident manager;
2. there may be no more than 2 persons per sleeping room;
3. sleeping rooms for clients may not be in the basement;
4. the minimum age for resident-clients is 50 years;
5. 24-hour supervision must be provided;
6. there may be no exterior sign on the facility other than a nameplate no larger than six inches wide by 6 inches high; and
7. the convalescent, nursing, and rest home (assisted living) ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved March 22, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-153
(Council Bill 01-339)**

AN ORDINANCE CONCERNING

**Urban Renewal — Jonestown —
Amendment 5 — 1149 Watson Street**

FOR the purpose of amending the Urban Renewal Plan for Jonestown to remove a property that is no longer needed by the Housing Authority of Baltimore City from the list of those properties to be acquired for urban renewal purposes by Ordinance 99-567; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Jonestown was originally approved by the Mayor and City Council of Baltimore by Ordinance 78-939 and last amended by Ordinance 99-567.

An amendment to the Urban Renewal Plan for Jonestown is necessary to remove a property that is no longer needed by the Housing Authority of Baltimore City from the list of those properties to be acquired for urban renewal purposes by Ordinance 99-567.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Ordinance 99-567

SECTION 2. AND BE IT FURTHER ORDAINED, That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to the following properties or portions thereof, together with all right, title, interest and estate that the owner or owners of those property interests may have in all streets, alleys, ways or lanes, public or private, both

abutting the whole area described or contained within the perimeter of that area, situate in Baltimore City, Maryland, and described as follows:

921 East Baltimore Street
923 East Baltimore Street
925-931 East Baltimore Street
1001 East Baltimore Street
1003 East Baltimore Street
1005 East Baltimore Street
1007 East Baltimore Street
1009-1021 East Baltimore Street
1023-1025 East Baltimore Street
1107 East Baltimore Street
1119-1123 East Baltimore Street
1133 East Baltimore Street (rear addition)
1135-1153 East Baltimore Street
1155 East Baltimore Street
1157 East Baltimore Street
1159 East Baltimore Street

912-918 Watson Street
920-928 Watson Street
1000 Watson Street
1001-1003 Watson Street
1005-1017 Watson Street
1019-1023 Watson Street
1025-1033 Watson Street
1035 Watson Street
1120 Watson Street
1124-1126 Watson Street
1134 Watson Street
1135-1139 Watson Street
1136-1140 Watson Street
[1149 Watson Street]
1155 Watson Street

1000 East Lombard Street
1002-1004 East Lombard Street
1006-1008 East Lombard Street
1010-1018 East Lombard Street
1020-1026 East Lombard Street
1001-1003 East Lombard Street
1005 East Lombard Street
1007 East Lombard Street
1011 East Lombard Street
1013 East Lombard Street
1023 East Lombard Street
1101-1117 East Lombard Street
1119 East Lombard Street
1129-1137 East Lombard Street
1139 East Lombard Street
1151 East Lombard Street
1155 East Lombard Street

1157-1163 East Lombard Street
1165-1181 East Lombard Street

1046-1066 Granby Street
1068 Granby Street
1070 Granby Street
1125-1149 Granby Street
1151-1153 Granby Street

900-1040 East Pratt Street
1142-1154 East Pratt Street
1156 East Pratt Street

11-13 South Exeter Street
15-21 South Exeter Street
23-29 South Exeter Street
101 South Exeter Street
103 South Exeter Street
100-112 South Exeter Street

1001 Horseradish Lane
1005 Horseradish Lane
1007 Horseradish Lane

36 Lloyd Street

20-22 South Central Avenue
104-108 South Central Avenue
110-114 South Central Avenue
124 South Central Avenue

103-109 Broad Court

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Jonestown, as amended by this Ordinance and identified as "Urban Renewal Plan, Jonestown, revised to include Amendment 5, dated _____", is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That Exhibit 2, Property Acquisition, be revised to reflect the change in this Plan.

SECTION 4. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 5. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 6. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the ~~30th day after the~~ date it is enacted.

Approved March 22, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-154
(Council Bill 00-244)**

AN ORDINANCE CONCERNING

**Zoning — Health-Care Facilities — Conditional Use Substance Abuse
Treatment Center — 2421 McElderry Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a substance abuse treatment center on the property known as 2421 McElderry Street, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-1104 and 14-102
and
Article - Health
Section 3-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a substance abuse treatment center on the property known as 2421 McElderry Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Article - Zoning, §§ 4-1104 and 14-102 and Article Health, § 3-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of residents is 9, including any resident manager;
2. there may be no more than 2 persons per sleeping room;
3. sleeping rooms for clients may not be in the basement;
4. 24-hour supervision must be provided;

5. the counseling program is limited to the first floor of the building;
6. a fire suppression sprinkling system must be installed in the building prior to its occupancy as a substance abuse treatment and counseling center;
7. no methadone maintenance program is permitted at this site;
8. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high; and
9. the substance abuse treatment center ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved April 11, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-155
(Council Bill 00-254)**

AN ORDINANCE CONCERNING

**Zoning — Health-Care Facilities — Conditional Use Substance Abuse
Treatment Center — 3400 East Baltimore Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a substance abuse treatment center on the property known as 3400 East Baltimore Street, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning

Section(s) 6-309(1) and 14-102

and

Article - Health

Section 3-102

Baltimore City Revised Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a substance abuse treatment center on the property known as 3400 East Baltimore Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Article - Zoning, §§ 6-309(1) and 14-102 and Article - Health, § 3-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of residents is 12;
2. there may be no more than 2 persons per sleeping room;
3. 24-hour supervision must be provided;
4. the counseling program is limited to the first and second floors of the building;
5. a fire suppression sprinkling system must be installed in the building prior to its occupancy as a substance abuse treatment and counseling center;
6. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high;
7. no methadone maintenance program is permitted at this site; and
8. the substance abuse treatment center ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved April 11, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-156
(Council Bill 00-312)**

AN ORDINANCE CONCERNING

**Urban Renewal — Mid-Town Belvedere —
Amendment 11**

FOR the purpose of amending the Urban Renewal Plan for Mid-Town Belvedere to authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, create a new

disposition lot, and revise exhibits attached to the Plan to reflect the changes in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Mid-Town Belvedere was originally approved by the Mayor and City Council of Baltimore by Ordinance 75-1037 and last amended by Ordinance 86-923.

An amendment to the Urban Renewal Plan for Mid-Town Belvedere is necessary to authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, create a new disposition lot, and revise certain exhibits attached to the Plan to reflect the changes in the Plan.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to the following properties or portions of them, together with all right, title, interest, and estate that the owner or owners of those property interests may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described or contained within the perimeter of that area, situate in Baltimore City, Maryland, and described as follows:

1201 North Charles Street
1203-5 North Charles Street and
1207 North Charles Street

SECTION 2. AND BE IT FURTHER ORDAINED, That Exhibit 2, Property Acquisition, and Exhibit 3, Land Disposition, all revised to reflect changes in the Plan, dated November 20, 2000, are approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Mid-Town Belvedere, as amended by this Ordinance and identified as "Urban Renewal Plan, Mid-Town Belvedere, revised to include Amendment 11, dated November 20, 2000", is approved. The Clerk of the City Council shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 4. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 5. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any

other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 6. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved April 30, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-157
(Council Bill 00-318)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Parking, Open Off-Street Area —
402-412 Bowen Alley**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area, other than accessory, for the parking of 4 or more automobiles, on the property known as 402-412 Bowen Alley, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-1104 and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a parking, open off-street area, other than accessory, for the parking of 4 or more automobiles, on the property known as 402-412 Bowen Alley, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1104 and 14-102 of the Baltimore City Code, subject to the condition that the parking, open off-street area complies with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved April 30, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-158
(Council Bill 01-336)**

AN ORDINANCE CONCERNING

Sale of Property — Milliman Street and a 10-Foot Alley

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land no longer needed for highway or other public use and known as (1) the former bed of Milliman Street, extending from Broadway, Easterly 102.0 feet, more or less, to the end thereof and (2) the former bed of a 10-foot alley laid out in the rear of the property known as 717 North Broadway, extending from Madison Street, Southerly 150.0 feet, more or less, to Milliman Street; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in certain parcels of land no longer needed for highway or other public use and known as (1) the former bed of Milliman Street, extending from Broadway, Easterly 102.0 feet, more or less, to the end thereof and (2) the former bed of a 10-foot alley laid out in the rear of the property known as 717 North Broadway, extending from Madison Street, Southerly 150.0 feet, more or less, to Milliman Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Milliman Street, 20 feet wide, and the east side of Broadway, 130.67 feet wide, and running thence binding on the east side of said Broadway, Northerly 20.0 feet to intersect the north side of said Milliman Street; thence binding on the north side of said Milliman Street, Easterly 102.0 feet, more or less, to the easternmost extremity of said Milliman Street: thence binding on the easternmost extremity of said Milliman Street, Southerly 20.0 feet to intersect the south side of said Milliman Street, and thence binding on the south side of said Milliman Street, Westerly 102.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the south side of Madison Street, 66 feet wide, and the west side of a 10-foot alley laid out in the rear of the property known as 717 North Broadway, said point of beginning being distant Easterly 92.0 feet, more or less, measured along the south side of said Madison Street from the east side of Broadway, 130.67 feet wide, and running thence binding on the south side of said Madison Street, Easterly 10.0 feet to intersect the east side of said 10-foot alley; thence binding on the east side of said 10-foot alley, Southerly 150.0 feet, more or less, to intersect the

north side of Milliman Street 20 feet wide; thence binding on the north side of said Milliman Street, Westerly 10.0 feet to intersect the west side of said 10-foot alley, and thence binding on the west side of said 10-foot alley, Northerly 150.0 feet, more or less, to the place of beginning,

subject to a full width perpetual easement for all municipal utilities and services, not to be abandoned, over the entire hereinabove described parcel of land, this property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved April 30, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-159
(Council Bill 01-355)**

AN ORDINANCE CONCERNING

**Metropolitan District of Baltimore County —
Extension 137**

FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

BY authority of

Chapter 539

Acts of the General Assembly of 1924

and

Chapter 515

Acts of the General Assembly of 1955

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore consents to and approves the petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 17.456 acres, located in the 2C3 Election District of Baltimore County in the vicinity of the south side of Lyons Mill Road west of Painters Mill Road, as more particularly shown on the plat labeled Extension 137 and filed with the Department of Public Works of Baltimore County.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved April 30, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-160
(Council Bill 00-225)**

AN ORDINANCE CONCERNING

**City Property — Renaming Harbor City Learning Center
to Harbor City High School**

FOR the purpose of changing the name of Harbor City Learning Center, located at 1001 West Saratoga Street, to Harbor City High School.

BY authority of

Article 5 - Finance, Property, and Procurement
Section(s) 20-2
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the name of Harbor City Learning Center, located at 1001 West Saratoga Street, is changed to Harbor City High School.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved May 14, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-161
(Council Bill 00-253)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
Rehoboth Square**

FOR the purpose of approving the application of Rehoboth Square Community Services Outreach, Inc., owner of certain property located at 700 Poplar Grove Street, 2922 Arunah Avenue, and 802-820 North Franklinton Road, to have these properties designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 4
Baltimore City Revised Code
(Edition 2000)

Recitals

Rehoboth Square Community Services Outreach, Inc., is the fee simple owner of property located at 700 Poplar Grove Street, 2922 Arunah Avenue, and 802-820 North Franklinton Road consisting of 2.0 acres, more or less.

The owner proposes to create:

- (1) 40 apartment units for women and children;
- (2) an empowerment, education, and training center;
- (3) a substance abuse and teen counseling center;
- (4) an infant and child care center; and
- (5) a pre-K through 8th grade school.

On October 6, 2000, representatives of Rehoboth Square Community Services Outreach, Inc. met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the property and to institute proceedings to have the property designated a Planned Unit Development.

The representatives of Rehoboth Square Community Services Outreach, Inc. have applied to the Baltimore City Council for designation of the property as a Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of Rehoboth Square Community Services Outreach, Inc., fee simple owner of the property located at 700 Poplar Grove Street, 2922 Arunah Avenue, and 802-820 North Franklinton Road, consisting of 2.0 acres, more or less, as outlined on the accompanying Development Plan entitled "Rehoboth Square Planned Unit Development", dated October 12, 2000, to designate the property a Planned Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the following uses are allowed:

- (1) 40 apartment units for women and children;
- (2) an empowerment, education, and training center;
- (3) a substance abuse and teen counseling center subject to the conditions specified below;
- (4) an infant and child care center; and
- (5) a pre-K through 8th grade school.

The substance abuse and treatment counseling center:

- (1) is limited to 500 square feet in the 804-816 North Franklin town Road building;
- (2) may not include a methadone maintenance program; and

(3) if the location of the substance abuse program changes within the PUD, Planning Commission approval is required.

SECTION 3. AND BE IT FURTHER ORDAINED, That there must be a minimum of ~~850~~ 22 parking spaces for this development and that the existing church parcel A and parcel B do not have to comply with the off-street parking requirements of Title 10 of the Zoning Code.

SECTION 4. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by Rehoboth Square Community Services Outreach, Inc., is approved.

SECTION 5. AND BE IT FURTHER ORDAINED, That a member of the Alliance of Rosemont Community Organizations, Inc., is to be on the Rehoboth Square Operation Board.

SECTION 6. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property must be reviewed by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 8. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 9. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved May 14, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-162
(Council Bill 00-285)**

AN ORDINANCE CONCERNING

Rezoning — ~~410-414~~ 404-408 East Lafayette Avenue

FOR the purpose of changing the zoning for the property known as ~~410-414~~ 404-408 East Lafayette Avenue, as outlined in red on the accompanying plat, from the R-8-P Zoning District to the R-8 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 46
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 46 of the Zoning District Maps is amended by changing from the R-8-P Zoning District to the R-8 Zoning District the property known as ~~410-414~~ 404-408 East Lafayette Avenue, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved May 14, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-163
(Council Bill 01-334)**

AN ORDINANCE CONCERNING

**City Streets — Opening —
Milliman Street and a 10-Foot Alley**

FOR the purpose of condemning and opening (1) Milliman Street, extending from Broadway Easterly 102 feet to the end thereof and (2) a 10-foot alley laid out in the rear of the property known as 717 North Broadway, extending from Madison Street, Southerly 150 feet to Milliman Street, as shown on Plat 314-A-15 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of

Article I - General Provisions
Section 4
and
Article II - General Powers
Sections 2, 34, and 35
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open (1) Milliman Street, extending from Broadway Easterly 102 feet to the end thereof and (2) a 10-foot alley laid out in the rear of the property known as 717 North Broadway, extending from Madison Street, Southerly 150 feet to Milliman Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Milliman Street, 20 feet wide, and the east side of Broadway, 130.67 feet wide, and running thence binding on the east side of said Broadway, Northerly 20.0 feet to intersect the north side of said Milliman Street; thence binding on the north side of said Milliman Street, Easterly 102.0 feet, more or less, to the easternmost extremity of said Milliman Street; thence binding on the easternmost extremity of said Milliman Street, Southerly 20.0 feet to intersect the south side of said Milliman Street, and thence binding on the south side of said Milliman Street, Westerly 102.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the south side of Madison Street, 66 feet wide, and the west side of a 10-foot alley laid out in the rear of the property known as 717 North Broadway, said point of beginning being distant Easterly 92.0 feet, more or less, measured along the south side of said Madison Street from the east side of Broadway, 130.67 feet wide, and running thence binding on the south side of said Madison Street, Easterly 10.0 feet to intersect the east side of said 10-foot alley; thence binding on the east side of said 10-foot alley, Southerly 150.0 feet, more or less, to intersect the north side of Milliman Street 20 feet wide; thence binding on the north side of said Milliman Street, Westerly 10.0 feet to intersect the west side of said 10-foot alley, and thence binding on the west side of said 10-foot alley, Northerly 150.0 feet, more or less, to the place of beginning.

As delineated on Plat 314-A-15, prepared by the Survey Control Section and filed on September 28, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of Milliman Street and the 10-foot 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 Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved May 14, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-164
(Council Bill 01-335)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Milliman Street and a 10-Foot Alley**

FOR the purpose of condemning and closing (1) Milliman Street, extending from Broadway Easterly 102 feet to the end thereof and (2) a 10-foot alley laid out in the rear of the property known as 717 North

Broadway, extending from Madison Street, Southerly 150 feet to Milliman Street, as shown on Plat 314-A-15A in the Office of the Department of Public Works; 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 Public Works shall proceed to condemn and close (1) Milliman Street, extending from Broadway Easterly 102 feet to the end thereof and (2) a 10-foot alley laid out in the rear of the property known as 717 North Broadway, extending from Madison Street Southerly 150 feet to Milliman Street, and more particularly described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Milliman Street, 20 feet wide, and the east side of Broadway, 130.67 feet wide, and running thence binding on the east side of said Broadway, Northerly 20.0 feet to intersect the north side of said Milliman Street; thence binding on the north side of said Milliman Street, Easterly 102.0 feet, more or less, to the easternmost extremity of said Milliman Street; thence binding on the easternmost extremity of said Milliman Street, Southerly 20.0 feet to intersect the south side of said Milliman Street, and thence binding on the south side of said Milliman Street, Westerly 102.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the south side of Madison Street, 66 feet wide, and the west side of a 10-foot alley laid out in the rear of the property known as 717 North Broadway, said point of beginning being distant Easterly 92.0 feet, more or less, measured along the south side of said Madison Street from the east side of Broadway, 130.67 feet wide, and running thence binding on the south side of said Madison Street, Easterly 10.0 feet to intersect the east side of said 10-foot alley; thence binding on the east side of said 10-foot alley, Southerly 150.0 feet, more or less, to intersect the north side of Milliman Street 20 feet wide; thence binding on the north side of said Milliman Street, Westerly 10.0 feet to intersect the west side of said 10-foot alley, and thence binding on the west side of said 10-foot alley, Northerly 150.0 feet, more or less, to the place of beginning.

As delineated on Plat 314-A-15A, prepared by the Survey Control Section and filed on September 28, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of Milliman Street and a 10-foot 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 Public Works 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 Public Works 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.

Approved May 14, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-165
(Council Bill 01-354)**

AN ORDINANCE CONCERNING

Renewal Plans — Zoning

FOR the purpose of clarifying the relationship between conditions or requirements imposed by a Renewal or Conservation Plan, on one hand, and conditions or requirements imposed by the Zoning Code, on the other; providing expressly for the supremacy and binding nature of the condition or requirement that is the more restrictive; proscribing the approval of a conditional use if the use is in any way precluded by an applicable renewal plan or other law; proscribing the approval of a variance if the variance is precluded by an applicable renewal plan or master plan; defining certain terms; clarifying, conforming, and correcting certain language; and generally relating to the adoption and effect of renewal and conservation plans and to the approval of conditional uses and variances.

BY adding

Article 13 - Housing and Urban Renewal
Section(s) 2-1(c)(3)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, without amendments

Article 13 - Housing and Urban Renewal
Section(s) 2-5(b)(4) and (c)(4)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Section(s) 2-6(b), (c)(2), (d)(6), and (h)(6)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning
Section(s) 1-206, 14-204, 15-219
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, without amendments

Article - Zoning
Section(s) 14-205(a), 16-101(b)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 13. Housing and Urban Renewal

Subtitle 2. Department of Housing and Community Development

§ 2-1. Determinations, declarations, and definitions.

(c) *Definitions.*

(3) *ZONING CHANGE.*

IN THIS SUBTITLE, "ZONING CHANGE":

(I) MEANS A LEGISLATIVE AUTHORIZATION, AS THAT TERM IS DEFINED IN ZONING CODE § 16-101; AND

(II) DOES NOT INCLUDE ANY USE OR BULK REGULATION RESTRICTION THAT IS IMPOSED BY A RENEWAL PLAN OR CONSERVATION PLAN.

§ 2-5. Renewal and Conservation Plans.

(b) *Renewal Plans.*

(4) The plan shall set out zoning changes, if any.

(c) *Conservation Plan.*

- (4) The plan shall set out zoning changes, if any.

§ 2-6. Adoption and approval of plan.(b) *How effective.*

- (1) A Renewal Plan [shall become] BECOMES effective [upon] ON approval by the Director of [the Department of] Planning, as required by subsection (c) of this section, and the [passage] ENACTMENT of an appropriate ordinance [by the City Council]. The Planning Commission shall [make recommendations] RECOMMEND THE APPROPRIATE ORDINANCE to the City Council [for passage of said ordinances].
- (2) A Conservation Plan [shall become] BECOMES effective [upon] ON approval by the Director of [the Department of] Planning, as required by subsection (c) of this section[;]. [provided, however, that when the plan or] HOWEVER, IF any [portion thereof] PART OF THE PLAN requires a zoning change or [permits or] authorizes [property] THE USE OF EMINENT DOMAIN FOR acquisition [by the power of eminent domain] OF ANY PROPERTY, [the plan or] that [portion thereof shall not become] PART OF THE PLAN IS NOT effective until APPROVED BY THE PLANNING COMMISSION AND BY the [passage] ENACTMENT of an appropriate ordinance [by the City Council in addition to the approval of the Planning Commission].

(c) *Review by Planning.*

- (2) [And no] NO Renewal Plan or Conservation Plan [shall] MAY be adopted by the Department of Housing and Community Development until the Director of [the Department of] Planning has approved it with respect TO:
- (i) its conformity [as] to the Master Plan or Official Detailed Plan, if any, AS applicable to the area involved;
 - (ii) the detailed location of any public improvements proposed in the plan;
 - (iii) its conformity to the rules and regulations for subdivisions; and
 - (iv) all zoning changes proposed in the plan.

(d) *Enabling ordinances.*

- (6) Any ZONING change [in the Zoning Code embodied in] PROPOSED BY a renewal plan or a conservation plan [shall] MUST be approved by AN ordinance ENACTED in accordance with [the procedural requirements of] Article 66B of the State Code.

(h) *Plan or amendment initiated by Councilmember.*

- (6) The Planning Commission shall review the proposed plan or amendment [regarding] WITH RESPECT TO:
- (i) conformity to the Master Plan or Official Detailed Plan, if ANY, AS applicable to the area involved;
 - (ii) the detailed location of any public improvements proposed in the plan or amendment;

- (iii) its conformity to the rules and regulations for subdivisions; and
- (iv) all zoning changes proposed in the plan or amendment.

Baltimore City Revised Code

Article — Zoning

Title 1. Definitions; General Provisions

§ 1-206. Conflicting provisions.

- (a) *Article sets minimum requirements.*

In their interpretation and application, the provisions of this article are intended as the minimum requirements for the promotion of the public health, security, general welfare, and morals.

- (b) *Most restrictive provision governs.*

If any condition OR REQUIREMENT imposed by a provision of this article is either more or less restrictive than a comparable condition OR REQUIREMENT imposed by any other provision of this article or [by] OF any other law, rule, or regulation of any kind, INCLUDING AN APPLICABLE URBAN RENEWAL PLAN, the condition OR REQUIREMENT that is the more restrictive governs.

Title 14. Conditional Uses

§ 14-204. Required findings.

The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that:

- (1) the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
- (2) THE USE IS NOT IN ANY WAY PRECLUDED BY ANY OTHER LAW, INCLUDING AN APPLICABLE URBAN RENEWAL PLAN;
- (3) [(2)] the authorization is not otherwise in any way contrary to the public interest; and
- (4) [(3)] the authorization is in harmony with the purpose and intent of this article.

§ 14-205. Required considerations.

- (a) *In general.*

As a further guide to its decision on the facts of each case, the Board must consider the following, where appropriate:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for fire and police protection;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks;
- (9) the provisions of the City Master Plan;
- (10) the provisions of any applicable Urban Renewal Plan;
- (11) all applicable standards and requirements of this article;
- (12) the intent and purpose stated in § 1-401 {"Purposes of article"} of this article; and
- (13) any other matters considered to be in the interest of the general welfare.

Title 15. Variances

§ 15-219. Other required findings.

The Board must also find that:

- (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;
- (2) the unnecessary hardship or practical difficulty is caused by this article and has not been created by the intentional action or inaction of any person who has a present interest in the property;
- (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
- (4) the variance will not:
 - (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or
 - (ii) substantially diminish and impair property values in the neighborhood;
- (5) the variance will not:
 - (i) impair an adequate supply of light and air to adjacent property;

- (ii) overcrowd the land;
 - (iii) create an undue concentration of population;
 - (iv) substantially increase the congestion of the streets;
 - (v) create hazardous traffic conditions;
 - (vi) adversely affect transportation;
 - (vii) unduly burden water, sewer, school, park, or other public facilities;
 - (viii) increase the danger of fire; or
 - (ix) otherwise endanger the public safety;
- (6) the variance IS NOT PRECLUDED BY AND will not adversely affect:
- (i) any Urban Renewal Plan; or
 - (ii) the City's Master Plan;
- (7) the variance will not otherwise:
- (i) be detrimental to or endanger the public health, security, general welfare, or morals; or
 - (ii) in any way be contrary to the public interest;
- (8) the variance is in harmony with the purpose and intent of this article; and
- (9) within the purpose and intent of this article, the variance granted is the minimum necessary to afford relief, to which end the Board may permit a lesser variance than that applied for.

Title 16. Legislative Authorizations and Amendments

§ 16-101. Definitions.

(b) *Legislative authorization.*

"Legislative authorization" means any ordinance that approves, authorizes, or amends a prior approval or authorization relating to specific property, including:

- (1) a change in the zoning classification of any property;
- (2) a conditional use; or
- (3) a Planned Unit Development.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved May 14, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-166
(Council Bill 01-358)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing and —
Rest Home (Assisted Living) — 901 Woodbourne Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 901 Woodbourne Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-804 and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 901 Woodbourne Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-804 and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of residents is 15, including any resident manager;
2. there may be no more than 2 persons per sleeping room;
3. sleeping rooms for clients may not be in the basement;
4. a fire suppression sprinkling system must be installed in the building prior to its occupancy as an assisted living facility;
5. a chair lift must be installed in the building prior to its occupancy as an assisted living facility;
6. the minimum age for resident-clients is 50 years;
7. 24-hour supervision must be provided;
8. paved off-street parking spaces for 4 vehicles must be provided, prior to occupancy of the building as an assisted living facility;

9. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high; and
10. the convalescent, nursing, and rest home (assisted living) ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved May 14, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-167
(Council Bill 01-359)**

AN ORDINANCE CONCERNING

Rezoning — 2-24 North Smallwood Street

FOR the purpose of changing the zoning for a portion of the property known as 2-24 North Smallwood Street, as outlined in red on the accompanying plat, from the M-1-2 Zoning District to the R-8 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 54
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 54 of the Zoning District Maps is amended by changing from the M-1-2 Zoning District to the R-8 Zoning District a portion of the property known as 2-24 North Smallwood Street, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission,

the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved May 14, 2001

Martin O'Malley, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-168
(Council Bill 01-360)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Housing for the Elderly —
2-24 North Smallwood Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of housing for the elderly on the property known as 2-24 North Smallwood Street, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-1104 and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of housing for the elderly on the property known as 2-24 North Smallwood Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1104 and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of units is 90;
2. consolidation of lots does not constitute a change in conditional use, including the consolidation with Lots 47 through 51 of Block 189, should the development team acquire those properties;
3. the site plan and elevations submitted in connection with this Ordinance, dated March 20, 2001, are made a part of this Ordinance, and no change may be made to the plans without the prior approval of the Planning Department; and
4. the housing for the elderly ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor

approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved May 14, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-169
(Council Bill 01-374)**

AN ORDINANCE CONCERNING

**Metropolitan District of Baltimore County —
Extension 138**

FOR the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

BY authority of
Chapter 539
Acts of the General Assembly of 1924
and
Chapter 515
Acts of the General Assembly of 1955

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore consents to and approves the petition to extend the Metropolitan District of Baltimore County to a tract of land, consisting of approximately 3.265 acres, located in the 2C3 Election District of Baltimore County in the vicinity of the south side of Lyons Mill Road west of Painters Mill Road, as more particularly shown on the plat labeled Extension 138 and filed with the Department of Public Works of Baltimore County.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved May 14, 2001

Martin O'Malley, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-170
(Council Bill 00-306)**

AN ORDINANCE CONCERNING

**Urban Renewal — Central Business District — Renewal Area
Designation and Urban Renewal Plan**

FOR the purpose of designating as a “Renewal Area” an area situated in Baltimore City, Maryland known as the Central Business District, bounded generally by Pratt and Lombard Streets on the south, Liberty and Cathedral Streets on the west, Centre and Franklin Streets on the north, and the Fallsway on the east; approving a Renewal Plan for the Central Business District; establishing permitted land uses; proposing a zoning change; providing for the review by the Department of Housing and Community Development of all plans for new construction, exterior rehabilitation, or change in use of properties in the Central Business District; establishing procedures for the issuance and denial of demolition permits; establishing certain property rehabilitation and development standards; establishing special districts and ~~designated properties~~ notable properties and open space areas worthy of special recognition and attention; authorizing the acquisition of certain property by purchase or condemnation for urban renewal purposes; recommending the closing of certain streets and alleys; providing that the procedures for the closing of the streets and alleys will be regulated by applicable laws and regulations; establishing certain requirements for land acquired; creating disposition lots for mixed use with appropriate standards and controls; approving certain regulations, controls and restrictions applicable to all land and property within the Central Business District; establishing procedures for amending the Plan; providing for the term of the Plan, approving certain exhibits and appendix to the Plan; providing certain definitions, waiving such requirements, if any, as to content or procedure for the preparation, adoption and approval of Renewal Plans as set forth in Article 13 of the Baltimore City Code which the Renewal Plan for the Central Business District may not meet; providing for the severability of the various parts and applications of this Ordinance; providing that where the provisions of this Ordinance may conflict with any other ordinance, code or regulation, the provision that establishes the higher standard shall prevail; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for the Central Business District incorporates and replaces the Charles Center Urban Renewal Plan originally approved by the Mayor and City Council of Baltimore by Ordinance 59-1863, approved March 25, 1959, and last amended by the Board of Estimates on February 9, 2000; the Financial District Renewal Plan originally approved by the Mayor and City Council of Baltimore by Ordinance 77-373, approved June 28, 1977, and last amended by Ordinance 92-89, approved July 1, 1992; the Harbor Campus Renewal Plan originally approved by the Mayor and City Council of Baltimore by Ordinance 71-1818, approved July 6, 1971, and last amended by Ordinance 99-282, approved January 12, 1999; the Municipal Center Urban Renewal Plan originally approved by the Mayor and City Council of Baltimore by Ordinance 77-291, approved March 8, 1977, and last amended by Ordinance 94-462, approved December 22, 1994; and an area of North Charles Street and its environs that was previously not included in other urban renewal ordinances.

The basic goals of the City of Baltimore for the Central Business District are to:

- (1) remove blighting influences or uses or development otherwise in substantial non-compliance with the provisions of the Renewal Plan;
- (2) direct public and private development in a manner that is harmonious and complementary with the existing built environment by requiring all plans for new development, exterior rehabilitation, or demolition be reviewed and publicly approved as consistent with the Renewal Plan;
- (3) encourage active pedestrian-oriented uses at street level, especially along Centre Street, Baltimore Street, Charles Street, Calvert Street, Light Street, and Redwood Street;
- (4) require that new construction provides sufficient parking capacity for the resulting new parking demand;
- (5) recognize the cultural and architectural value of the buildings in the Project Area and encourage adaptive reuse, particularly ~~Designated Properties~~ Notable Properties and Special Districts and buildings that contribute to the character of designated local and National Register historic districts;
- (6) physically improve the Project Area's open spaces, especially Center Plaza, Hopkins Plaza, Market Place, and Preston Gardens;
- (7) provide adequate vehicular and pedestrian circulation, public transportation and parking, and encourage the location of future parking structures to address current and future demand;
- (8) establish a positive image for the entire Central Business District, encourage private investment, and increase the tax base, employment, and residential opportunities; ~~and~~
- (9) enhance the environment within the Central Business District by providing public improvements within the public rights-of-way and encouraging development of public open spaces; and
- (10) encourage public parking that balances both employee and visitor parking needs.

The Plan encourages the continuation of the Water Street Festival conducted for many years in the Water Street area between Calvert and Light Streets. The Plan encourages the continuation of the practice of the temporary closing of vehicular access to Water and Grant Streets on weekends, and other special occasions, during the spring, summer, and fall to allow the festival to continue. The Plan recommends that the City investigate the permanent closing of portions of Water and Grant Streets to allow the area to be improved to enhance the Festival.

In accordance with the provisions of Article 13 of the Baltimore City Code, the Central Business District has been found to be in need of undertakings and activities for the correction or the prevention of the development or the spread of slums, blight, or deterioration.

The Commissioner of the Department of Housing and Community Development, after consultation with the Director of the Department of Planning, acting pursuant to powers vested by Section 2-6 of Article 13 of the Baltimore City Code, has determined that the Central Business District, as more particularly described below, may benefit through the exercise of those functions and powers of the City of Baltimore that are vested in the Department of Housing and Community Development by Article 13, and has recommended to the City Council that an ordinance be passed to designate the Central Business District as a "Renewal Area".

Under Article 13 of the Baltimore City Code, the Department of Housing and Community Development is authorized to prepare and administer renewal plans in renewal areas.

The Renewal Plan for the Central Business District has been approved by the Director of the Department of Planning with respect to its conformity to the Master Plan, the detailed location of any public improvements proposed in the Renewal Plan, its conformity to the rules and regulations for subdivisions, and all zoning changes proposed in the Renewal Plan; and the Renewal Plan was approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That it is found and determined that the area known as the Central Business District, as more particularly described below, may benefit through the exercise of the functions and powers vested in the Department of Housing and Community Development:

Beginning for the same at the Southwest corner of Lombard Street and Hopkins Place; thence Northeasterly, by a diagonal line across Lombard Street, 66.75 feet, more or less, to the Northwest corner of Lombard Street and Hopkins Place; thence Northerly, binding on the West side of Hopkins Place, 310.58 feet, more or less, to the Southwest corner of Hopkins Place and Redwood Street; as widened to the West at this point; thence Northerly, across Redwood Street as so widened, 112 feet, more or less, to the Northwest corner of Hopkins Place and Redwood Street; thence Northerly, binding on the West side of Hopkins Place, 174.32 feet, more or less, to the Southwest corner of Hopkins Place and Baltimore Street; thence Westerly, binding on the South side of Baltimore Street, 13.08 feet, more or less, to the Southeast corner of Baltimore and Liberty Streets; thence Westerly, across Liberty Street, 71.32 feet, more or less, to the Southwest corner of Baltimore and Liberty Streets;

thence Northeasterly, across Baltimore Street, 71.80 feet, more or less, to the Northwest corner of Baltimore and Liberty Streets; thence Northeasterly, binding on the Northwest side of Liberty Street, 169.17 feet, more or less, to the Southwest corner of Liberty Street and Fairmount Avenue; thence Northeasterly, across Fairmount Avenue, 21.61 feet, more or less, to intersect the West side of Park Avenue, at the North side of Fairmount Avenue; thence Northerly, binding on the West side of Park Avenue, 156.38 feet, more or less, to the Southwest corner of Park Avenue and Fayette Street; thence Northerly, crossing Fayette Street, 66 feet, more or less, to the Northwest corner of Park Avenue and Fayette Street; thence Easterly, across Park Avenue, 60 feet, more or less, to the Northeast corner of Park Avenue and Fayette Street; thence Easterly, binding on the North side of Fayette Street, 36 feet, more or less, to the Northwest corner of Fayette and Liberty Streets; thence Northeasterly, binding on the Northwest side of Liberty Street, 168.90 feet, more or less, to the Southwest corner of Liberty and Marion Streets; thence Northeasterly, across Marion Street, 21.67 feet, more or less, to the Northwest corner of Liberty and Marion Streets; thence Northeasterly, binding on the Northwest side of Liberty Street, 173.13 feet, more or less, to the Southwest corner of Liberty and Lexington Streets; thence Northeasterly, across Lexington Street, 71.50 feet, more or less, to the Northwest corner of Liberty and Lexington Streets; thence Northeasterly, binding on the Northwest side of Liberty Street, 216.58 feet, more or less, to the Southwest corner of Liberty and Clay Streets, thence Northeasterly, across Clay Street, 43.33 feet, more or less, to the Northwest corner of Liberty and Clay Streets; thence Northeasterly, binding on the Northwest side of Liberty Street 104.05 feet, more or less, to intersect the West side of Liberty Street, as widened from this point Northerly, to provide an easier access to and from Cathedral Street; thence Northerly, binding on said West side of Liberty Street, as so widened, 88.47 feet, more or less, to the Southwest corner of Liberty and Saratoga Streets, and thence Northerly, crossing Saratoga Street, 66 feet, more or less, to the Northwest corner of Saratoga and Cathedral Streets;

thence Northerly, binding on the West side of Cathedral Street, 1110.5 feet, more or less, to the Southwest corner of Cathedral Street and Centre Street; thence binding on the South side of Centre Street, 825 feet, more or less, to intersect the East side of St. Paul Street; thence Southwesterly, binding on the

West Side of St. Paul Street, 250 feet, more or less, to the Southwest corner of St. Paul Street and Hamilton Street; thence Easterly, binding on the South side of Hamilton Street, 320 feet, more or less, to intersect the West side of Hargrove Alley; thence Southerly, binding on the West side of Hargrove Alley, 220 feet more or less, to intersect the South side of Franklin Street; thence Easterly, binding on the south side of Franklin Street, 190 feet more or less, to intersect the East side of Calvert Street; thence Northerly, binding on the east side of Calvert Street, 440 feet, more or less, to intersect the South side of Centre Street; thence Easterly, binding on the South side of Centre Street, 330 feet, more or less, to intersect the Southwest corner of Guilford Avenue and Centre Street; thence Southerly binding along the West Side of Guilford Avenue, 660 feet, more or less, to intersect the South side of Bath Street; thence Easterly, binding on the South side of Bath Street, 390 feet, more or less, to intersect the Northeast corner of Bath Street and the Fallsway;

thence binding along the Northeast side of said Fallsway, crossing Hillen Street, Gay Street, Lexington Street, Fayette Street, and Baltimore Street, in a generally Southeasterly direction 2220 feet, more or less, to the Southernmost extremity of said Fallsway; thence binding on the Northeast side of Jones Falls, crossing Plowman Street, Little Second Street, and Lombard Street, Southeasterly 700 feet, more or less, to intersect the Southeast side of Lombard Street, as now laid out; thence binding on the Southeast side of last said Lombard Street, Southwesterly 230 feet, more or less, to the Southeast corner of Lombard Street and Concord Street; thence binding on the Northeast side of said Concord Street, Southeasterly 323 feet, more or less, to intersect the North side of said Pratt Street; thence binding on the North side of said Pratt Street, Westerly 265 feet, more or less, to intersect the east side of Market Place, as now laid out 150 feet wide;

thence Southerly, binding on the East side of Market Place, 130 feet, more or less, to intersect the South side of Pratt Street; thence binding on the South side of said Pratt Street, Westerly 606 feet, more or less, to intersect the line of the aforesaid East side of Gay Street if projected Southerly and thence binding reversely on said line so projected and on the East side of Gay Street Northerly to intersect the North side of Lombard Street; 520 feet more or less;

thence Westerly, crossing said Gay Street and binding on the North side of Lombard Street 1760 feet, more or less, to intersect the East side of Charles Street; thence Southerly, across Lombard Street, 66 feet, more or less, to the Southeast corner of Charles and Lombard Streets; thence Northwesterly, by a diagonal line across Charles Street, 70 feet, more or less, to the Southwest corner of Charles and Lombard Streets; thence Westerly, binding on the South side of Lombard Street, 820 feet, more or less, to the place of beginning.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan, identified as “Urban Renewal Plan, Central Business District”, including Exhibit A, Property Acquisition; Exhibit B, Property Disposition; ~~Exhibit C, Land Use Plan;~~ Exhibit D, Zoning Districts; and Exhibit E, Special Designations, dated October 20, 2000, and further revised March 20, 2001, and Exhibit C, Land Use Plan, dated October 20, 2000, are approved, and the Clerk of the City Council is directed to file a copy of the Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That it is necessary to acquire by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to certain properties or portions thereof together with all right, title, interest, and estate that the owner or owners of these property interests may have in all streets, alleys, ways, or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of this area, situate in Baltimore City, Maryland, and described as follows:

~~101 East Baltimore Street~~
206 East Baltimore Street

208 East Baltimore Street
210-14 East Baltimore Street

~~218 North Calvert Street~~
~~224-26 North Calvert Street~~

26 South Calvert Street
30 South Calvert Street
32 South Calvert Street
34 South Calvert Street
36 South Calvert Street

31-35 Grant Street

108-12 East Lombard Street
114 East Lombard Street

~~229 St. Paul Place~~
231-33 St. Paul Place

~~105 East Saratoga Street~~
~~107-09 East Saratoga Street~~

31 West Saratoga Street

100 block of East Clay Street right-of-way and a portion of a 20' alley right-of-way east of 227 St. Paul Place

Unit block of West Clay Street right-of-way

Unit block of Hollingsworth Street right-of-way

100 block of Mercer Street right-of-way between South Calvert and Grant Streets

200 block of North Sharp Street right-of-way

100 block of Water Street right-of-way between Grant and South Calvert Streets

SECTION 4. AND BE IT FURTHER ORDAINED, That it may be necessary to acquire by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to such of the remaining properties or portions thereof, together with all rights, title, interest, and estate that the owner or owners of those property interests may have in all streets, alleys, ways or lanes, public or private, abutting the properties of the Central Business District not specifically designated for acquisition in Section 3 of this Ordinance, as may be deemed necessary and proper by the Commissioner of the Department of Housing and Community Development to effect the proper implementation of the project. These may include:

- (a) any property containing a structure that has been demonstrated to the Commissioner that it cannot be economically rehabilitated. In making this decision, the Commissioner will consult with Baltimore Development Corporation, the Department of Planning, the Commission for Historical and Architectural Preservation, and the Downtown Partnership of Baltimore;

- (b) any other privately owned structure in the Project Area that the owner intends to rehabilitate or demolish in a manner not in substantial conformity with the rehabilitation standards in the Appendix or the other objectives of the Renewal Plan;
- (c) properties and rights-of-way necessary to create or enlarge Disposition Lots;
- (d) any property in the ~~project area~~ Project Area, the owner of which is unable or unwilling to rehabilitate or maintain in accordance with the provisions of the Renewal Plan; or
- (e) the removal of blighting influences or incompatible uses.

All single family dwellings are exempt.

SECTION 5. AND BE IT FURTHER ORDAINED, That upon acquisition of the properties mentioned in Sections 3 and 4 of this Ordinance, the Department of Housing and Community Development will either:

- (a) rehabilitate the property in conformance with the codes and ordinances of the City and the rehabilitation standards and objectives set forth in the Renewal Plan and dispose of property at its fair value in accordance with applicable regulations. If sale cannot be consummated by the time rehabilitation is accomplished, the property may be rented pending continuing sale efforts;
- (b) sell or lease the property subject to rehabilitation and/or maintenance in conformance with the codes and ordinances of Baltimore City and the rehabilitation standards and objectives set forth in the Renewal Plan;
- (c) demolish the structure or structures thereon and dispose of land for redevelopment at its fair value for uses consistent with the Renewal Plan; or,
- (d) devote the property and structures to a public use consistent with the Renewal Plan.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Department of Real Estate, Office of the Comptroller, or any person that the Board of Estimates, in the exercise of the power vested in it by Article V, § 5, of the Baltimore City Charter, may from time to time designate, is authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this Ordinance, the fee simple interest or any lesser interest in and to the properties or portions of them hereinabove mentioned. If the ~~Division~~ Department of Real Estate, Office of the Comptroller, or person is unable to agree with the owner or owners on the purchase price for these properties or portions of them, it or he or she must forthwith notify the City Solicitor of Baltimore City who shall then institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to these properties or portions of them.

SECTION 7. AND BE IT FURTHER ORDAINED, That it is hereby recommended that certain streets and alleys be closed in connection with development on disposition lots, as set forth in the Urban Renewal Plan on Exhibit B – Land Disposition, dated October 20, 2000.

SECTION 8. AND BE IT FURTHER ORDAINED, That the proceedings of the Department of Public Works, with reference to the closing of certain streets and alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by and be in accordance with any applicable provisions of Article 4 of the Code of Public Local Laws of Maryland, the Charter of Baltimore City, and any ordinances of the Mayor and City Council of Baltimore, and any rules or regulations in effect that have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SECTION 9. AND BE IT FURTHER ORDAINED, That over and above the codes and ordinances of the City of Baltimore, the following additional standards apply to all properties within the ~~project area~~ Project Area, whether occupied or vacant. These standards apply to all exterior improvements to existing properties within this Plan's boundaries.

A. General

1. Exterior Walls (front, side and rear)

- a. All of the exterior walls of all structures located in the Project Area are included in this requirement.
- b. All exposed and visible surfaces must be repaired, cleaned or painted to present an acceptable appearance.
- c. All colors and color schemes used in the Project Area must be compatible with the design of the buildings in the Area.
- d. All defective structural and decorative elements of building fronts and sides abutting streets must be repaired or replaced in a workmanlike manner to match as closely as possible the architecture of that building. Any damaged, sagging, or otherwise deteriorated storefront, sign, show window, or entrance must be repaired or replaced.
- e. All miscellaneous unused elements on the exterior walls of the structures such as empty electrical boxes, conduits, pipes, unused sign brackets, etc., must be removed.
- f. All exterior walls that have not been wholly or partially resurfaced or built over must be repaired and cleaned or painted in an acceptable manner. Brick walls must be pointed where necessary to match the existing bond. Painted masonry walls must have loose material removed and be painted a single color except for trim or decorative details that may be another color. Surfaces must be painted with products and employ application methods that will prevent early deterioration. Patched walls must match the existing adjacent surfaces as to materials, color, bond, and joining. Cleaning of masonry walls by means of sandblasting is not permitted.
- g. All brick and concrete block walls must be cleaned, repaired, and repointed as required. Brick walls must be either preserved in their natural state or painted a color compatible with neighboring structures. Unfinished concrete block walls must be painted.
- h. All natural stone walls must be cleaned, repaired, and pointed.
- i. All stucco surfaces must be cleaned and repaired. Repaired and new stucco surfaces must have a continuous and even finish, with no patching visible.
- j. No new Formstone finishes are permitted. All defective Formstone finishes must be removed and the walls behind them restored.
- k. Existing wood siding material, in sound condition and permissible under the Baltimore City Building Code must be cleaned, stripped, and painted. All other wood siding must be removed. All siding, hiding or covering the original building above the sign area, must be removed. Real or simulated wood shakes are not considered to be compatible with this renewal area, and new applications of these materials are not permitted.

- l. Existing metal siding, which is undamaged, structurally sound, and permissible under the Baltimore City Building Code, must be kept bright, clean, in a good state of repair, or painted a color compatible with the colors of the neighboring structures. All other metal siding must be removed. All siding, hiding or covering the original building above the sign area, must be removed. Metal siding is limited to the street level and may not cover more than 25% of the total front. The metal must be of sufficient gage, thickness, and finish quality to prevent denting, scratching, and discoloration through normal wear and tear.
 - m. All gutters and rain water leaders must be in good condition and must be repaired or replaced as necessary and must be neatly located and securely installed. Gutters and downspouts must be a pre-painted, baked enamel, non-ferrous material or painted in a color that is compatible with the other building colors.
 - n. All cornices, upper-floor windows, and all other portions of a building containing metal or wood trim must be made structurally sound. Rotten, rusted, or weakened portions must be restored, where feasible, or replaced to match as closely as possible the original architecture. All exposed metal or wood must be painted or stained, or otherwise treated for protection. The removal of cornice work, without prompt replacement of approved design, is not permitted.
 - o. Walls, ledges, cornices, sills, and other projections must be kept clean of bird droppings and may be provided with deterrent devices to protect them from soiling by birds.
 - p. No new mechanical equipment such as exhaust fans, vents and air conditioning units is allowed to project through building fronts or sides facing streets unless suitably concealed.
2. Roofs
- a. All roof-mounted signs and unused roof hardware must be removed.
 - b. Roofs must be kept free of trash, debris, or any other element that is not a permanent part of the building or a functioning element of its mechanical or electrical system.
 - c. Television and radio antennae must be located so as to be as inconspicuous as possible from the sidewalk across the street.
 - d. Rooftop mechanical equipment must be located far enough back from the edge of the roof so that it cannot be seen from the sidewalk across the street, either in front of or to one side of the building. Functional equipment may be retained until major repair or replacement of the equipment becomes necessary, at which time it shall be repositioned as above. All mechanical equipment must be painted with a flat paint in a color compatible with the color of the front of the building upon which it rests to minimize visibility.
 - e. Any new mechanical equipment placed on a roof must be located so as to be hidden from the streets and to be as inconspicuous as possible from other viewpoints. New equipment must be screened with suitable elements of a permanent nature and finished so as to be compatible with the rest of the building. Where such screening is unfeasible, equipment must be installed in a neat, presentable manner and must be painted in such a manner as to minimize its visibility.

- f. All chimneys, elevator penthouses, or other auxiliary structures on the roofs must be clean and in good repair. All deteriorated masonry chimneys must be either removed or restored. All future metal chimneys must be located so that they cannot be seen from the sidewalk across the streets either in front of, or to one side of, the building.
 - g. Flashing visible from the sidewalk must be neat and free of pitch. Visible flashing must be painted to match the surface of the wall or roof.
 - h. For sloped roofs visible from the sidewalk across the street, additional roof requirements apply:
 - (1) The finished roofing material must be clean and in a good state of repair.
 - (2) The finished roofing material must be limited to one of the following:
 - Flat or standing seam, natural or painted sheet metal roofing
 - Asphalt shingle or clay tile
 - Slate
 - (3) The finished roofing material must be a color that is compatible with the building color scheme.
 - (4) Dormers must be compatible with the design of the building's street façade. The finish materials and colors must be compatible with both the roof and façade of the buildings.
 - (5) Skylights and solar panels must be low profile, and all of their metal parts must match the roofing material.
3. Windows
- a. Windows not in the front or side of the buildings must be kept properly repaired, or with Fire Department approval, may be closed. If closed, their sills, lintels, and frames must be removed and the opening properly closed to match the material, design, and finish of the adjacent wall, or other solution satisfactory to the Department.
 - b. All windows must be tight-fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints, or loose mullions or muntins must be replaced. All broken and missing windows should be replaced with glass or approved clear plastic glazing. All exposed wood must be repaired and painted.
 - c. Window openings in upper floors of the front and all visible sides of the building may not be filled, boarded up, or covered by any signs. Windows in upper floors may be backed by suitable curtains, blinds, interior wood shutters, or other approved materials. Window glass at any floor may not be painted over entirely.
 - d. The use of exterior shutters is not allowed in cases where shutters would not be compatible with the architecture of the building.
 - e. All of the windows in a single façade must be of matching design. All window openings must have the same height and width they did at the time that the wall in which they are

located was originally built. Filling in these openings at the top, bottom, or sides is not permitted. The following additional requirements apply for all new windows:

- (1) All windows must have frames, sash, and mullions of a material, design, and color appropriate to the architecture of the building. Wherever possible, the original number of window lights must be retained.
- (2) All windows, frames, and mullions must be kept in good repair and properly painted.
- (3) Ornamental windows, grilles, and balconetts may be incorporated as a decorative or security device.
- (4) The lintels over windows must be preserved or restored. Rotten wood lintels must be replaced with steel lintels concealed behind a wood facing. Brick arch work and stone lintels must be restored.
- (5) Window sills must be preserved, replaced, and restored to match the original design of the building.
- (6) Installation of exhaust fans, vents, and air conditioning units in front windows is not allowed; however, where there is no other alternative, the unit may be permitted if it is painted in a color that makes it as inconspicuous as possible or is otherwise suitably screened.

4. Storefronts

- a. A storefront, as a part of the building façade, includes:
 - (1) The building face and the entrance area leading to the door; and
 - (2) The door, sidelights, transoms, show windows, display platforms, and devices including lighting and signing that can be seen from the exterior of the structure.
- b. All elements of the storefront, including marquees, awnings, show windows, entrances, signs, lighting, sun protection, security grilles, etc., must be compatible with the architecture of the building. All these elements must be located no higher than one inch below the second-story window sill line. New metal awnings are not permitted.
- c. All extraneous and unused hardware, signing, and equipment must be removed.
- d. All broken, rotten, or damaged elements must be removed and replaced with elements that are compatible with the architecture of the building. All damaged, sagging, or otherwise deteriorated storefronts, show windows, or entrances must be repaired or replaced. "Patching" or layering materials one on top of the other is not permitted. Damaged parts must be replaced in a manner that is undetectable.
- e. Any time that sign panels covering or replacing store cornices are removed, the cornice must be restored or replaced.
- f. Materials used on storefronts must be compatible with the architecture of other buildings in the Renewal Area, as well as other materials used on the building itself. Other factors such as durability, ease of maintenance, and historical compatibility of materials may be

considered. Material not approved by the Department is not permitted for any future use. All those materials now in use must be kept in good repair or must be removed.

g. Soft Awnings

- (1) Existing retractable awning boxes or fixed awning hardware on storefronts must be reconditioned to accommodate a new awning that must be compatible with the building design. Torn, frayed, faded, or dirty awnings must be reconditioned, repaired, cleaned, or replaced.
- (2) Awnings are to be installed along the full width of existing awning boxes and frames and on upper floors over windows only.
- (3) The color of the material and any graphics or striping must be compatible with the building architecture.
- (4) Fixed awnings must have a fall sufficient to shed a snow load. A five-inch fall for every foot is the minimum.
- (5) Awnings must not prevent vehicular movement at the curb or interfere with improvements in the public right-of-way such as streetlights, landscaping, and street furniture. Awnings may not be lower than eight feet above the sidewalk, must be at least one foot inside the curb, and must otherwise conform with the provisions of City Ordinances.
- (6) Street level awnings must terminate against the building at a height not to exceed one inch below the second floor window sill or no higher than the bottom of a first floor cornice, unless it exists as a part of the cornice.

- h. Security screens, grates, bars, and grilles must be designed to be as inconspicuous as possible. They must be constructed of non-ferrous material or kept painted and free of rust. Non-metal grilles and screens are prohibited. Enclosures and housings for security grilles and screens must be painted and compatible with the architecture of the storefront and the façade or hidden from view as an integral part of a sign or awning. All screens and grilles must be totally opened or removed during the normal business hours. No signs or product advertising is permitted on grilles or grille housings.
- i. Solid or permanently enclosed or covered storefronts or painted show windows or show windows replaced by solid materials are not permitted unless treated architecturally as an integral part of the building façade and compatible with these standards. Where the window treatment of the first floor is to be modified, these new window openings may not be smaller in size than the openings of the second or third floor windows. These new windows must be compatible with the upper windows in the structure.
- j. New storefronts that project beyond the property lines of the stores are not permitted. Where the original front is behind the property line and where a new projecting front would not be disruptive to adjacent stores and is compatible with the building architecture, a new front may be installed up to the property line.
- k. All new storefronts must provide a street side hose bibb to provide water for storefront and sidewalk cleaning and to aid in watering street trees.

- l. Doorways and Entrances – In cases where there are doorways to buildings that are not incorporated in the storefront, the character of the original doorway must be preserved, where possible. The original style of these doorways, if possible, must be incorporated into the design of the remodeled storefront. The following additional requirements apply to all doorways and entrances:
 - (1) Storm and screen doors and hardware visible from the outside must be compatible with entrance doors.
 - (2) Any grilles, bars, and grates covering doors or windows must be designed to be compatible with the architecture of the building and of the neighboring structures.
 - (3) Where steps or stoops are required at a doorway or entrance, they must be designed to match the original design. In cases where there are more than two risers, the steps or stoops must be provided with a railing of compatible design.
 - (4) Doorways and entrances must be designed with consideration for the needs of the handicapped and the elderly.
- m. Each store is required to display a postal address number on the storefront. The number, size, style, and location must be designed so that it is easily visible from the center line of the street.
- n. Footways adjacent to all properties within the area boundaries must be maintained in a manner consistent with applicable Baltimore City Codes and Ordinances. Footways must be repaired or replaced in accordance with Streetscape Standards. (Section A.12. of the Urban Renewal Plan)
- o. This Renewal Plan encourages the use of adjacent footways for sidewalk cafes (outdoor table service) with or without awnings, where accessory to a restaurant use. A clear walkway not less than six feet in width must be maintained in accordance with provisions of City Ordinances.

5. Signs

All new signs must be in accordance with the Zoning Code of Baltimore City and subject to the requirements for a minor privilege permit. In addition, the following provisions apply:

- a. Size, shape, letter style(s), colors, and method of installation of all signs must be compatible with the architecture of the building and the neighboring structures. Design of signs by graphic designers is encouraged. This Renewal Plan requires that design drawings of all proposed signs, showing their location on the building façade, must be submitted to the Department for approval prior to fabrication and installation.
- b. Materials employed for construction of signs must be durable and weather-resistant, fabricated and installed by qualified and experienced mechanics, and maintained in good repair.
- c. Placement of signs is restricted to the first floor only, placed no higher than the bottom of the second story window sill, where windows exist, and the sign bottom must be directly above the storefront or awning/security enclosure. Signs must be designed in a manner so that they do not interfere with important architectural details (e.g., windows, cornices, carved friezes, arches) of the building. Placement entirely on a flat portion of façade or

an area entirely within the confines of an opening and lined up with architectural details or elements is required. Upper floor signs are contrary to the intent of this Plan. However, in special circumstances, signs may be placed on upper floors if it is determined that there is no prudent means of accommodating the sign on the first floor consistent with these provisions or as special exceptions approved by the Department.

- d. "Temporary signs" may be displayed within storefront windows only, provided that these signs do not cover more than 20% of the area of the window in which they are displayed and are on display not more than 30 consecutive days.
- e. Signs are permitted at rear entrance and delivery doors, but may not exceed two square feet in area and may be illuminated.
- f. Signs in the form of letters, symbols, or other graphic designs may be incorporated in awnings or included in the design of a storefront, provided that these signs are compatible with the architecture of the building and the awning.
- g. Signs may be painted on the inside surface of upper floor and storefront show windows and sign panels may be hung inside the show window. These signs must be designed to be compatible with the architecture of the façade.
- h. Signs must be incorporated in the design of the storefront and may not project more than 12 inches except where a sign will serve to hide a security grille enclosure that exists beyond the primary surface of the building. If the storefront design includes a cornice, the sign may be incorporated in the cornice design. If a storefront cornice is not appropriate for a sign, or there is no cornice, the sign may be placed either in the store window or on the portion of the building façade above the store window/cornice and below the sill of the second floor windows. Signs that are an integral part of the building structure and compatible with the original architecture of the building are permitted.
- i. Painted signs on building surfaces or signs made of separate cutout letters are permitted in accordance with these provisions.
- j. Flashing or moving signs, other than barber poles, are discouraged.
- k. One projecting sign is permitted for each establishment, provided it is perpendicular to the building face. No projecting sign may exceed six square feet in area, nor be placed higher than the bottom of the second story window where they exist, nor more than 14 feet above grade level.
- l. No marquees are allowed on buildings other than operating theatres or hotels. When rehabilitated, an existing marquee must be redesigned so that it is compatible with the architecture of the building.
- m. Neon tube signs are permitted above a show window and on the inside of show windows. Owners of major buildings, six stories or more, may request the Department's approval to install neon tube signs on upper levels in spandrel areas for identification of the building, major tenant, or major activity within the building.
- n. Flags and banners may be displayed on a temporary and permanent basis, subject to obtaining the necessary minor privilege permit, so long as the banner material is not faded, torn, or frayed, and the poles are well maintained. Banners should be displayed only from buildings at least two stories high and may not be less than ten feet above the

sidewalk. All banner poles along one street should be set at the same angle from the horizontal plane. Banners may project up to one-third the width of the sidewalk but not more than five feet, whichever is greater. Provision for flags and banners must otherwise conform to the provisions of the City Ordinances.

- o. Super graphics or murals are a special form of outdoor art and may not contain advertising. The application should be appropriate to the use, activity, or theme of a building or place. Such super graphics or murals may be designed by recognized professional graphic artists, artists, or designers.
 - p. The Department may permit free-standing signs and sign kiosks on the sites where buildings are set back from their property lines upon the submission and approval of the site plans and sign design drawings.
 - q. Roof top signs, signs above the parapet of a building, or other outdoor advertising signs painted or mounted on any structure are not generally permitted. All existing rooftop and façade mounted sign brackets and hardware must be removed. In special circumstances, certain special signs (such as those incorporating weather information) or signs announcing the name of a building will be permitted. These signs should be individually fabricated or carved letters or designed as an integral part of the building.
- 6. Lighting
 - a. Exterior lighting is limited to lighting fixtures designed to be in harmony with the character of the buildings and the street. These fixtures must be mounted in the entrance ways or on the front façade of the building. Flood lighting, concealed above the shopfront cornice, may be used to light the facades of buildings except where the upper floors are in residential use. Lighting of the shops will be encouraged during the evening hours at times agreed upon by the merchants.
 - b. Lighting of the facades of the buildings may be accomplished with projecting fixtures at the roofline or at shopfront cornice line. These fixtures must be inconspicuous and compatible with the building architecture and project not more than 24 inches from the face of the building.
 - c. All lighting and electrical elements, such as wires, conduits, junction boxes, transformers, ballasts, switches, and panel boxes, must be concealed from view.
 - d. The following lighting methods are not permitted for signs and buildings:
 - (1) Exposed fluorescent lighting.
 - (2) Exposed quartz or mercury vapor lamps.
 - (3) Exposed incandescent lamps other than low wattage, purely decorative lighting and neon as provided for herein.
 - e. The following lighting methods are permitted for signs and buildings:
 - (1) Fully-recessed fluorescent downlights or wall washers in a valance box. Box must run full length of storefront at top of sign area.

- (2) Internally illuminated box signs and individual letters or back-lit (halo) letters. Box signs are not allowed above storefront level.
- (3) Fully-recessed downlights or wall washers in projecting metal box. Box must run length of storefront at top of sign area.
- (4) Shielded fluorescent lamps with diffusers in projecting metal box. Box must run full length of storefront at top of sign area.
- (5) "Gooseneck incandescent," porcelain enamel reflector on bent metal tube arm. Housing must prevent glare at pedestrian eye level.
- (6) Neon tube illumination in the form of a neon tube graphic where a neon tube is bent to form letters, symbols, or other shapes in various colors is permitted as a flat sign above a show window (when enclosed in a sign box and protected by a glass front) and on the inside of show windows.
- (7) Ornamental gas lighting fixtures as permitted by the Baltimore City Building Code.

7. Rear Yards

Where a front, side, or rear yard exists or is created through the demolition of structures, the open areas must be treated in a manner consistent with the following standards.

a. Enclosures of Yards

A rear yard may be enclosed along side and rear property lines by a solid masonry wall or metal grille fence compatible with the architecture of the rear walls of the building. Solid doors or gates may be used to the extent necessary for access and delivery. These walls may not be less than three feet in height. Use of barbed wire or broken glass on top of walls is not permitted. Solid masonry walls may be used where fronting on public streets and adjacent properties.

b. Provision of Parking Area

A rear yard may be used as a parking or loading area providing that it is properly screened, paved, illuminated, and maintained. A sign, not exceeding two square feet in area, may be used to identify and control parking and loading. The owner of the building is responsible for maintenance of the parking area in a neat and clean manner. No storage of trash containers ~~are~~ is allowed in this area, except when housed in permanent enclosures of acceptable design.

- c. Attached or freestanding structures in the rear of the principal structure that are structurally deficient must be properly repaired or demolished. Yards and areaways must be kept free of trash, debris, or any other element that is not a permanent part of the building or a functional element of its mechanical or electrical system.

8. Off-Street Parking

- a. Parking spaces must be provided as required by the Baltimore City Zoning Code, or in such lesser amount as may be authorized by the Board of Municipal and Zoning Appeals as a Special Exception or Variance. In addition to these requirements, off-street parking

areas must be visually screened from public streets and adjacent properties as provided for in the Urban Renewal Plan.

- b. All required parking spaces must be provided with the proper ingress and egress to a public street or alley.
- c. All parking facilities must be effectively screened. When fronting on public streets and adjacent properties, screening may consist of a solid masonry wall or combination masonry wall and metal grille fence, not less than three feet in height. Screening must be maintained in good condition and must be designed and placed so as not to obstruct vehicle sight distances at entrances and exits.
- d. All exterior (surface) parking areas must be paved with a hard, dust-free surface, properly illuminated, and maintained in a neat and clean manner.
- e. A sign, not exceeding 16 square feet in area, may be used to identify and control parking areas.

9. Off-Street Loading, Storage, and Service

- a. Where permitted by the Baltimore City Zoning Code, front, side, or rear yards may be used for loading, storage, or service. In addition to any requirements of the Zoning Code, these areas must be appropriately screened from all adjacent streets, alleys, and properties. Screening must consist of a solid masonry wall or metal grille fence at least three feet in height.
- b. All yards used for loading and vehicle storage and service must be provided with the proper ingress and egress to a public street or alley by means of access drives and aisles. These drives and aisles must be consistent with the intended use of the property and may not be excessive in size.
- c. All exterior (surface) parking areas must be paved with a hard, dust-free surface and must be properly illuminated and maintained in a neat and clean manner.
- d. A sign not exceeding two square feet in area may be used to identify and control loading and service areas.

10. Refuse Storage

All outdoor refuse storage areas and dumpsters on private property must be screened from the view of adjacent properties and public rights-of-way, and no dumpsters or rubbish containers may be exposed at the fronts of buildings. Screening may consist of a masonry wall or metal fence, or combination, not less than five feet in height. Trash storage areas must be maintained in a neat and clean manner at all times.

11. Existing Passageways

- a. All existing passageways fronting on any street or alley providing public access must comply with all of the provisions of this Renewal Plan, especially maintenance and repair of exterior walls.
- b. They must be kept structurally intact and free from hazards to the general public.

- c. They must be kept free of debris by the abutting owner(s).
- d. All masonry surfaces must be repaired and cleaned or painted to present a neat, fresh, and uniform appearance.
- e. Provision for metal security gates at each end of such passageways is the responsibility of the occupants of buildings immediately adjacent. These gates must be provided with a lock. Non-metal gates and non-metal locks are not permitted. It is the responsibility of first floor occupants of buildings, immediately adjacent to both sides of such passageways, to lock gates after normal business hours. Passageways must be provided with sufficient lighting if gates are to be left unlocked during normal business hours of darkness. When security gates are "open," they must be fixed to the wall by a metal latch.

12. Streetscape Standards

All reconstruction of sidewalks, as a result of renovations and redevelopment of properties fronting Central Business District streets, must conform to the Streetscape Design Guidelines established in November 1998, by the City for the Downtown area.

SECTION 10. AND BE IT FURTHER ORDAINED, That all plans for new construction (including parking lots), exterior rehabilitation, repair, expansion or change in use, demolition, or any exterior change of any kind (including signs and lighting) of any property not to be acquired under the provisions of this Plan must be submitted to the Department of Housing and Community Development for review. Only upon finding that the proposed plans are consistent with the objectives of the Urban Renewal Plan may the Commissioner of the Department of Housing and Community Development authorize the processing of the plans for issuance of a building permit. The provisions of this section are in addition to and not in lieu of all other applicable laws and ordinances relating to new construction.

SECTION 11. AND BE IT FURTHER ORDAINED, That the Renewal Plan designates two Special Districts that are considered worthy of special recognition and attention regarding future actions within those districts. These Special Districts, shown on Exhibit E, Special Designations, are considered important as an assemblage of structures and built features, more valuable collectively than individually, contributing to the overall well-being of the historic center of the Downtown area.

In addition, the Renewal Plan designates numerous ~~Designated Properties~~ Notable Properties, which are considered to be an important contribution to the history of the Downtown as it has evolved over time and to the overall aesthetic, social, cultural, and economic well being of the Project Area.

It is the objective of the Renewal Plan in designating the Special Districts and the ~~Designated Properties~~ Notable Properties that the preservation and use of these existing facilities is strongly encouraged, and that private owners and investors, as well as the public sector, is urged to maintain and improve them in an appropriate and approvable manner. It is intended that such maintenance and improvement will be considered as high priority in the targeting of any eligible ~~federal~~ Federal, State, and local laws and programs available to encourage preservation of historic properties.

a. North Charles Street

The North Charles Street Special District encompasses the traditionally upscale specialty retail corridor, primarily Charles Street, linking the downtown commercial area with the cultural institutions and residential areas of Mt. Vernon. The architectural quality, land uses, and pedestrian scale of this historically rich assemblage of early commercial and cultural heritage of Baltimore contribute significantly to the urban fabric and overall aesthetics and economic well

being of the entire Downtown area. The long history and identity of this portion of Charles Street as a commercial corridor, together with its residences, office structures, and religious and cultural institutions, are deserving of preservation as an important urban environmental resource.

More recently, Charles Street and the immediate vicinity exhibit a renewed interest in residential uses. The existence of the Charles Towers, Gallery Place, and Stanbalt buildings as significant residential structures has encouraged a growing reuse of other important structures as residential venues of unique character. Such activity will support the objectives of the Renewal Plan by maintaining and strengthening the viability of the area's specialty retail establishments, as well as increasing the presence of a residential community immediately north of the Central Business District.

Preservation, renovation, and new construction of mixed use residential, commercial, and office facilities in this District are therefore encouraged by the Renewal Plan. Within the North Charles Street Special District, new structures may not exceed the height of 80 feet. This provision is intended to encourage maintenance of the existing pedestrian scale of the area.

b. East Redwood Street

East Redwood Street exhibits an unmistakable testimony to the early financial and commerce center of Baltimore in the mid-Atlantic region. This early-developed Financial District, typified by the historically significant buildings along Redwood Street, is one of the few areas of the Downtown urban core to have retained its architectural integrity. The collection of classically designed, imposing structures, rich in detail and craftsmanship, contributes a unique character and identity of scale, quality, and ambiance. These structures, because of their quality and association with the commercial history of the City, constitute a valuable cultural, aesthetic, and environmental resource.

The structures in the East Redwood Street District represent an important opportunity for historic preservation, renovation, and adaptive reuse. Examples of such potential include the Hansa House, 7 East Redwood, and 222 East Redwood. Future development activity within this District should strive to maintain and enhance the unique and historic context of the District. Preservation and adaptive reuse of existing structures is strongly encouraged as an objective of the Renewal Plan.

c. Designated Properties Notable Properties

The preservation, maintenance, improvement, and continued use of the following individual ~~Designated Properties~~ Notable Properties are deemed of significant importance to the overall well-being and quality of the City. These properties embody the evolution of the City and its architectural and urban design heritage. It is an objective of the Renewal Plan to encourage the preservation and use of these built features:

<u>Property Name</u>	<u>Address</u>
1. 1820 Houses	<u>100 East Pleasant Street and 333 St. Paul Place</u>
† 2. All-Stor Building (former flour warehouse)	211 Pleasant Street
2 3. American Building	231 East Baltimore Street
3 4. Appraisers Store	103 South Gay Street

4 <u>5</u> . B & O Railroad Building	2 North Charles Street
5 <u>6</u> . BGE Building (old and new)	39 and 29 West Lexington Street
6 <u>7</u> . Baltimore City Hall	100 Holliday Street
7 <u>8</u> . Candler Building	115 Market Place
8 <u>9</u> . Chamber of Commerce Building	17 Commerce Street
9 <u>10</u> . Court Square Building	200-204 East Lexington Street
10 <u>11</u> . Custom House	40 South Gay Street
11 <u>12</u> . Equitable Building	12 North Calvert Street
12 <u>13</u> . Fidelity & Deposit Building	200 North Charles Street
13 <u>14</u> . First Union Bank Building (former Savings Bank of Baltimore)	1 East Baltimore Street
14 <u>15</u> . Gay Street Fire Station	6-14 South Gay Street
15 <u>16</u> . Hilton Hotel (former Lord Baltimore Hotel)	28 West Baltimore Street
16 <u>17</u> . Hotel Junker	20-22 East Layette Street
17 <u>18</u> . Jos. Schloss & Son Building	5 East Lexington Street
18 <u>19</u> . Macht Building	11 East Fayette Street
19 <u>20</u> . Manufacturer's Record Building	218-20 East Lexington Street
20 <u>21</u> . Marine Bank Building	29-33 South Gay Street
21 <u>22</u> . Mercantile Safe Deposit & Trust Bank Building	2 Hopkins Plaza
<u>23</u> . Miller Building	<u>31 Light Street</u>
22 <u>24</u> . Mitchell Court House	100 North Calvert Street
23 <u>25</u> . Munsey Building	5-9 North Calvert Street
24 <u>26</u> . One Charles Center	100 North Charles Street
25 <u>27</u> . One South Calvert Building	201-207 East Baltimore Street
26 <u>28</u> . One East Lexington Street Building	1-3 East Lexington Street
27 <u>29</u> . Pattison & Gahan Building	7 East Lexington Street

28 <u>30</u> . Peale Museum	223-225 Holliday Street
29 <u>31</u> . Port Discovery Children's Museum (former Fish Market)	35 Market Place
30 <u>32</u> . Provident Bank (former Federal Reserve Bank)	114-120 East Lexington Street
31 <u>33</u> . Standard Oil Building (Stanbalt Building)	501 St. Paul Street
32 <u>34</u> . Supplee Building	11 East Lexington Street
33 <u>35</u> . St. Paul Plaza	100 St. Paul Street
34 <u>36</u> . The Gayety Theatre	403 East Baltimore Street
35 <u>37</u> . Title Building	102-110 St. Paul Street
36 <u>38</u> . U.S. Post Office Building	111 North Calvert Street
37 <u>39</u> . War Memorial Building	101 North Gay Street
38 <u>40</u> . Zion Lutheran Church	140 North Gay Street

d. Development Standards for Special Districts and ~~Designated Properties~~ Notable Properties

- (1) No demolition of an existing structure within a Special District or listed as a ~~Designated Property~~ Notable Property is allowed, unless the structure is demonstrated to be economically infeasible for preservation and reuse according to the intent of the Renewal Plan, or unless required for purposes of public health and safety, without specific approval by the Department.
- (2) Whenever a property owner shows that an existing structure within a Special District or listed as a ~~Designated Property~~ Notable Property is incapable of earning an economic return on its value, as determined by a qualified appraiser and by standard practices of economic analysis, that structure may be demolished, subject to the provisions of Section E.5.c. of the Urban Renewal Plan.
- (3) Demolition of structures meeting criteria (1) and (2) above may be granted by the Commissioner only upon submittal of an acceptable reuse and redevelopment plan for the property.
- (4) Any new development or redevelopment within the Special Districts must respect the quality, design, scale, and materials of adjoining structures.
- (5) All redevelopment, exterior alterations and signage applied to ~~Designated Properties~~ Notable Properties or to structures within the Special Districts may be referred for review by the Commission for Historic and Architectural Preservation (CHAP) for compliance with historic landmark designation and legislation.

e. Designated Open Space

The following public areas are identified as Designated Open Space, to ensure their continued presence in the Central Business District, to provide for public function as passive and active recreational space. Modifications, reconfiguration, or enhancements may be undertaken to these spaces. In such case, the Department shall allow for the potential for private participation in the redevelopment or reconfiguration. They are to be preserved, however, for use and enjoyment by the general public.

A. Battle Monument	Calvert Street between East Fayette and East Lexington Street
B. Center Plaza	Charles Center (north of Layette Street)
C. Court House Plaza	West side <u>of</u> St. Paul Street between East Lexington and East Fayette Streets
D. Holocaust Memorial	East side of South Gay Street between Water and East Lombard Streets
E. Hopkins Plaza	Charles Center (south of Baltimore Street)
F. Market Place	North side of Water Street to North side of Pratt Street
G. Preston Gardens	Bounded by St. Paul Street/St. Paul Place/East Centre Street/ East Lexington Street
H. War Memorial Plaza	Bounded by Holliday/East Layette/East Lexington/North Gay Street
I. <u>Water Street</u>	<u>Between Grant and Light Streets</u>

SECTION 12. AND BE IT FURTHER ORDAINED, That the Commissioner reserves the right to acquire any ~~Designated Property~~ Notable Property or property(s) within the Special Districts for which demolition is proposed. If the Commissioner denies a permit to demolish a ~~Designated Property~~ Notable Property or building(s) within a Special District for redevelopment that is consistent with the objectives of the Urban Renewal Plan, except for the objectives related to the preservation of the Special Districts or ~~Designated Properties~~ Notable Properties contributing to the unique quality of the CBD, the following procedures are required:

- (1) The owner of that property(s) must, upon application for a demolition permit, give public notice of the proposed demolition for a period of 12 months. The notice must be posted on the premises of the structure proposed for demolition in a location and manner clearly visible from the primary public street(s) adjacent to the property. In addition, notice must be published in a newspaper of general circulation at least two times prior to demolition, the first notice of which must be published not more than 10 calendar days after demolition permit application; the final notice must be published not less than 15 calendar days prior to the expiration of the 12-month notification period.
- (2) The Commissioner must, within 90 days of denial of the demolition permit, seek approval of the Board of Estimates to acquire for and on behalf of the Mayor and City Council of Baltimore, the property, in whole or in part, on which the demolition was to have occurred, by purchase, lease, condemnation, gift, or other legal means for the renovation, rehabilitation, and disposition of the property. In the event that the Board of Estimates fails to authorize acquisition, the Commissioner must cease acquisition proceedings for the property. Should acquisition and preservation of the

building not otherwise be arranged nor shown reasonably possible, the Commissioner must, without delay, issue the demolition permit following expiration of the 12-month notification period provided for in Section 5.c.(1) of the Urban Renewal Plan.

The purpose of this provision is to preserve, wherever possible, historic or significant structures important to the culture, traditions, and economic values of the City by giving the City, interested persons, historical societies, or other entities the opportunity to acquire or to arrange for preservation of these structures.

SECTION 13. AND BE IT FURTHER ORDAINED, That certain disposition lots may be created and appropriate standards and controls to govern their development must be formulated, all as set forth in the Urban Renewal Plan in Section E.5.d. entitled "Actions to be Followed by the Department Upon Acquisition of Properties" and on Exhibit B, Property Land Disposition, ~~dated October 20, 2000~~.

SECTION 14. AND BE IT FURTHER ORDAINED, That the permitted land use in the Central Business and Central Commercial Districts is Mixed as set forth in the Urban Renewal Plan in Section D.2. entitled "Definition of General Use" and on Exhibit C, Land Use Plan, ~~dated October 20, 2000~~.

SECTION 15. AND BE IT FURTHER ORDAINED, That the Land Use Provisions for mixed use, as contained in Section D.3. of the Plan prohibits the following uses and facilities within the Project Area:

Any drive-in commercial establishments except those contained entirely within structures; general outdoor advertising signs; motor vehicle rental establishments except those contained entirely within enclosed structures or parking garages; highway maintenance shops and yards; mobile home sales; animal hospitals; automobile accessory stores including repair and installation services except those contained entirely within structures; automobile painting shops; boat sales, rental and repair establishments; contractor and construction shops and yards; and motor vehicle sales.

SECTION 16. AND BE IT FURTHER ORDAINED, That the controls applicable to all new construction and redevelopment within the Project Area, as contained in Section G.1. of the Urban Renewal Plan, are approved.

SECTION 17. AND BE IT FURTHER ORDAINED, That if the Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived, and the Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 18. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 19. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 20. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved May 25, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-171
(Council Bill 01-407)**

AN ORDINANCE CONCERNING

Chesapeake Regional Olympic Games Authority

FOR the purpose of establishing, through an interstate compact among the State of Maryland, the City of Baltimore, the Commonwealth of Virginia, and the District of Columbia, the Chesapeake Regional Olympic Games Authority for the purpose of overseeing the conduct of the 2012 Olympic Games under certain circumstances; providing for the termination, composition, terms of the voting members, meetings, and financial controls of the Regional Authority; requiring the Regional Authority to comply with certain local laws; requiring the Organizing Committee for the Olympic Games to fund the Regional Authority under certain circumstances; granting certain oversight authority to the Regional Authority over the Organizing Committee for the Olympic Games; providing for the indemnification of the Regional Authority under certain circumstances; imposing certain requirements on the signatories to the compact; defining certain terms; making this Ordinance subject to a certain contingency; providing for a special effective date; and generally relating to the Chesapeake Regional Olympic Games Authority Act.

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 42-1 through 42-4, inclusive, to be under the new subtitle,

“Subtitle 42. Chesapeake Regional Olympic Games Authority Act”

Baltimore City Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

SUBTITLE 42. CHESAPEAKE REGIONAL OLYMPIC GAMES AUTHORITY ACT

§ 42-1. DEFINITIONS.

IN THE INTERSTATE COMPACT SET FORTH IN § 42-4 OF THIS SUBTITLE, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, “ARTICLE”, “SECTION”, AND “SUBSECTION” MEAN AN ARTICLE, SECTION, AND SUBSECTION, RESPECTIVELY, OF THE COMPACT.

§ 42-2. EXECUTION FOR CITY.

ON BEHALF OF THE MAYOR AND CITY COUNCIL OF BALTIMORE, THE MAYOR SHALL EXECUTE, WITH THE STATE OF MARYLAND, THE COMMONWEALTH OF VIRGINIA, AND THE DISTRICT OF COLUMBIA, AN INTERSTATE COMPACT SUBSTANTIALLY AS IT APPEARS IN § 42-4 OF THIS SUBTITLE.

§ 42-3. ENTRY INTO COMPACT; SHORT TITLE.**(A) ENTRY INTO COMPACT.**

THE STATE OF MARYLAND, THE CITY OF BALTIMORE, THE COMMONWEALTH OF VIRGINIA, AND THE DISTRICT OF COLUMBIA, ENTER INTO AN INTERSTATE COMPACT, AS SET FORTH IN § 42-4 OF THIS SUBTITLE, FOR THE PURPOSE OF HOSTING THE 2012 OLYMPIC GAMES.

(B) SHORT TITLE.

THIS INTERSTATE COMPACT SHALL BE KNOWN AND MAY BE CITED AS THE "CHESAPEAKE REGIONAL OLYMPIC GAMES AUTHORITY ACT".

§ 42-4. TEXT OF COMPACT.

THE INTERSTATE COMPACT IS AS FOLLOWS:

**ARTICLE I
FINDINGS**

1. THE MAYOR AND CITY COUNCIL OF BALTIMORE MAKES THE FOLLOWING FINDINGS.
2. FOR SOME TIME NOW, THE STATE OF MARYLAND, THE CITY OF BALTIMORE, THE DISTRICT OF COLUMBIA, AND THE COMMONWEALTH OF VIRGINIA, THROUGH THE NONPROFIT ORGANIZATION KNOWN AS THE WASHINGTON/BALTIMORE REGIONAL 2012 COALITION ("WBRC 2012"), HAVE BEEN ACTIVELY ENGAGED IN NATIONAL COMPETITION TO WIN THE U.S. CANDIDATE CITY DESIGNATION AND, SUBSEQUENTLY, THE HOST CITY DESIGNATION AND THE RIGHT TO HOST THE 2012 OLYMPIC GAMES.
3. HOSTING THE OLYMPIC GAMES WILL PROVIDE SEVERAL MAJOR, LASTING, AND UNIQUE BENEFITS FOR ALL OF THE CITIZENS OF THE CHESAPEAKE REGION, INCLUDING:
 - (A) DIRECT, POSITIVE ECONOMIC IMPACT ON OUR REGIONAL ECONOMY;
 - (B) AN OPPORTUNITY TO SHOWCASE OUR REGION TO THE WORLD;
 - (C) A CATALYST FOR REGIONAL ACTION; AND
 - (D) A RENEWED SENSE OF PRIDE, ALONG WITH A TANGIBLE LEGACY (E.G., NEW AND IMPROVED VENUES AND ENHANCED TRANSPORTATION INFRASTRUCTURE).
4. INDEPENDENT ECONOMIC STUDIES SHOW THAT PREPARING FOR AND HOSTING THE OLYMPIC GAMES WILL HAVE A POSITIVE ECONOMIC IMPACT ON THE REGION, INCLUDING:
 - (A) DIRECT AND INDIRECT SPENDING IN EXCESS OF \$5,000,000,000;
 - (B) THE CREATION OF APPROXIMATELY 70,000 JOBS;

- (C) INCREASED TAX REVENUES RESULTING FROM OLYMPIC-RELATED ECONOMIC ACTIVITY IN EXCESS OF \$130,000,000, WITHOUT RAISING OR CREATING ANY NEW TAXES; AND
 - (D) A LASTING IMPROVEMENT IN THE REGION'S COMPETITIVE POSITION WITHIN THE TRAVEL/TOURISM INDUSTRY, AS WELL AS THE REGION'S ABILITY TO ATTRACT NEW BUSINESSES.
5. THE CITIZENS OF THE REGION HAVE RESPONDED POSITIVELY TO WBRC 2012'S EFFORTS AND HAVE SOLIDLY EMBRACED THE CAUSE TO HOST THE OLYMPIC GAMES, EXPRESSED IN PART BY THE ENDORSEMENT OF SCORES OF LOCAL BUSINESS, CIVIC, GOVERNMENTAL, ACADEMIC, AND AMATEUR SPORTS ORGANIZATIONS, AND BY SURVEY RESULTS THAT SHOW:
- (A) 82% OF THE REGION'S RESIDENTS SUPPORT THE EFFORT TO BRING THE 2012 OLYMPIC GAMES TO THIS AREA; AND
 - (B) 86% OF AREA RESIDENTS BELIEVE THAT THE OLYMPIC GAMES WILL BRING SUBSTANTIAL ECONOMIC BENEFITS TO OUR REGION.
6. THROUGH THE SUBMISSION OF THE REGION'S OFFICIAL BID PROPOSAL TO THE UNITED STATES OLYMPIC COMMITTEE ("USOC") ON DECEMBER 15, 2000, WBRC 2012 REACHED A MILESTONE IN THE PROCESS OF CAPTURING THE OLYMPIC GAMES BY PROVIDING A 631-PAGE LOGISTICAL, OPERATIONAL, AND FINANCIAL BLUEPRINT FOR HOSTING THE 2012 GAMES.
7. THE BID PROPOSAL HIGHLIGHTS THE GREAT VENUES AND VISTAS FOUND IN OUR REGION AND IS DEVELOPED AROUND KEY PRINCIPLES, INCLUDING:
- (A) BUILDING LESS, NOT MORE;
 - (B) UTILIZING MASS TRANSIT; AND
 - (C) PROTECTING THE ENVIRONMENT.
8. IN ADDITION TO THE REGION'S BID PROPOSAL, THE USOC AND THE INTERNATIONAL OLYMPIC COMMITTEE ("IOC") REQUIRE CERTAIN GOVERNMENT GUARANTEES AND COMMITMENTS IN CONJUNCTION WITH HOSTING THE 2012 OLYMPIC GAMES, SHOULD OUR REGION WIN THE U.S. CANDIDATE CITY DESIGNATION.
9. OUR UNIQUE REGIONAL APPROACH TO WINNING THE RIGHT TO HOST THE OLYMPIC GAMES CREATES THE ADDED COMPLICATION OF DETERMINING WHICH ENTITIES WILL PROVIDE THE NECESSARY GUARANTEES.
10. IT IS INCUMBENT UPON WBRC 2012 AND GOVERNMENT LEADERS TO MOVE FORWARD TOGETHER NOW TO CRAFT THE SOLUTION THAT BEST "LIVES REGIONALISM" AND MAXIMIZES THE REGION'S CHANCES OF WINNING THE 2012 OLYMPIC GAMES AND REAPING THE MANY BENEFITS THAT COME WITH THIS HONOR.
11. GIVEN THAT ALL FOUR JURISDICTIONS — VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND BALTIMORE — WILL HOST A SIGNIFICANT NUMBER OF EVENTS AND REAP SUBSTANTIAL BENEFITS, THE MOST EFFECTIVE SOLUTION FOR ALL FOUR JURISDICTIONS IS TO ENTER INTO A SINGLE AGREEMENT THAT GIVES THE USOC (AND, SUBSEQUENTLY, THE IOC) A SINGLE FOCAL POINT AND A UNITED FRONT THAT REFLECTS THE REGIONAL NATURE OF OUR BID.

**ARTICLE II
PURPOSE**

THE PURPOSE OF THIS COMPACT IS TO CREATE A REGIONAL AUTHORITY TO OVERSEE THE CONDUCT OF THE 2012 OLYMPIC GAMES, COORDINATED AND MANAGED BY THE LOCAL ORGANIZING COMMITTEE FOR THE OLYMPIC GAMES, AND TO ASSURE THAT THE REGION'S GUARANTEES AND COMMITMENTS ACCEPTED IN CONJUNCTION WITH HOSTING THE OLYMPIC GAMES ARE FULFILLED.

**ARTICLE III
DEFINITIONS**

1. *IN GENERAL.*

FOR THE PURPOSES OF THIS COMPACT, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

2. *BID PROPOSAL.*

"BID PROPOSAL" MEANS THE BID FORMALLY SUBMITTED BY WBRC 2012 TO THE USOC ON DECEMBER 15, 2000.

3. *HOST CITY.*

"HOST CITY" MEANS THE ENTITY SELECTED BY THE INTERNATIONAL OLYMPIC COMMITTEE TO HOST THE 2012 OLYMPIC GAMES.

4. *INTERNATIONAL OLYMPIC COMMITTEE (IOC).*

"INTERNATIONAL OLYMPIC COMMITTEE" OR "IOC" MEANS THE INTERNATIONAL OLYMPIC COMMITTEE, A BODY CORPORATE UNDER INTERNATIONAL LAW CREATED BY THE CONGRESS OF PARIS OF 23RD JUNE, 1894, AND HAVING PERPETUAL SUCCESSION.

5. *OLYMPIC GAMES.*

"OLYMPIC GAMES" MEANS ANY OLYMPIC GAMES SPONSORED AND GOVERNED BY THE INTERNATIONAL OLYMPIC COMMITTEE AND ANY OTHER RELATED OR PRELIMINARY EDUCATIONAL, CULTURAL, ATHLETIC, OR SPORTING EVENTS.

6. *ORGANIZING COMMITTEE FOR OLYMPIC GAMES (OCOG).*

"ORGANIZING COMMITTEE FOR THE OLYMPIC GAMES," OR "OCOG" MEANS THE COMMITTEE FORMED BY WBRC 2012 TO ORGANIZE AND CONDUCT THE OLYMPIC GAMES, IF WBRC 2012 IS SELECTED BY THE IOC AS THE HOST CITY IN 2005.

7. *REGIONAL AUTHORITY.*

"REGIONAL AUTHORITY" MEANS THE CHESAPEAKE REGIONAL OLYMPIC GAMES AUTHORITY.

8. *SIGNATORIES.*

"SIGNATORIES" MEANS THE COMMONWEALTH OF VIRGINIA, THE STATE OF MARYLAND, THE DISTRICT OF COLUMBIA, AND THE MAYOR AND CITY COUNCIL OF BALTIMORE.

9. *UNITED STATES OLYMPIC COMMITTEE.*

“UNITED STATES OLYMPIC COMMITTEE” OR “USOC” MEANS THE UNITED STATES OLYMPIC COMMITTEE, INCORPORATED BY ACT OF CONGRESS ON SEPTEMBER 21, 1950, AND HAVING PERPETUAL SUCCESSION.

10. *U.S. CANDIDATE CITY.*

“U.S. CANDIDATE CITY” MEANS THE ENTITY THAT RECEIVES THE UNITED STATES OLYMPIC COMMITTEE’S ENDORSEMENT TO SUBMIT TO THE IOC THE SOLE BID FROM THE UNITED STATES FOR HOSTING THE 2012 OLYMPIC GAMES.

11. *WBRC 2012.*

“WBRC 2012” MEANS THE WASHINGTON/BALTIMORE REGIONAL 2012 COALITION, A NOT-FOR-PROFIT CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF MARYLAND, AND ITS SUCCESSORS.

ARTICLE IV
CREATION OF REGIONAL AUTHORITY

1. *IN GENERAL.*

IN THIS COMPACT, THE SIGNATORIES PROVIDE THE MECHANISM FOR THE CREATION AND TERMINATION OF THE CHESAPEAKE REGIONAL OLYMPIC GAMES AUTHORITY, WHICH SHALL BE AN INSTRUMENTALITY OF THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF VIRGINIA, THE STATE OF MARYLAND, AND THE MAYOR AND CITY COUNCIL OF BALTIMORE, AND SHALL HAVE THE POWERS AND DUTIES SET FORTH IN THIS COMPACT, AND THOSE ADDITIONAL POWERS AND DUTIES CONFERRED UPON IT BY SUBSEQUENT ACTIONS OF THE SIGNATORIES.

2. *CREATION.*

THE REGIONAL AUTHORITY SHALL COME INTO EXISTENCE BY THE FORCE OF THIS COMPACT WHEN AND IF, AND ONLY IF, THE IOC AWARDS THE 2012 OLYMPIC GAMES IN YEAR 2005 TO WBRC 2012, AS THE U.S. CANDIDATE CITY AND THE OFFICIAL REPRESENTATIVE OF THE MARYLAND, VIRGINIA, DISTRICT OF COLUMBIA, AND BALTIMORE REGION.

3. *TERMINATION.*

IF EVER BROUGHT INTO EXISTENCE, THE REGIONAL AUTHORITY SHALL CEASE TO EXIST BY THE FORCE OF THIS COMPACT ON JANUARY 1, 2014, UNLESS EXTENDED BY SUBSTANTIALLY SIMILAR FUTURE LEGISLATION ENACTED BY EACH OF THE SIGNATORIES.

3. *ACTIONS BINDING ON AUTHORITY.*

(A) *IN GENERAL.*

UNTIL THE REGIONAL AUTHORITY IS TRIGGERED INTO EXISTENCE, THE COMBINED SIGNATURES OF THE GOVERNORS OF VIRGINIA AND MARYLAND AND THE MAYORS OF THE DISTRICT OF COLUMBIA AND THE CITY OF BALTIMORE, ON ANY AND ALL DOCUMENTS NECESSARY AND APPROPRIATE TO THE PURSUIT OF THE 2012 OLYMPIC GAMES ARE BINDING ON FUTURE ACTIONS OF THE REGIONAL AUTHORITY.

(B) *COUNTERPARTS; UNANIMITY.*

FOR THE PURPOSES OF THIS SUBSECTION:

- (1) THE FOUR SIGNATURES MAY BE ON THE SAME DOCUMENT, ON SEPARATE BUT MATERIALLY AND SUBSTANTIALLY SIMILAR DOCUMENTS, OR ON ANY COMBINATION OF THESE; AND
- (2) NO INDIVIDUAL SIGNATURE IS EFFECTIVE UNTIL ALL FOUR SIGNATURES ARE OBTAINED.

ARTICLE V
AUTHORITY COMPOSITION; TERMS OF SERVICE;
ORDER OF BUSINESS; ACCOUNTING

1. *COMPOSITION.*

(A) *VOTING MEMBERS.*

THE REGIONAL AUTHORITY SHALL BE COMPOSED OF 11 VOTING MEMBERS, AS FOLLOWS:

- (1) THE STATE OF MARYLAND IS ENTITLED TO 3 VOTING MEMBERS, TO BE APPOINTED BY ITS GOVERNOR;
- (2) THE COMMONWEALTH OF VIRGINIA IS ENTITLED TO 3 VOTING MEMBERS, TO BE APPOINTED BY ITS GOVERNOR;
- (3) THE DISTRICT OF COLUMBIA IS ENTITLED TO 3 VOTING MEMBERS, TO BE APPOINTED BY ITS MAYOR;
- (4) THE CITY OF BALTIMORE IS ENTITLED TO 1 VOTING MEMBER, TO BE APPOINTED BY ITS MAYOR; AND
- (5) THE WBRC 2012 OR THE OCOG FORMED BY THE WBRC 2012 IS ENTITLED TO 1 VOTING MEMBER, TO BE APPOINTED IN A MANNER CONSISTENT WITH ITS USUAL PROCEDURE.

(B) *ADVISORY MEMBERS.*

THE REGIONAL AUTHORITY SHALL CAUSE TO BE FORMED A REGIONAL AUTHORITY ADVISORY COMMITTEE, WHICH SHALL COMPRISE ADVISORY MEMBERS REPRESENTING EACH OF THE LOCAL JURISDICTIONS SUBSTANTIALLY IMPACTED BY HOSTING THE OLYMPIC GAMES IN THE REGION, IN A MANNER TO BE DETERMINED BY THE REGIONAL AUTHORITY.

(C) *QUALIFICATIONS.*

REASONABLE EFFORTS SHOULD BE MADE TO ENSURE THAT VOTING MEMBERS AND ADVISORY MEMBERS:

- (1) ARE RESIDENTS OF THE REGIONAL COMMUNITY WITH RELEVANT AND USEFUL EXPERIENCE, AND WITH SUFFICIENT TIME TO DEVOTE TO THE DUTIES OF THE REGIONAL AUTHORITY, TO HELP FACILITATE THE SUCCESSFUL HOSTING OF THE OLYMPIC GAMES;
- (2) REFLECT THE GEOGRAPHICAL DIVERSITY INHERENT IN THE REGIONAL NATURE OF WBRC 2012'S BID PROPOSAL; AND

- (3) REFLECT THE CULTURAL, ETHNIC, AND RACIAL DIVERSITY INHERENT IN THE CHESAPEAKE REGION.

(D) *COMPENSATION; EXPENSES.*

- (1) VOTING MEMBERS MAY NOT BE FINANCIALLY COMPENSATED FOR THEIR SERVICE ON THE REGIONAL AUTHORITY. THAT SERVICE SHALL BE CONSIDERED VOLUNTARY.
- (2) VOTING MEMBERS MAY BE REIMBURSED BY THE REGIONAL AUTHORITY FOR NORMAL AND CUSTOMARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

2. *TERMS.*

(A) *IN GENERAL.*

- (1) THE INITIAL TERM OF OFFICE OF A VOTING MEMBER IS 2 YEARS FROM THE DATE OF APPOINTMENT, AND EACH SUBSEQUENT TERM OF OFFICE OF A VOTING MEMBER IS 2 YEARS.
- (2) EACH VOTING MEMBER HOLDS OFFICE UNTIL HIS OR HER SUCCESSOR IS APPOINTED AND DULY QUALIFIED.
- (3) ANY VOTING MEMBER OF THE REGIONAL AUTHORITY MAY SUCCEED HIMSELF OR HERSELF.

(B) *VACANCIES.*

- (1) ALL VACANCIES IN THE MEMBERSHIP OF THE VOTING MEMBERS OF THE REGIONAL AUTHORITY, WHETHER CAUSED BY EXPIRATION OF TERM OF OFFICE, DEATH, RESIGNATION, OR OTHERWISE, SHALL BE FILLED IN THE SAME MANNER AS THAT MEMBERSHIP WAS ORIGINALLY FILLED.
- (2) THE TERM OF ANY VOTING MEMBER, APPOINTED TO FILL AN UNEXPIRED TERM, SHALL BE FOR THE REMAINDER OF THE TERM.

3. *OFFICERS.*

(A) *ELECTION.*

THE REGIONAL AUTHORITY SHALL ELECT FROM ITS MEMBERSHIP A CHAIRMAN, A VICE CHAIRMAN, A SECRETARY, AND A TREASURER.

(B) *TERMS.*

THESE OFFICERS SHALL SERVE FOR THE TERMS PRESCRIBED BY RESOLUTION OF THE REGIONAL AUTHORITY OR UNTIL THEIR SUCCESSORS ARE ELECTED AND QUALIFIED.

(C) *DUAL OFFICES PRECLUDED.*

NO VOTING MEMBER OF THE REGIONAL AUTHORITY MAY HOLD MORE THAN ONE OFFICE ON THE REGIONAL AUTHORITY.

4. *MEETINGS.*

(A) *REGULAR MEETINGS.*

REGULAR MEETINGS OF THE REGIONAL AUTHORITY SHALL BE HELD ON THE DATES AND AT THE TIME AND PLACE FIXED BY RESOLUTION OF THE REGIONAL AUTHORITY.

(B) *SPECIAL MEETINGS*

SPECIAL MEETINGS OF THE REGIONAL AUTHORITY MAY BE CALLED BY RESOLUTION OF THE AUTHORITY, BY THE CHAIRMAN OR VICE CHAIRMAN, OR UPON THE WRITTEN REQUEST OF AT LEAST 3 VOTING MEMBERS OF THE REGIONAL AUTHORITY.

(C) *NOTICE.*

WRITTEN NOTICE OF ALL MEETINGS SHALL BE DELIVERED TO EACH VOTING MEMBER, NOT LESS THAN 3 DAYS PRIOR TO THE DATE OF THE MEETING IN THE CASE OF REGULAR MEETINGS AND NOT LESS THAN 24 HOURS IN THE CASE OF SPECIAL MEETINGS.

(D) *ATTENDANCE.*

EACH VOTING MEMBER SHOULD MAKE ALL REASONABLE EFFORTS TO ATTEND MEETINGS CALLED BY THE REGIONAL AUTHORITY.

(E) *QUORUM; VOTING.*

- (1) A MAJORITY OF THE VOTING MEMBERS OF THE REGIONAL AUTHORITY IN OFFICE CONSTITUTES A QUORUM.
- (2) A MAJORITY OF THE QUORUM IS EMPOWERED TO EXERCISE ALL THE RIGHTS AND PERFORM ALL THE DUTIES OF THE REGIONAL AUTHORITY, AND NO VACANCY ON THE REGIONAL AUTHORITY IMPAIRS THE RIGHT OF THAT MAJORITY TO ACT.
- (3) IF LESS THAN A QUORUM IS PRESENT AT ANY MEETING, A MAJORITY OF THOSE PRESENT MAY ADJOURN THE MEETING TO A FIXED TIME AND PLACE, AND NOTICE OF THAT TIME AND PLACE SHALL BE GIVEN IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION. HOWEVER, IF THE NOTICE PERIOD UNDER SUBSECTION (C) OF THIS SECTION CANNOT REASONABLY BE COMPLIED WITH, THE NOTICE, IF ANY, OF THE ADJOURNED MEETING SHALL BE GIVEN AS IS REASONABLY PRACTICAL.

5. *RULES AND REGULATIONS.*

THE REGIONAL AUTHORITY SHALL ESTABLISH RULES AND REGULATIONS FOR ITS OWN GOVERNANCE, NOT INCONSISTENT WITH THIS COMPACT.

6. *ACCOUNTING.*

(A) *FINANCIAL RECORDS, ETC.*

- (1) THE REGIONAL AUTHORITY SHALL PROVIDE FOR A SYSTEM OF FINANCIAL ACCOUNTING AND CONTROLS, AUDITS, AND REPORTS.

- (2) ALL ACCOUNTING SYSTEMS AND RECORDS, AUDITING PROCEDURES AND STANDARDS, AND FINANCIAL REPORTING SHALL CONFORM TO GENERALLY ACCEPTED PRINCIPLES OF GOVERNMENTAL ACCOUNTING.
 - (3) ALL FINANCIAL RECORDS, REPORTS, AND DOCUMENTS OF THE REGIONAL AUTHORITY ARE PUBLIC RECORDS AND OPEN TO PUBLIC INSPECTION UNDER REASONABLE REGULATIONS PRESCRIBED BY THE REGIONAL AUTHORITY.
- (B) *FISCAL YEAR, FUNDS, ETC.*
- (1) THE REGIONAL AUTHORITY SHALL:
 - (I) ADOPT A FISCAL YEAR;
 - (II) ESTABLISH A SYSTEM OF ACCOUNTING AND FINANCIAL CONTROL;
 - (III) DESIGNATE THE NECESSARY FUNDS FOR COMPLETE ACCOUNTABILITY; AND
 - (IV) SPECIFY THE BASIS OF ACCOUNTING FOR EACH FUND.
 - (2) THE REGIONAL AUTHORITY SHALL CAUSE TO BE PREPARED:
 - (I) A FINANCIAL REPORT ON ALL FUNDS AT LEAST QUARTERLY; AND
 - (II) A COMPREHENSIVE REPORT ON THE FISCAL OPERATIONS AND CONDITIONS OF THE REGIONAL AUTHORITY ANNUALLY.

ARTICLE VI COMPLIANCE WITH LOCAL LAW

THE REGIONAL AUTHORITY SHALL MAKE EVERY EFFORT TO COMPLY WITH THE LOCAL LAWS OF EACH OF THE SIGNATORIES TO THIS ACT, REGARDING DISCLOSURE, APPOINTMENT, AND OPEN MEETINGS.

ARTICLE VII FUNDING OF REGIONAL AUTHORITY

1. *OCOG TO PROVIDE OPERATION FUNDS.*

THE OCOG WILL PROVIDE REASONABLE FUNDS FOR THE OPERATION OF THE REGIONAL AUTHORITY AND THE CONDUCT OF ITS BUSINESS IN ACCORDANCE WITH THE PROVISIONS OF THIS COMPACT.

2. *INSURANCE PREMIUMS.*

FOR THE PURPOSES OF SECTION 1 OF THIS ARTICLE, INSURANCE PREMIUMS INCURRED BY THE REGIONAL AUTHORITY UNDER THE AUTHORITY GRANTED TO IT BY ARTICLE VIII ARE NOT CONSIDERED OPERATIONS FUNDS. THE OCOG SHALL PAY ONLY THOSE INSURANCE PREMIUMS THAT ARE REASONABLE.

3. *FINANCIAL LIABILITY.*

THE OCOG IS NOT RESPONSIBLE FOR ANY FINANCIAL LIABILITY THAT THE REGIONAL AUTHORITY INCURS UNDER ARTICLE VIII OF THIS COMPACT.

4. *ANNUAL BUDGET.*

THE REGIONAL AUTHORITY SHALL SUBMIT TO THE OCOG A PLANNED BUDGET FOR THE REGIONAL AUTHORITY'S NEXT FISCAL YEAR, ADOPTED CONSISTENT WITH ARTICLE V, SECTION 6(B) OF THIS COMPACT, NO LESS THAN 90 DAYS BEFORE THE BEGINNING OF THE NEXT FISCAL YEAR.

**ARTICLE VIII
AUTHORITY OVERSIGHT OF ORGANIZING COMMITTEE;
ADDITIONAL POWERS AND DUTIES**

1. *ACCESS TO RECORDS.*

IN RECOGNITION OF ITS OVERSIGHT RESPONSIBILITY OVER THE OCOG, THE REGIONAL AUTHORITY SHALL HAVE ACCESS TO:

- (A) THE QUARTERLY FINANCIAL STATEMENTS OF THE OCOG;
- (B) THE ANNUAL BUSINESS PLANS OF THE OCOG; AND
- (C) ALL OTHER OCOG DOCUMENTS NECESSARY TO ACHIEVE THE REGIONAL AUTHORITY'S OVERSIGHT PURPOSE.

2. *ENFORCEMENT OF CHANGES.*

THE REGIONAL AUTHORITY HAS THE POWER TO ENFORCE OCOG BUDGETARY AND PLANNING CHANGES WHEN:

- (A) REVIEW BY THE REGIONAL AUTHORITY OF THE OCOG FINANCIAL STATEMENTS, ANNUAL BUSINESS PLANS, OR OTHER DOCUMENTS CONTEMPLATED IN ARTICLE VIII, SECTION 1 OF THIS COMPACT SUGGESTS:
 - (I) ECONOMIC SHORTFALLS THAT WOULD POSSIBLY TRIGGER THE REGIONAL AUTHORITY'S LIABILITY OUTLINED IN ARTICLE VIII, SECTION 3 OF THIS COMPACT;
OR
 - (II) THE OCOG WILL FAIL TO HOST THE OLYMPIC GAMES IN A MANNER THAT WOULD SATISFY THE REQUIREMENTS OF THE USOC OR THE IOC; AND
- (B) THE CHANGES ARE SUPPORTED BY A MAJORITY OF THE VOTING MEMBERS OF THE REGIONAL AUTHORITY, NOTWITHSTANDING THE QUORUM REQUIREMENTS OF ARTICLE V, SECTION 4 (E) OF THIS COMPACT.

3. *GENERAL DUTIES AS OVERSEER.*

IN RECOGNITION OF ITS DUTIES AS OVERSEER OF THE OCOG, THE REGIONAL AUTHORITY SHALL:

- (A) BE BOUND BY THE TERMS OF, CAUSE THE OCOG TO PERFORM, AND GUARANTY PERFORMANCE OF THE OCOG'S OBLIGATIONS UNDER ALL DOCUMENTS NECESSARY AND APPROPRIATE TO THE PURSUIT OF THE OLYMPIC GAMES;
- (B) CERTIFY THE OCOG'S PERFORMANCE OF ITS OBLIGATIONS, AS REQUESTED BY THE USOC FROM TIME TO TIME;
- (C) ACCEPT LIABILITY FOR THE OCOG, IF ANY, AS FAR AS REQUIRED BY ALL DOCUMENTS NECESSARY AND APPROPRIATE TO THE PURSUIT AND HOSTING OF THE OLYMPIC GAMES, EXCEPT THAT:
 - (I) WITH REGARD TO THIRD-PARTY TORT LIABILITIES, THE OCOG WILL BOTH INDEMNIFY THE CITY AGAINST ANY AND ALL SUCH CLAIMS AND PROVIDE THAT THE CITY BE NAMED AS AN ADDITIONAL INSURED ON ALL APPROPRIATE INSURANCE POLICIES, AND, IN ANY EVENT, NOTHING CONTAINED HERE IN ANY WAY MODIFIES THE CITY'S EXISTING LIABILITY LIMITATION; AND
 - (II) WITH REGARD TO ALL OTHER LIABILITIES ARISING OUT OF THIS ITEM (C), THE OCOG AGREES TO HOLD THE CITY HARMLESS AND INDEMNIFY THE CITY FOR ANY SUCH LOSSES; AND
- (D) ACCEPT LIABILITY, IF ANY, WITH THE OCOG, FOR ANY FINANCIAL DEFICIT OF THE OCOG, OR THE OLYMPIC GAMES, AS FOLLOWS:
 - (I) THE OCOG SHALL BE RESPONSIBLE FOR ANY AMOUNT UP TO \$25 MILLION;
 - (II) THE REGIONAL AUTHORITY SHALL BE LIABLE FOR ANY AMOUNT IN EXCESS OF \$25 MILLION, BUT NOT TO EXCEED AN ADDITIONAL \$175 MILLION; AND
 - (III) EXCEPT AS SET FORTH IN EXISTING APPLICABLE LAW, THE OCOG AND THE REGIONAL AUTHORITY SHALL NOT BE LIMITED IN THEIR CHOICE OF FUNDING SOURCES FOR COVERING POSSIBLE FINANCIAL LOSSES, INCLUDING BUT NOT LIMITED TO THE PURCHASE OF INSURANCE, IF COMMERCIALY AVAILABLE AND REASONABLY PRICED.

4. *FINANCIAL OVERSIGHT.*

IN ITS FINANCIAL OVERSIGHT AND SAFEGUARD ROLE, THE REGIONAL AUTHORITY SHALL ENSURE THAT:

- (A) NO LEGACY PROGRAMS, FUNDS, OR ACCOUNTS ARE FUNDED FROM ANY OF THE PROCEEDS OF THE 2012 OLYMPIC GAMES UNTIL ALL BUDGETARY AND OPERATIONAL FINANCIAL OBLIGATIONS OF THE OCOG AND THE REGIONAL AUTHORITY FOR HOSTING THE OLYMPIC GAMES ARE FIRST MET; AND
- (B) NO LIABILITY FOR ANY FINANCIAL DEFICIT RESULTING FROM THE 2012 OLYMPIC GAMES WILL ACCRUE TO THE REGIONAL AUTHORITY (OR THE SIGNATORIES) UNTIL ALL BUDGETARY AND OPERATIONAL FINANCIAL SURPLUSES OF THE OCOG, IF ANY, ARE APPLIED TO ALL OUTSTANDING FINANCIAL OBLIGATIONS OF THE OCOG AND THE REGIONAL AUTHORITY, IF ANY, ACCRUED EXCLUSIVELY IN CONNECTION WITH HOSTING THE OLYMPIC GAMES.

5. *ADDITIONAL POWERS.*

TO FACILITATE ITS OVERSIGHT RESPONSIBILITY OVER THE OCOG, THE REGIONAL AUTHORITY HAS THE ADDITIONAL POWERS:

- (A) TO SUE AND BE SUED IN CONTRACT AND IN TORT;
- (B) TO COMPLAIN AND DEFEND IN ALL COURTS;
- (C) TO IMPEAD AND BE IMPEADED;
- (D) TO ENTER INTO CONTRACTS;
- (E) TO HIRE APPROPRIATE STAFF; AND
- (F) TO EXERCISE ANY ADDITIONAL POWERS GRANTED TO IT BY SUBSEQUENT LEGISLATION.

**ARTICLE IX
INDEMNIFICATION**

1. *IN GENERAL.*

ANY LIABILITY INCURRED BY THE REGIONAL AUTHORITY AND NOT COVERED BY INSURANCE UNDER ARTICLE VIII, SECTION 3(D)(III) SHALL BE FURTHER INDEMNIFIED BY THE SIGNATORIES TO THIS COMPACT, IN PROPORTION TO THE RELATIVE ECONOMIC BENEFIT CURRENTLY EXPECTED TO ACCRUE TO EACH SIGNATORY FROM HOSTING THE OLYMPIC GAMES, AS FOLLOWS:

- (A) THE STATE OF MARYLAND, SUBJECT TO APPROPRIATION, SHALL BE LIABLE FOR 53%;
- (B) THE COMMONWEALTH OF VIRGINIA SHALL BE LIABLE FOR 19%; AND
- (C) THE DISTRICT OF COLUMBIA SHALL BE LIABLE FOR 28%.

2. *SIGNATORY TO PROVIDE FOR ITS SHARE.*

EACH OF THE SIGNATORIES TO THIS COMPACT MAY PROVIDE FOR ITS SHARE OF ANY POSSIBLE LIABILITY IN ANY MANNER IT CHOOSES, AS BEFITS EACH SIGNATORY'S INDEPENDENT COMMITMENT.

**ARTICLE X
COMMITMENTS OF SIGNATORIES**

AS APPROPRIATE TO ITS INDIVIDUAL JURISDICTION AND SPECIFIC ROLE IN HOSTING THE 2012 OLYMPIC GAMES, EACH SIGNATORY AGREES TO:

- (A) ENSURE THAT NECESSARY FACILITIES ARE BUILT AND TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS TAKE PLACE, INCLUDING GOVERNMENT FUNDING AS APPROPRIATE;
- (B) PROVIDE ACCESS TO EXISTING STATE- OR CITY-CONTROLLED FACILITIES AND OTHER IMPORTANT RESOURCES AS SPECIFIED IN WBRC 2012'S BID PROPOSAL, IN ACCORDANCE WITH APPLICABLE LAW AND CONTRACTUAL OBLIGATIONS; AND
- (C) PROVIDE ADEQUATE SECURITY, FIRE PROTECTION, AND OTHER GOVERNMENT RELATED SERVICES AT A REASONABLE COST TO ENSURE THE SAFE AND ORDERLY OPERATION OF THE OLYMPIC GAMES.

ARTICLE XI
EFFECTIVE DATES

NONE OF THE DUTIES OR RESPONSIBILITIES ENCOMPASSED IN THIS LEGISLATION ARE EFFECTIVE UNTIL SUBSTANTIALLY SIMILAR LEGISLATION IS ENACTED BY EACH OF THE SIGNATORIES, AT WHICH TIME THIS LEGISLATION IMMEDIATELY BECOMES EFFECTIVE.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance does not take effect until similar legislation is enacted by each of the State of Maryland, the Commonwealth of Virginia, and the District of Columbia. The State of Maryland, the Commonwealth of Virginia, and the District of Columbia are requested to concur in this Ordinance by the enactment of similar legislation. The Department of Legislative Reference shall notify the appropriate officials of the State of Maryland, the Commonwealth of Virginia, and the District of Columbia of the enactment of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance and Compact are not law and may not be considered to have been enacted as a part of this Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That, subject to the provisions of Section 2 of this Ordinance, this Ordinance takes effect on the date it is enacted.

Approved June 2, 2001

MARTIN O'MALLEY, Mayor

CITY OF BALTIMORE
ORDINANCE 01-172
(Council Bill 00-252)

AN ORDINANCE CONCERNING

Unpackaged Cigarettes — Penalties for Sale

FOR the purpose of increasing the criminal penalty for violations of the prohibition against selling unpackaged cigarettes; authorizing alternative enforcement through issuance of environmental citations, subject to prepayable civil penalties; redefining “unpackaged cigarette” for these purposes; and generally relating to the sale or other transfer for consideration of unpackaged cigarettes.

BY repealing and reordaining, with amendments

Article - Health
Section(s) 12-201 through 12-203, inclusive
Baltimore City Revised Code
(Edition 2000)

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(7)(§12-202)
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article - Health

Title 12. Tobacco Products

Subtitle 2. Sale of Unpackaged Cigarettes

§ 12-201. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Unpackaged cigarette.*

“Unpackaged cigarette” means any cigarette not contained in a sealed package of ~~5~~ 20 or more cigarettes that are designed and intended to be sold or distributed as a unit.

§ 12-202. Sale of unpackaged cigarettes prohibited.

No person may sell or otherwise transfer for consideration unpackaged cigarettes to any other person.

§ 12-203. ENFORCEMENT BY CITATION.

(A) *IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {“ENVIRONMENTAL CONTROL BOARD”}.

(B) *PROCESS NOT EXCLUSIVE.*

THE ISSUANCE OF AN ENVIRONMENTAL CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

[§ 12-203] § 12-204. Penalties.

Any person who violates any provisions of this subtitle is guilty of a misdemeanor and, on conviction, is subject to a fine of not more than [~~\$500~~] \$1,000 for each offense.

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.*(e) Provisions and penalties enumerated.***(7) Health Code**

Title 12: Tobacco Products

SUBTITLE 2: SALE OF UNPACKAGED CIGARETTES

§ 12-202. SALE PROHIBITED \$150

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 5, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-173
(Council Bill 00-322)**

AN ORDINANCE CONCERNING

**Rezoning — 6 and 100 North Broadway; 1501 East Fayette Street;
1500, 1502, 1504, 1506, 1508, 1510, 1512, and 1514
East Fairmount Avenue; 29, 31, 33, 35, 41,
and 43 North Caroline Street; and 102, 104, 106, 108,
110, and 112 North Dallas Street**

FOR the purpose of changing the zoning for the following properties: the portion of the property known as 100 North Broadway, as outlined in red on the accompanying plat, from the R-10 and O-R-4 Zoning Districts to the R-8 Zoning District; the portion of the property known as 100 North Broadway, as outlined in blue on the accompanying plat, from the B-3-3 Zoning District to the R-8 Zoning District; for the property known as 6 North Broadway and the portion of the property known as 100 North Broadway, as outlined in yellow on the accompanying plat, from the B-3-3 Zoning District to the B-2-3 Zoning District; for the properties known as 1501 East Fayette Street, 1500, 1502, 1504, 1506, 1506, 1508, 1510, 1512, and 1514 East Fairmount Avenue, 29, 31, 33, 35, 41, and 43 North Caroline Street, and 102, 104, 106, 108, 110, and 112 North Dallas Street, as outlined in green on the accompanying plat, from the B-3-3 Zoning District to the R-8 Zoning District; and providing for a special effective date.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 57
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 57 of the Zoning District Maps is amended by changing from the R-10 and O-R-4 Zoning Districts to the R-8 Zoning District the portion of the property known as 100 North Broadway, as outlined in red on the plat accompanying this Ordinance, by changing from the B-3-3 Zoning District to the R-8 Zoning District the portion of the property known as 100 North Broadway, as outlined in blue on the plat accompanying this Ordinance, by changing from the B-3-3 Zoning District to the B-2-3 Zoning District the property known as 6 North Broadway and the portion of the property known as 100 North Broadway, as outlined in yellow on the plat accompanying this Ordinance, and by changing from the B-3-3- Zoning District to the R-8 Zoning District the properties known as 1501 East Fayette Street, 1500, 1502, 1504, 1506, 1506, 1508, 1510, 1512, and 1514 East Fairmount Avenue, 29, 31, 33, 35, 41, and 43 North Caroline Street, and 102, 104, 106, 108, 110, and 112 North Dallas Street, as outlined in green on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 5, 2001

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 01-174
(Council Bill 00-323)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
Broadway Homes Hope VI**

FOR the purpose of approving the application of the Housing Authority of Baltimore City, Landex of Maryland, Inc., and Johns Hopkins Health System Corporation, who are either the developer, contract purchaser, potential owner, or owner of certain properties located at 6 and 100 North Broadway, 1501 East Fayette Street, 1500, 1502, 1504, 1506, 1508, 1510, and 1514 East Fairmount Avenue, 29, 31, 33, 35, 41, and 43 North Caroline Street, and 102, 104, 106, 108, 110, and 112 North Dallas Street and the street known as North Dallas Street lying between East Fayette Street and East Fairmount Avenue (collectively, the "Properties"), to have the Properties consisting of 9.7 acres, more or less, designated a Residential Planned Unit Development; approving the Development Plan submitted by the applicants; waiving certain requirements; and providing for a special effective date.

BY authority of
 Article - Zoning
 Title 9, Subtitles 1 and 2
 Baltimore City Revised Code
 (Edition 2000)

Recitals

The Housing Authority of Baltimore City, Landex of Maryland, Inc., and Johns Hopkins Health System Corporation are either the developer, contract purchaser, potential owner, or owner of the Properties shown on the attached plat as Exhibit A, consisting of 9.7 acres, more or less.

The Housing Authority of Baltimore City is seeking authorization to acquire the properties known as ~~1500, and a portion of 1502 (portion of), 1504, 1506, 1508, 1510, 1512, and 1514; 1504, 1506, 1508, 1510, 1512, and 1514~~ East Fairmount Avenue, 29, and a portion of 31, 33, 35, 41, and 43 North Caroline Street, and 102, 104, 106, 108, 110, and 112 North Dallas Street, 1501 East Fayette Street and a portion of 100 North Broadway (collectively, the "HABC Properties"). Landex of Maryland, Inc., will develop these properties for dwelling units and a multi-purpose center.

The Johns Hopkins Health System Corporation is the contract purchaser of 100 North Broadway and 1501 East Fayette Street.

On November 15, 2000, representatives of the applicants met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the properties and to institute proceedings to have the properties designated a Residential Planned Unit Development.

The representatives of the applicants have now applied to the Baltimore City Council for designation of the properties as a Residential Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 2 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of the Housing Authority of Baltimore City, Landex of Maryland, Inc., and Johns Hopkins Health System Corporation to designate the properties known 6 and 100 North Broadway, 1501 East Fayette Street, 1500, 1502, 1504, 1506, 1508, 1510, and 1514 East Fairmount Avenue, 29, 31, 33, 35, 41, and 43 North Caroline Street, and 102, 104, 106, 108, 110, and 112 North Dallas Street, and the street known as North Dallas Street lying between East Fayette Street and East Fairmount Avenue, consisting of 9.7 acres, more or less, as outlined on the accompanying Development Plan, as a Residential Planned Unit Development under Title 9, Subtitles 1 and 2 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Development Plan entitled "Broadway Homes Hope VI" submitted by the applicants, consisting of Sheet 1, "Existing Conditions", dated December 1st, 2000, and Sheet 2, "Master Plan", dated ~~December 1st, 2000~~ March 14, 2001, is approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That the following uses are permitted in Area A of the Development Plan, subject to the following limitations:

- (1) a maximum of 190 dwelling units to be located in single-family, attached rowhouse structures and multi-family structures. Off-street parking must be provided at an overall ratio of .50 spaces per unit. A single family structure that is constructed may not be converted to a multi-family structure.

- (2) a multi-purpose community center to serve the residents of the Hope VI PUD and the surrounding community. The center may be used for recreation, community services uses, educational facilities, meeting spaces, community and management offices, and a day care center for children and adults. The center may not exceed 17,000 square feet. A minimum of 4 off-street parking spaces must be provided for the multi-purpose center.

SECTION 4. AND BE IT FURTHER ORDAINED, That the following uses are permitted in Area B of the Development Plan, subject to the following limitations:

- (1) all permitted, accessory and conditional uses in the B-2 Zoning District;
- (2) open off-street parking areas and off-street parking garages, other than accessory; provided that no additional parking levels will be constructed on top of the existing off-street parking garage in Area B; and
- (3) day care for children and adults; laboratories for research and testing; computer centers; trade schools; medical offices.

The following uses will not be permitted within Area B:

amusement arcades, animal hospitals, apartment hotels, athletic fields, auditorium and concert halls, auto accessory stores, automobile service stations, bed and breakfast establishments, bowling establishments, bus and transit passenger stations and terminals (not including bus shelters for mass transit patrons), check cashing agencies, coin and philatelic stores, communications systems sales and service, community correct centers, dance halls, department stores, exterminator shops, foster homes for children, fraternity and sorority houses, furniture stores, furrier shops, handgun sales, hardware stores, hospitals, hotels and motels, laundrettes, laundries – hand, liquor stores and package goods, locksmith shops, massage salons, meeting and banquet halls, musical instrument sales and repair, parking or storage of travel trailers and similar camping equipment, pawn shops, phonograph record and sheet music stores, pool halls and billiard parlors, poultry and rabbit killing establishments, private clubs and lodges (profit and non-profit), radio and television sales and service, restaurant (drive-in), rifle and shotgun sales, rooming and boarding houses for three or more roomers, second-hand stores or rummage shops, skating rinks, swimming pools, taverns, taxidermists shops, telegraph offices, tennis and lacrosse clubs, trading stamp redemption centers, undertaking establishments and funeral parlors, upholstering shops, vending machines for the retail sale of ice and milk and video movie stores sales and rentals.

SECTION 5. AND BE IT FURTHER ORDAINED, That the following uses are permitted in Area C:

- (1) all permitted, accessory, and conditional uses, as allowed in the R-8 Zoning District; and
- (2) open off-street parking areas, other than accessory, for the parking of 4 or more motor vehicles.

SECTION 5 6. AND BE IT FURTHER ORDAINED, That if the Planned Unit Development approved by this Ordinance in any way fails to meet the statutory requirements for the preparation, adoption, and approval of a planned unit development, those requirements are waived, and the Planned Unit Development approved by this Ordinance is exempted from them.

SECTION 6 7. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to Final Design Approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 7 8. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 8 9. AND BE IT FURTHER ORDAINED, That upon acquisition of the HABC Properties by the Housing Authority of Baltimore City, the HABC Properties shall be included in Area A as part of the PUD.

SECTION 9 10. AND BE IT FURTHER ORDAINED, That the boundaries of Areas A and B may be changed. Final location of the boundaries may be approved by the Planning Commission either by (1) a final approved Subdivision Plan and Development Plan, or (2) Final Design Approval.

SECTION 10 11. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 11 12. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 5, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-175
(Council Bill 00-325)**

AN ORDINANCE CONCERNING

**Urban Renewal — Washington Hill-Chapel —
Amendment 10**

FOR the purpose of amending the Urban Renewal Plan for Washington Hill-Chapel to change the name of a land use classification; revising certain land uses in the Office-Residential use classification; providing for Planned Unit Development standards and controls; providing for certain actions to be taken by the Mayor and City Council of Baltimore; authorizing the acquisition by purchase or by condemnation of certain properties for urban renewal purposes; revising the land use classification of certain properties; creating new disposition lots; revising exhibits to reflect the changes in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Washington Hill-Chapel was originally approved by the Mayor and City Council of Baltimore by Ordinance 72-40 and last amended by Ordinance 91-722.

An amendment to the Urban Renewal Plan for Washington Hill-Chapel is necessary to change the name of a land use classification, revise certain land uses in the Office-Residential use classification, provide for Planned Unit Development standards and controls, provide for certain actions to be taken by the Mayor and City Council of Baltimore, authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, revise the land use classification of certain properties, create new disposition lots, and revise exhibits to reflect the changes in the Plan.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Washington Hill-Chapel are approved:

- (1) On page 3 of the Plan, in B. Land Use Plan, 1. Permitted Uses, in the second sentence delete “High Intensity”; and in B.1.a., amend the subtitle and the first sentence to read as follows:

- a. [High Intensity] Residential

- In the area designated as [High Intensity] Residential on the General Land Use Plan Map, the permitted uses shall be as follows:

- (2) On page 3 of the Plan, amend Section B.1.b. to read as follows:

- B. Office-Residential

- In the area designated on the General Land Use Plan Map as Office-Residential, uses shall be limited to dwellings; office-residential uses for non-profit or publicly-owned educational and cultural institutions; and businesses and professional offices. [In office-residential areas further designated with an H on the General Land Use Plan Map, uses shall be limited to hospitals.]

- (3) On page 14 of the plan, in Section C. Techniques Used to Achieve Plan Objectives, after paragraph 6, add new paragraph 7 to read as follows:

7. PUD STANDARDS AND CONTROLS

- TO THE EXTENT THERE EXISTS ANY CONFLICT BETWEEN THE PROVISIONS OF THIS RENEWAL PLAN AND THE STANDARDS AND CONTROLS OF ANY PLANNED UNIT DEVELOPMENT LEGISLATION APPROVED BY THE MAYOR AND CITY COUNCIL (“PUD”), WHERE THERE ARE STANDARDS AND CONTROLS CONTAINED IN THE PUD THAT ARE NOT CONTAINED IN THE RENEWAL PLAN, THE STANDARDS AND CONTROLS OF THE PUD, INCLUDING, WITHOUT LIMITATION, THOSE AFFECTING USE, PARKING, ACCESS, AESTHETIC CONTROLS, SETBACKS, SPECIFIC LOT CONTROLS, BUILDING HEIGHTS, LOT AREA, AND LOT COVERAGE CONTROL.

- (5) On page 15 of the Plan, after Section F. Separability, add new Section G. to read as follows:

G. OFFICIAL ACTIONS

TO CARRY OUT THE PLAN, IT WILL BE NECESSARY FOR THE MAYOR AND CITY COUNCIL OF BALTIMORE TO AMEND THE ZONING CODE OF BALTIMORE CITY IN ACCORDANCE WITH EXHIBIT 4, "ZONING DISTRICTS".

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Washington Hill-Chapel, as amended by this Ordinance and identified as "Urban Renewal Plan, Washington Hill-Chapel, revised to include Amendment 10, dated December 1, 2000", is approved. The Clerk of the City Council shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to the following properties or portions of them, together with all right, title, interest and estate that the owner or owners of those property interests may have, in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and contained within the perimeter of that area, situate in Baltimore City, Maryland, and described as follows:

1500 East Fairmount Avenue
 1502 East Fairmount Avenue (portion)
 1504 East Fairmount Avenue
 1506 East Fairmount Avenue
 1508 East Fairmount Avenue
 1510 East Fairmount Avenue
 1512 East Fairmount Avenue
 1514 East Fairmount Avenue

29 North Caroline Street
 31 North Caroline Street (portion, including billboard/general advertising sign leasehold interest)
 33 North Caroline Street (portion)
 35 North Caroline Street (portion)
 41 North Caroline Street (portion)
 43 North Caroline Street (portion, including billboard/general advertising sign leasehold interest)

102 North Dallas Street
 104 North Dallas Street
 106 North Dallas Street
 108 North Dallas Street
 110 North Dallas Street
 112 North Dallas Street

former 125 North Bond Street - ground rent
former 127 North Bond Street - ground rent
former 134 North Bond Street - ground rent
former 1505 East Fayette Street - ground rent
former 1513 East Fayette Street - ground rent
former 1539 East Fayette Street - ground rent

SECTION 4. AND BE IT FURTHER ORDAINED, That the revised exhibits to the amended urban renewal plan are approved:

- (a) Exhibit B, Properties for Acquisition and Disposition, dated December 1, 2000;

- (b) Exhibit 1, General Land Use Plan, dated December 1, 2000;
- (c) Exhibit 2, Property Acquisition, dated ~~December 1, 2000~~ April 24, 2001;
- (d) Exhibit 3, Land Disposition, dated ~~December 1, 2000~~ April 24, 2001; and
- (e) Exhibit 4, Zoning Districts, dated December 1, 2000.

SECTION 5. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 6. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 7. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 8. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 5, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-176
(Council Bill 01-346)**

AN ORDINANCE CONCERNING

Tobacco Products — Display and Placement

FOR the purpose of regulating the display, storage, or placement of tobacco products; defining certain terms; imposing certain penalties; and generally relating to tobacco products.

BY adding

Article - Health

Section(s) 12-401 through 12-407, inclusive, to Title 12,

to be under the new subtitle, "Subtitle 4. Placement of Tobacco Products"

Baltimore City Revised Code

(Edition 2000)

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
 Section(s) 40-14(e)(7)(Title 12, Subtitle 4)
 Baltimore City Revised Code

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article — Health

Title 12. Tobacco Products

SUBTITLE 4. PLACEMENT OF TOBACCO PRODUCTS

§ 12-401. DEFINITIONS.

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *TOBACCO PRODUCT.*

(1) *IN GENERAL.*

“TOBACCO PRODUCT” MEANS ANY SUBSTANCE THAT CONTAINS TOBACCO.

(2) *INCLUSIONS.*

“TOBACCO PRODUCT” INCLUDES ANY:

(I) CIGARETTE;

(II) CIGAR;

(III) BIDI;

~~(III)~~ (IV) PIPE OR OTHER SMOKING TOBACCO; OR

~~(IV)~~ (V) CHEWING TOBACCO, SPIT TOBACCO, SNUFF, OR OTHER SMOKELESS TOBACCO.

§ 12-402. PLACEMENT REQUIREMENTS — IN GENERAL.

(A) PROHIBITED PLACEMENT.

EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBTITLE, NO ~~PERSON WHO~~ ESTABLISHMENT THAT SELLS TOBACCO PRODUCTS AT RETAIL MAY DISPLAY, STORE, OR PLACE ANY TOBACCO PRODUCT ANYWHERE THAT IS ACCESSIBLE TO CUSTOMERS WITHOUT THE INTERVENTION OF THE SELLER OR AN EMPLOYEE OF THE SELLER.

(B) *EXAMPLES OF COMPLYING PLACEMENT.*

THE DISPLAY, STORAGE, OR PLACEMENT OF TOBACCO PRODUCTS IN ACCORD WITH ONE OF THE FOLLOWING METHODS DOES NOT VIOLATE SUBSECTION (A) OF THIS SECTION:

- (1) BEHIND A SALES COUNTER IN A PLACE THAT, ABSENT EXTRAORDINARY EFFORTS, IS BEYOND THE PHYSICAL REACH OF CUSTOMERS;
- (2) IN A LOCKED DISPLAY CASE FOR WHICH SELLER ASSISTANCE IS NEEDED TO GAIN ACCESS TO PRODUCTS IN THE CASE; OR
- (3) IN AN OVERHEAD MERCHANDISE RACK THAT:
 - (I) AT ITS LOWEST POINT, IS AT LEAST 6 FEET ABOVE THE FLOOR; AND
 - (II) PERMITS ACCESS TO PRODUCTS IN THE RACK ONLY FROM THE SIDE FACING AWAY FROM CUSTOMERS.

§ 12-403. PLACEMENT REQUIREMENTS — EXCEPTIONS.

THIS SUBTITLE DOES NOT APPLY TO:

- (1) THE SALE OF TOBACCO PRODUCTS FROM A VENDING MACHINE THAT COMPLIES WITH ALL REQUIREMENTS OF STATE BUSINESS REGULATION ARTICLE, TITLE 16, SUBTITLE 3A; OR
- (2) AN ESTABLISHMENT THAT:
 - (I) SELLS TOBACCO PRODUCTS EXCLUSIVELY OR PRIMARILY; AND
 - (II) MAKES BONA FIDE EFFORTS TO PREVENT MINORS FROM ENTERING THE ESTABLISHMENT.

§§ 12-404 TO 12-405. *{RESERVED}*

§ 12-406. ENFORCEMENT BY CITATION.

(A) IN GENERAL.

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}.

(B) PROCESS NOT EXCLUSIVE.

THE ISSUANCE OF AN ENVIRONMENTAL CITATION TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 12-407. PENALTIES: \$500.

(A) IN GENERAL.

ANY ~~PERSON WHO~~ OWNER, OPERATOR, OR MANAGER OF AN ESTABLISHMENT THAT VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR EACH OFFENSE.

(B) *EACH DAY A SEPARATE OFFENSE.*

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(7) *Health Code*

Title 12: Tobacco Products

Subtitle 1: Smoking in City Buildings and Vehicles \$ 25

SUBTITLE 4: PLACEMENT OF TOBACCO PRODUCTS ~~\$100~~ \$500

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 5, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-177
(Council Bill 01-363)**

AN ORDINANCE CONCERNING

Urban Renewal — Coldstream Homestead Montebello — Amendment 7

FOR the purpose of amending the Urban Renewal Plan for Coldstream Homestead Montebello to amend Exhibits 1 and 4 to reflect the change in zoning, upon approval by separate ordinance, for 900-920 East 25th Street; prohibiting certain uses within the Urban Renewal Area; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Coldstream Homestead Montebello was originally approved by the Mayor and City Council of Baltimore by Ordinance 77-289 and last amended by Ordinance 98-351.

An amendment to the Urban Renewal Plan for Coldstream Homestead Montebello is necessary to amend Exhibits 1 and 4 of the Urban Renewal Plan, to reflect the change in the zoning, upon approval by separate ordinance, of 900-920 East 25th Street. An amendment to the Plan is also necessary to reflect that certain uses are prohibited within the Urban Renewal Area.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Coldstream Homestead Montebello are approved:

- ~~(1) Upon approval of rezoning by separate ordinance, for the property known as 900-920 East 25th Street, amend Exhibit 1, "Land Use Plan", to reflect the change in zoning from the Industrial District to the Community Commercial "A" District.~~
- ~~(2) Upon approval of rezoning by separate ordinance, amend Exhibit 4, "Zoning Districts", to reflect the change of zoning for the property known as 900-920 East 25th Street, from the M-1-2 Zoning District to the B-3-2 Zoning District.~~
- (1) Amend Exhibit 1, "Land Use Plan", to reflect the change in land use category for the property known as 900-920 East 25th Street, from Industrial to Community Commercial "A".
- (2) Amend Exhibit 4, "Zoning Districts", for the property known as 900-920 East 25th Street, from the M-1-2 Zoning District to the B-3-2 Zoning District.
- (3) On page 2 of the Plan, after the first paragraph in B. 1., insert the following paragraph:

Notwithstanding any other provision of this Plan, the following uses are prohibited in the Coldstream Homestead Montebello Urban Renewal Area:

- (1) after hours establishments;
- (2) boats; sales, rental and repair;
- (3) building and lumber materials; sales establishment with shops and yards;
- (4) check cashing agencies;
- (5) highway maintenance shop and yards;
- (6) heliports;
- (7) model slot car racing centers;
- (8) palmists;
- (9) restaurants and lunchrooms - including live entertainment and dancing;
- (10) stables; and
- (11) tattoo parlors.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Coldstream Homestead Montebello, as amended by this Ordinance and identified as "Urban Renewal Plan, Coldstream Homestead Montebello, revised to include Amendment 7, dated _____", is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 4. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 5. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 6, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-178
(Council Bill 01-361)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Housing for the Elderly —
901-955 Cherry Hill Road**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of housing for the elderly on the property known as 901-955 Cherry Hill Road, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-904(2) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of housing for the elderly on the property known as 901-955 Cherry Hill Road, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-904(2) and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of units is 80;

2. the minimum age for residents is 62 years;
3. the Site Plan, dated May 1, 2001, the Landscaping Plan, dated April 26, 2001, and the Exterior Elevation Plan, dated May 1, 2001, submitted in connection with this Ordinance, are made a part of this Ordinance, and no change may be made to the plans without the prior approval of the Planning Department;
4. the Planning Department has final approval of the Forest Conservation Plan; and
5. the housing for the elderly ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-179
(Council Bill 01-362)**

AN ORDINANCE CONCERNING

Rezoning — 900-920 East 25th Street

FOR the purpose of changing the zoning for the property known as 900-920 East 25th Street, as outlined in red on the accompanying plat, from the M-1-2 Zoning District to the B-3-2 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 36
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 36 of the Zoning District Maps is amended by changing from the M-1-2 Zoning District to the B-3-2 Zoning District the property known as 900-920 East 25th Street, as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-180
(Council Bill 01-431)**

AN ORDINANCE CONCERNING

Income Tax — Changing Rate

FOR the purpose of changing the City income tax rate for the calendar year beginning January 1, 2002, and subsequent years; providing for certain studies and hearings; and providing for a special effective date.

BY authority of

Article - Tax-General
Section(s) 10-103 and 10-106
Annotated Code of Maryland
(1997 Replacement Volume and 2000 Supplement)

BY repealing and reordaining, with amendments

Article 28 - Taxes
Section(s) 18-2
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 28. Taxes

Subtitle 18. Local Income Tax

§ 18-2. Rate of tax.

For each calendar year, the tax rate is [50%, to be applied to the State] 3.05% OF AN INDIVIDUAL'S MARYLAND TAXABLE income [tax] for that year[, modified as provided under § 10-106(d) of the State Tax-General Article].

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That the new rate set by this Ordinance first takes effect for the calendar year beginning January 1, 2002. On or before July 1, 2001, the Director of Finance shall notify the Comptroller of the Treasury of this new rate and its effective date.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) Beginning in August 2003, the City Council shall undertake studies and hold public hearings for the purpose of assessing whether and to what extent the new tax rate set by this Ordinance (i) can reasonably be abrogated or substantially reduced, or (ii) offset by a corresponding decrease in the property tax.

(b) Beginning in August 2004, if any part of the rate increase is still in effect, the City Council shall again hold public hearings for the purpose of assessing whether and to what extent the remaining increase (i) can reasonably be abrogated or substantially reduced, or (ii) offset by a corresponding decrease in the property tax.

SECTION 4.5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the ~~30th day after the~~ date it is enacted.

Approved June 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-181
(Council Bill 01-396)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing, and
Rest Home (Assisted Living) — 3600 and 3605
Hillsdale Road**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the ~~properties~~ property known as 3600 and 3605 Hillsdale Road, as outlined in red on the accompanying amended plat.

BY authority of
Article - Zoning
Section(s) 4-704 and 14-102(2)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the ~~properties~~ property known as 3600 ~~and 3605~~ Hillsdale Road, as outlined in red on the amended plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-704 and 14-102(2) of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of residents is 8, including any resident manager;
2. there may be no more than 2 persons per sleeping room;
3. sleeping rooms for clients may not be in the basement;
4. the minimum age for resident-clients is 50 years;
5. 24-hour supervision must be provided;
6. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high; and
7. the convalescent, nursing, and rest home (assisted living) ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 19, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-182
(Council Bill 01-402)**

AN ORDINANCE CONCERNING

Baltimore City Landmark List — DuVal/Hirschhorn House

FOR the purpose of designating the DuVal/Hirschhorn House, 800 West Lake Avenue, as a historical landmark.

BY adding

Article 6 - Historical and Architectural Preservation
Section(s) 12-2
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 6 - Historical and Architectural Preservation

Subtitle 12 - Landmark List — 2000s

§ 12-2. DUVAL/HIRSCHHORN HOUSE.

DUVAL/HIRSCHHORN HOUSE, 800 WEST LAKE AVENUE.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 19, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-183
(Council Bill 01-403)**

AN ORDINANCE CONCERNING

Ten Hills Historic District

FOR the purpose of designating the area located within certain boundaries as the Ten Hills Historic District.

BY adding

Article 6 - Historical and Architectural Preservation
Section(s) 7-24
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code**Article 6 - Historical and Architectural Preservation****Subtitle 7 - Preservation Districts****§ 7-24. TEN HILLS HISTORIC DISTRICT.**

THE AREA LOCATED WITHIN THE FOLLOWING BOUNDARIES IS DECLARED TO BE THE TEN HILLS HISTORIC DISTRICT:

BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE SOUTH SIDE OF EDMONDSON AVENUE AND THE EAST OUTLINE OF THE PROPERTY KNOWN AS No. 531 NOTTINGHAM ROAD, AND RUNNING THENCE BINDING ON THE EAST OUTLINE OF No. 531 NOTTINGHAM ROAD, SOUTHERLY 200 FEET, MORE OR LESS, TO INTERSECT THE NORTH OUTLINE OF THE PROPERTY KNOWN AS No. 529 NOTTINGHAM ROAD; THENCE BINDING ON THE NORTH OUTLINE OF No. 529 NOTTINGHAM ROAD, EASTERLY 100 FEET, MORE OR LESS, TO THE REAR OF THE PROPERTY KNOWN AS No. 529 NOTTINGHAM ROAD; THENCE BINDING ON THE REAR OF THE PROPERTIES KNOWN AS NOS. 529 AND 527 NOTTINGHAM ROAD, SOUTHERLY 200 FEET, MORE OR LESS, TO THE REAR OF THE PROPERTY KNOWN AS No. 525 NOTTINGHAM ROAD; THENCE BINDING ON THE REAR OF THE PROPERTIES KNOWN AS NOS. 525 THROUGH 517 NOTTINGHAM ROAD, SOUTHEASTERLY 415 FEET, MORE OR LESS, TO THE REAR OF THE PROPERTY KNOWN AS No. 515 NOTTINGHAM ROAD; THENCE BINDING ON THE REAR OF THE PROPERTIES KNOWN AS NOS. 515 THROUGH 425 NOTTINGHAM ROAD, SOUTHERLY 700 FEET, MORE OR LESS, TO THE SOUTHEAST OUTLINE OF THE PROPERTY KNOWN AS No. 425 NOTTINGHAM ROAD; THENCE BINDING ON THE SOUTHEAST OUTLINE OF No. 425 NOTTINGHAM ROAD AND THE NORTHWEST OUTLINE OF No. 420 NOTTINGHAM ROAD AND CROSSING NOTTINGHAM ROAD, SOUTHWESTERLY 379 FEET, MORE OR LESS, TO THE SOUTHWEST OUTLINE OF THE PROPERTY KNOWN AS No. 420 NOTTINGHAM ROAD; THENCE BINDING ON THE SOUTHWEST OUTLINE OF No. 420 NOTTINGHAM ROAD, SOUTHEASTERLY 63 FEET, MORE OR LESS, TO THE REAR OF THE PROPERTY KNOWN AS No. 418 NOTTINGHAM ROAD; THENCE BINDING ON THE REAR OF THE PROPERTIES KNOWN AS NOS. 418 THROUGH 410 NOTTINGHAM ROAD, SOUTHERLY 341 FEET, MORE OR LESS, TO THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS No. 405 OLD ORCHARD ROAD; THENCE BINDING ON THE SOUTH OUTLINE OF No. 405 OLD ORCHARD ROAD, WESTERLY 14 FEET, MORE OR LESS, TO THE REAR OF THE PROPERTY KNOWN AS No. 403 OLD ORCHARD ROAD; THENCE BINDING ON THE REAR OF THE PROPERTIES KNOWN AS No. 403 OLD ORCHARD ROAD AND NOS. 407 THROUGH 401 N. CHAPELGATE LANE, SOUTHERLY 568 FEET, MORE OR LESS, TO THE SOUTHWEST OUTLINE OF THE PROPERTY KNOWN AS No. 401 N. CHAPELGATE LANE; THENCE BINDING ON THE SOUTHWEST OUTLINE OF No. 401 N. CHAPELGATE LANE, NORTHWESTERLY 241 FEET, MORE OR LESS, TO INTERSECT THE EAST SIDE OF N. CHAPELGATE LANE; THENCE BINDING ON THE EAST SIDE OF N. CHAPELGATE LANE, NORTHERLY 152 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS No. 404 N. CHAPELGATE LANE, IF PROJECTED EASTERLY; THENCE BINDING REVERSELY ON THE LINE, SO PROJECTED, AND ON THE SOUTH PROPERTY LINE OF No. 404 N. CHAPELGATE LANE, WESTERLY 359 FEET, MORE OR LESS, TO THE REAR OF THE PROPERTY KNOWN AS No. 404 N. CHAPELGATE LANE; THENCE BINDING ON THE REAR OF THE PROPERTIES KNOWN AS NOS. 404 AND 406/408 N. CHAPELGATE LANE, NORTHERLY 123 FEET, MORE OR LESS, TO THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS No. 407 KENSINGTON ROAD; THENCE BINDING ON THE SOUTH OUTLINE OF No. 407 KENSINGTON ROAD, WESTERLY 166 FEET, MORE OR LESS, TO THE REAR OF THE PROPERTY KNOWN AS No. 405 KENSINGTON ROAD; THENCE BINDING ON THE REAR OUTLINES OF THE PROPERTIES KNOWN AS NOS. 405 THROUGH 401 KENSINGTON ROAD AND NOS. 400 THROUGH 406 DRURY LANE IN A GENERALLY WESTERLY DIRECTION 732 FEET, MORE OR LESS, TO THE SOUTHEAST SIDE OF HAZELBURY LANE; THENCE CROSSING HAZELBURY LANE AND BINDING ON THE REAR OF THE PROPERTIES KNOWN AS NOS. 408 THROUGH 416 DRURY LANE, NORTHWESTERLY 510 FEET, MORE OR LESS, TO INTERSECT THE SOUTH OUTLINE OF THE PROPERTY KNOWN AS No. 5101 BROOK GREEN ROAD; THENCE BINDING ON THE SOUTH OUTLINE OF No. 5101 BROOK GREEN ROAD, WESTERLY 75 FEET, MORE OR LESS, TO THE EAST OUTLINE OF THE PROPERTY KNOWN AS No. 5109 BROOK GREEN ROAD; THENCE BINDING ON

THE EAST OUTLINE OF No. 5109 BROOK GREEN ROAD, SOUTHERLY 121 FEET, MORE OR LESS, TO THE REAR OF THE PROPERTY KNOWN AS No. 5109 BROOK GREEN ROAD; THENCE BINDING ON THE REAR OF THE PROPERTIES KNOWN AS NOS. 5109 THROUGH 5115 BROOK GREEN ROAD, SOUTHWESTERLY 335 FEET, MORE OR LESS, TO THE SOUTHWEST OUTLINE OF THE PROPERTY KNOWN AS No. 5115 BROOK GREEN ROAD; THENCE BINDING ON THE SOUTHWEST OUTLINE OF No. 5115 BROOK GREEN ROAD AND THE REAR OF THE PROPERTIES KNOWN AS NOS. 500 THROUGH 522 STAMFORD ROAD AND THE SOUTHWEST OUTLINE OF No. 5115 EDMONDSON AVENUE, NORTHWESTERLY 1385 FEET, MORE OR LESS, TO INTERSECT THE SOUTHEAST SIDE OF EDMONDSON AVENUE; THENCE BINDING ON THE SOUTHEAST SIDE OF EDMONDSON AVENUE, SOUTHWESTERLY 483 FEET, MORE OR LESS, TO THE NORTHEAST SIDE OF ROCK GLEN ROAD; THENCE BY A STRAIGHT LINE CROSSING EDMONDSON AVENUE, NORTHERLY 269 FEET, MORE OR LESS, TO THE POINT FORMED BY THE INTERSECTION OF THE NORTHWEST SIDE OF EDMONDSON AVENUE AND THE SOUTHEAST SIDE OF GREENWICH AVENUE; THENCE BINDING ON THE NORTHWEST SIDE OF EDMONDSON AVENUE, NORTHEASTERLY 1689 FEET, MORE OR LESS, TO THE SOUTHWEST OUTLINE OF THE PROPERTY KNOWN AS No. 5018 EDMONDSON AVENUE; THENCE BINDING ON THE SOUTHWEST OUTLINE OF No. 5018 EDMONDSON AVENUE, NORTHWESTERLY 137 FEET, MORE OR LESS, TO THE REAR OF THE PROPERTY KNOWN AS No. 5018 EDMONDSON AVENUE; THENCE BINDING ON THE REAR OF THE PROPERTIES KNOWN AS NOS. 5018 THROUGH 5012 EDMONDSON AVENUE, NORTHEASTERLY 204 FEET, MORE OR LESS, TO THE SOUTHWEST OUTLINE OF THE PROPERTY KNOWN AS No. 5010 EDMONDSON AVENUE; THENCE BINDING ON THE SOUTHWEST OUTLINE OF No. 5010 EDMONDSON AVENUE, NORTHWESTERLY 91 FEET, MORE OR LESS, TO INTERSECT THE SOUTHEAST SIDE OF BALTIMORE NATIONAL PIKE; THENCE BINDING ON THE SOUTHEAST SIDE OF BALTIMORE NATIONAL PIKE, EASTERLY 187 FEET, MORE OR LESS, TO THE NORTHEAST OUTLINE OF THE PROPERTY KNOWN AS No. 5004 EDMONDSON AVENUE; THENCE BINDING ON THE NORTHEAST OUTLINE OF No. 5004 EDMONDSON AVENUE, SOUTHEASTERLY 136 FEET, MORE OR LESS, TO INTERSECT THE NORTHWEST SIDE OF EDMONDSON AVENUE; THENCE BINDING ON THE NORTHWEST SIDE OF EDMONDSON AVENUE, NORTHEASTERLY 313 FEET, MORE OR LESS; THENCE BY A STRAIGHT LINE CROSSING EDMONDSON AVENUE, EASTERLY 229 FEET, MORE OR LESS, TO THE POINT FORMED BY THE INTERSECTION OF THE SOUTH SIDE OF EDMONDSON AVENUE AND THE WEST OUTLINE OF THE PROPERTY KNOWN AS No. 522 OLD ORCHARD ROAD, AND THENCE BINDING ON THE SOUTH SIDE OF EDMONDSON AVENUE, EASTERLY 649 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 19, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-184
(Council Bill 01-413)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Parking, Open Off-Street Area —
14 West 21st Street**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area, other than accessory, for the parking of 4 or more automobiles, on the property known as 14 West 21st Street, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 6-309(1) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a parking, open off-street area, other than accessory, for the parking of 4 or more automobiles, on the property known as 14 West 21st Street, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-309(1) and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. all plans submitted in connection with this Ordinance, dated May 1, 2001, are made a part of this Ordinance, and no change may be made to the plans without the prior approval of the Planning Department; and
2. the parking, open off-street area ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 19, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-185
(Council Bill 01-356)**

AN ORDINANCE CONCERNING

**Supplementary Special Fund Operating Appropriation —
Mayor's Office of Cable and Communications — \$800,000**

FOR the purpose of providing a Supplementary Special Fund Operating Appropriation in the amount of \$800,000 to the Mayor's Office of Cable and Communications for replacement/upgrade of studio equipment; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(2)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Late Fee Settlement Account Number G293-243-040-02-000 in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On February 7, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$800,000 shall be made available to the Mayor's Office of Cable and Communications as a Supplementary Special Fund Operating Appropriation for Fiscal Year 2001, to provide funding for replacement/upgrade of studio equipment. The source of revenue for this appropriation is funds from the Late Fee Settlement Account Number G293-243-040-02-000, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-186
(Council Bill 01-385)**

AN ORDINANCE CONCERNING

Supplementary Motor Vehicle Fund Operating Appropriation — Department of Public Works — \$3,000,000

FOR the purpose of providing a Supplementary Motor Vehicle Fund Operating Appropriation in the amount of \$3,000,000 to the Department of Public Works, to provide funding for Transportation Capital Projects; and providing for a special effective date.

BY authority of
 Article VI - Board of Estimates
 Section 8(b)(3) and (c)
 Baltimore City Charter
 (1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents Fiscal 2000 MVR Fund Balance in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On March 7, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$3,000,000 shall be made available to the Department of Public Works as a Supplementary Motor Vehicle Fund Operating Appropriation for Fiscal Year 2001, to provide funding for Transportation Capital Projects. The source of revenue for this appropriation is Fiscal 2000 MVR Fund Balance in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
 ORDINANCE 01-187
 (Council Bill 01-387)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Housing for the Elderly —
~~1318, 1320, 1322, 1324, 1326, 1328/1330, 1336 South Highland Avenue;~~
 1315, 1317, 1319, 1321, 1323, 1325, 1327, 1329, 1331, 1333, 1335,
 1337, 1339, 1341, 1343, 1345, 1347/1351 South Clinton Street;
 and Lot 25 of Block 6491 (portion of Ward 26, Section 2, Block 6491)**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of housing for the elderly on the properties known as ~~1318, 1320, 1322, 1324, 1326, 1328/1330, 1336 South Highland Avenue;~~ 1315, 1317, 1319, 1321, 1323, 1325, 1327, 1329, 1331, 1333, 1335, 1337, 1339, 1341,

1343, 1345, 1347/1351 South Clinton Street, ~~and Lot 25 of Block 6491 (portion of Ward 26, Section 2, Block 6491)~~; as outlined in red on the accompanying amended plat.

BY authority of

Article - Zoning
Section(s) 4-1104 and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of housing for the elderly on the properties known as ~~1318, 1320, 1322, 1324, 1326, 1328/1330, 1336 South Highland Avenue,~~ 1315, 1317, 1319, 1321, 1323, 1325, 1327, 1329, 1331, 1333, 1335, 1337, 1339, 1341, 1343, 1345, 1347/1351 South Clinton Street, ~~and Lot 25 of Block 6491 (portion of Ward 26, Section 2, Block 6491)~~ as outlined in red on the amended plat accompanying this Ordinance, in accordance with §§ 4-1104 and 14-102 of the Zoning Code of Baltimore City, subject to the ~~condition that~~ following conditions:

1. the maximum number of units is 57;
2. parking for this project will be provided on 1318 through 1336 South Highland Avenue and on a portion of Lot 25, Block 6491;
3. the Site Plan, dated April 26, 2001, the Landscaping Plan, dated April 26, 2001, and the Architectural Elevations Plan, dated April 26, 2001, submitted in connection with this Ordinance are made a part of this Ordinance, and no change may be made to the plans without the prior approval of the Planning Department;
4. it is the intent to close Wise Court, as shown on the plans. Subsequent to the closing of Wise Court, the properties along Clinton Street (elderly housing building) and the properties along Highland Avenue (the parking area) may be consolidated. This consolidation will not constitute a change in conditional use;
5. the project may be constructed prior to the final closure of Wise Court; and
6. the housing for the elderly ~~complies must comply~~ with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-188
(Council Bill 01-388)**

AN ORDINANCE CONCERNING

**Rezoning — 1318, 1320, 1322, 1324, 1326, 1328/1330,
1336 South Highland Avenue, 1315, 1317, 1319, 1321,
1323, 1325, 1327, 1329, 1331, 1333, 1335, 1337,
1339, 1341, 1343, 1345, 1347/1351 South Clinton Street,
and Lot 25 of Block 6491 (portion of Ward 26, Section 2, Block 6491)**

FOR the purpose of changing the zoning for the properties known as 1318, 1320, 1322, 1324, 1326, 1328/1330, 1336 South Highland Avenue, 1315, 1317, 1319, 1321, 1323, 1325, 1327, 1329, 1331, 1333, 1335, 1337, 1339, 1341, 1343, 1345, 1347/1351 South Clinton Street, and Lot 25 of Block 6491 (portion of Ward 26, Section 2, Block 6491), as outlined in red on the accompanying plat, from the M-1-2 Zoning District to the R-8 Zoning District.

BY amending

Article - Zoning
Zoning District Maps
Sheet(s) 68
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 68 of the Zoning District Maps is amended by changing from the M-1-2 Zoning District to the R-8 Zoning District the properties known as 1318, 1320, 1322, 1324, 1326, 1328/1330, 1336 South Highland Avenue, 1315, 1317, 1319, 1321, 1323, 1325, 1327, 1329, 1331, 1333, 1335, 1337, 1339, 1341, 1343, 1345, 1347/1351 South Clinton Street, and Lot 25 of Block 6491 (portion of Ward 26, Section 2, Block 6491), as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-189
(Council Bill 01-406)**

AN ORDINANCE CONCERNING

Employees' Retirement System — Benefits

FOR the purpose of changing the formula used to calculate certain benefits for Class A, Class B, and Class C members of the Employees' Retirement System; increasing certain survivorship benefits for Class A, Class B, and Class C retirees of the Employees' Retirement System; lowering the eligibility requirements for Class C accidental disability benefits; changing the methodology and criteria for offsetting Workers' Compensation benefits against Class A, Class B, and Class C disability and death benefits; creating a new non-line-of duty death benefit for Class A, Class B, and Class C members who die after 20 or more years of service; determining the funding for these changes; providing paragraph and subparagraph designations to certain provisions; clarifying, correcting, and conforming certain language; and providing for a special effective date; and generally relating to the Employees' Retirement System.

BY repealing and reordaining, with amendments

Article 22 - Retirement Systems

Section(s) 6(a)(2), 6(b)(15), 6(c)(2), 6(c)(8), 6(d)(8) and (12), 6(f)(8) and (12), 6(h)(4) and (5), 6(j), 7(b), and 9(e)(5), 9(i)(4), 9(j)(3) and (4), 9(k)(3), 9(o-1)(4) and (5), and 9(o-3)

Baltimore City Code
(Edition 2000)

BY adding

Article 22 - Retirement Systems

Section(s) 6(b-1), 6(d-1), 6(f)(14), 6(h)(4), 6(k), 9(e)(6), 9(m)(8)(C) and (D), and 9(o-4)

Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 22 - Retirement Systems

Employees' Retirement System

§ 6. Benefits FOR CLASS A AND CLASS B MEMBERS.

(a) *Service retirement benefits for any Class A or Class B member employed on or after June 29, 1989.*

Any Class A or Class B member in service may retire upon his written application to the Board of Trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired, provided that the said member at the time so specified for his retirement shall have attained the age of 60 and acquired at least 5 years of service or shall have acquired 30 years of service, regardless of age, and notwithstanding that, during such period of notification, he may have separated from service.

Upon retirement from service, a Class A or Class B member who has attained the age of 60, shall be entitled to receive the maximum service retirement allowance which shall consist of:

- (1) an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and
- (2) (i) for any Class A or B member who retires before June 30, 1993: a pension, which together with his annuity, shall be equal to 1.85% in the case of a Class A member, and 1.70% in the case of a Class B member, of his average final compensation multiplied by the number of years of service credit. However, for members who terminate employment with the City before June 29, 1990, the preceding sentence shall be read by substituting "1.84%" for "1.85%", and by substituting "1.69%" for "1.70%".
- (ii) for any Class A or B member who retires after June 29, 1993, AND ON OR BEFORE MARCH 31, 2001: a pension, which together with his annuity, shall be equal to 1.875% in the case of a Class A member, and 1.725% in the case of a Class B member, of his average final compensation multiplied by the number of years of service credit.
- (III) FOR ANY CLASS A OR B MEMBER WHO RETIRES AFTER JUNE 29 ON OR AFTER APRIL 1, 2001: A PENSION THAT, TOGETHER WITH HIS OR HER ANNUITY, IS EQUAL TO 1.935% IN THE CASE OF A CLASS A MEMBER, AND 1.785% IN THE CASE OF A CLASS B MEMBER, OF HIS OR HER AVERAGE FINAL COMPENSATION MULTIPLIED BY THE NUMBER OF YEARS OF SERVICE CREDIT.

(b) Service retirement benefits for [any] Class A or Class B member [employed] WHO WAS AN EMPLOYEE on or after July 1, 1987, but not after June 28, 1989.

- (15) (I) [In the event that] If a member who was an employee on or after July 1, 1987, but not after June 28, 1989, retires and elects to receive maximum benefits without optional modification later dies and is survived by a spouse to whom the member had been married for at least 1 year immediately prior to retirement, an amount equal to 5% of the allowance [said] THE member was receiving shall be paid to [such] THE surviving spouse to continue as long as he or she remains unmarried. If there is no [such] SURVIVING spouse or if the spouse dies or remarries before the youngest unmarried child of [said] THE deceased member [shall have either attained the] ATTAINS age [of] 18 [years] or, [in the event said] IF THE child is a full-time student, before he OR SHE [shall have attained the] ATTAINS age [of] 22 [years], then an amount equal to 5% of the allowance [said] THE member was receiving shall be paid to [such] THE child or children, divided in [such] THE manner [as] THAT the Board of Trustees in its discretion [shall determine] DETERMINES, to continue for the benefit of [such] THE child or children until the last child marries, dies, or [either] attains [the] age [of] 18 [years] or, [in the event he is] IF a full-time student, [attains the age of] 22 [years].
- (II) EFFECTIVE APRIL 1, 2001, ANY ELIGIBLE SURVIVING SPOUSE, CHILD, OR CHILDREN OF A MEMBER WHO RETIRED AND ELECTED THE MAXIMUM BENEFIT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (15), SHALL RECEIVE 40% OF THE ALLOWANCE THE MEMBER WAS RECEIVING.

(B-1) SERVICE RETIREMENT BENEFITS FOR CLASS A OR CLASS B MEMBER WHO TERMINATED EMPLOYMENT ON OR BEFORE JUNE 30, 1987.

- (1) SURVIVORSHIP BENEFITS FOR MEMBERS WHO SELECTED MAXIMUM BENEFITS AND DIE ON OR BEFORE MARCH 31, 2001.

NO BENEFIT IS PAYABLE TO THE BENEFICIARY(IES), NEXT OF KIN, OR THE ESTATE OF A MEMBER WHO SELECTED MAXIMUM BENEFITS AND DIES ON OR BEFORE MARCH 31, 2001.

(2) SURVIVORSHIP BENEFITS FOR MEMBERS WHO SELECTED MAXIMUM BENEFITS AND DIE ON OR AFTER APRIL 1, 2001.

(I) IF A MEMBER WHO WAS AN EMPLOYEE AND RETIRED BEFORE JULY 1, 1987, AND ELECTED TO RECEIVE MAXIMUM BENEFITS WITHOUT OPTIONAL MODIFICATION DIES ON OR AFTER APRIL 1, 2001, AND IS SURVIVED BY A SPOUSE TO WHOM THE MEMBER HAD BEEN MARRIED FOR AT LEAST 1 YEAR IMMEDIATELY BEFORE RETIREMENT, AN AMOUNT EQUAL TO 40% OF THE ALLOWANCE THE MEMBER WAS RECEIVING SHALL BE PAID TO THE SURVIVING SPOUSE TO CONTINUE AS LONG AS HE OR SHE REMAINS UNMARRIED.

(II) IF THERE IS NO SURVIVING SPOUSE OR IF THE SPOUSE DIES OR REMARRIES BEFORE THE YOUNGEST UNMARRIED CHILD OF THE DECEASED MEMBER ATTAINS AGE 18 OR, IF THE CHILD IS A FULL-TIME STUDENT, BEFORE HE OR SHE ATTAINS AGE 22, THEN AN AMOUNT EQUAL TO 40% OF THE ALLOWANCE THE MEMBER WAS RECEIVING SHALL BE PAID TO THE CHILD OR CHILDREN, DIVIDED IN THE MANNER THAT THE BOARD OF TRUSTEES IN ITS DISCRETION DETERMINES, TO CONTINUE FOR THE BENEFIT OF THE CHILD OR CHILDREN UNTIL THE LAST CHILD MARRIES, DIES, OR ATTAINS EITHER AGE 18 OR, IF A FULL-TIME STUDENT, 22.

(c) Ordinary disability retirement benefit for any Class A or Class B member employed on or after June 29, 1989.

(2) (I) Upon retirement for ordinary disability on or after October 16, 1992, AND ON OR BEFORE ~~JUNE 29~~ MARCH 31, 2001, a Class A or Class B member shall be entitled to receive the maximum ordinary disability retirement allowance which shall consist of:

(A) [(i)] an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and

(B) [(ii)] a pension, which together with his annuity, shall provide a total retirement allowance equal to 1.85% of his average final compensation in the case of Class A members, and 1.70% of his average final compensation in the case of Class B members, multiplied by the number of years of his service.

(C) [(iii)] The additional annuity provided as the result of voluntary excess contributions under §§ 8(a)(2) and 8(a)(4) shall not be used in determining the ordinary disability pension under this subsection.

(D) [(iv)] Provided, however, [notwithstanding] NOTWITHSTANDING anything to the contrary, no member eligible for retirement under the provisions of THIS paragraph (c)(2)(I) [of this section] shall receive an ordinary disability allowance of less than 25% of his average final compensation.

(II) UPON RETIREMENT FOR ORDINARY DISABILITY ~~AFTER JUNE 29~~ ON OR AFTER APRIL 1, 2001, A CLASS A OR CLASS B MEMBER IS ENTITLED TO RECEIVE THE MAXIMUM ORDINARY DISABILITY RETIREMENT ALLOWANCE, WHICH CONSISTS OF:

(A) AN ANNUITY THAT IS THE ACTUARIAL EQUIVALENT OF HIS OR HER ACCUMULATED CONTRIBUTIONS AT THE TIME OF RETIREMENT; AND

- (B) A PENSION THAT, TOGETHER WITH HIS OR HER ANNUITY, PROVIDES A TOTAL RETIREMENT ALLOWANCE EQUAL TO 1.90% OF HIS OR HER AVERAGE FINAL COMPENSATION IN THE CASE OF A CLASS A MEMBER, AND 1.75% OF HIS OR HER AVERAGE FINAL COMPENSATION IN THE CASE OF A CLASS B MEMBER, MULTIPLIED BY THE NUMBER OF YEARS OF HIS OR HER SERVICE.
- (C) THE ADDITIONAL ANNUITY PROVIDED AS THE RESULT OF VOLUNTARY EXCESS CONTRIBUTIONS UNDER §§ 8(A)(2) AND 8(A)(4) MAY NOT BE USED IN DETERMINING THE ORDINARY DISABILITY PENSION UNDER THIS SUBSECTION.
- (D) HOWEVER, NOTWITHSTANDING ANYTHING TO THE CONTRARY, NO MEMBER ELIGIBLE FOR RETIREMENT UNDER THE PROVISIONS OF THIS PARAGRAPH (C)(2)(II) SHALL RECEIVE AN ORDINARY DISABILITY ALLOWANCE OF LESS THAN 25% OF HIS OR HER AVERAGE FINAL COMPENSATION.

(8) [Pensions offset by compensation] OFFSET FOR WORKERS'S COMPENSATION benefits.

(I) BENEFITS PAID ON OR BEFORE MARCH 31, 2001.

Any amounts [which may be] paid or payable by the City of Baltimore[,] ON OR BEFORE MARCH 31, 2001, under [the provisions of] any [workmen's] WORKERS' Compensation or similar law[,] to a Class A or Class B member or to the dependents of a member on account of any disability or death[,] shall be offset against and payable in lieu of any benefits payable out of funds provided by the City [of Baltimore] under [the provisions of] this subtitle on account of the same disability or death. [In case] IF the present value of the total commuted benefits under [said workmen's] THE WORKERS' Compensation or similar law is less than the pension reserve for the benefits otherwise payable from funds provided by the City [of Baltimore] under this subtitle, then the present value of the commuted payments [of the workmen's compensation benefits or similar law] shall be deducted from the pension reserve and [such] THE benefits as may be provided by the pension reserve so reduced shall be payable under [the provisions of] this subtitle.

(II) BENEFITS PAID ON OR AFTER APRIL 1, 2001.

WORKERS' COMPENSATION BENEFITS SHALL BE OFFSET AGAINST ORDINARY DISABILITY BENEFITS PAID ON OR AFTER APRIL 1, 2001, IN ACCORDANCE WITH SUBSECTION (K) OF THIS SECTION.

- (d) Ordinary disability retirement benefit for [any] Class A or Class B member employed on or after July 1, 1987, but not after June 28, 1989.

(8) [Pensions offset by compensation] OFFSET FOR WORKERS'S COMPENSATION benefits.

(I) BENEFITS PAID ON OR BEFORE MARCH 31, 2001.

Any amounts [which may be] paid or payable ON OR BEFORE MARCH 31, 2001, by the City of Baltimore[,] under [the provisions of] any [workmen's] WORKERS' Compensation or similar law[,] to a Class A or Class B member or to the dependents of a member on account of any disability or death[,] shall be offset against and payable in lieu of any benefits payable out of funds provided by the City [of Baltimore] under [the provisions of] this subtitle on account of the same disability or death. [In case] IF the present value of the total commuted benefits under [said workmen's] THE WORKERS' Compensation or similar law is less than the pension reserve for the benefits otherwise payable from funds provided by the City [of Baltimore]

under this subtitle, then the present value of the commuted payments [of the Workmen's Compensation benefits or similar law] shall be deducted from the pension reserve and [such] THE benefits as may be provided by the pension reserve so reduced shall be payable under [the provisions of] this subtitle.

(II) BENEFITS PAID ON OR AFTER APRIL 1, 2001.

WORKERS' COMPENSATION BENEFITS SHALL BE OFFSET AGAINST ORDINARY DISABILITY BENEFITS PAID ON OR AFTER APRIL 1, 2001, IN ACCORDANCE WITH SUBSECTION (K) OF THIS SECTION.

- (12) (I) [In the event that] If a member who was an employee on or after July 1, 1987, but not after June 28, 1989, retires and elects to receive maximum benefits without optional modification later dies and is survived by a spouse to whom the member had been married for at least 1 year immediately prior to retirement, an amount equal to 5% of the allowance [said] THE member was receiving shall be paid to [such] THE surviving spouse to continue as long as he or she remains unmarried. If there is no [such] SURVIVING spouse or if the spouse dies or remarries before the youngest unmarried child of [said] THE deceased member [shall have either attained the] ATTAINS age of 18 [years] or, [in the event said] IF THE child is a full-time student, before he OR SHE [shall have attained the] ATTAINS age [of] 22 [years], then an amount equal to 5% of the allowance [said] THE member was receiving shall be paid to [such] THE child or children, divided in [such] THE manner [as] THAT the Board of Trustees in its discretion [shall determine] DETERMINES, to continue for the benefit of [such] THE child or children until the last child marries, dies, or [either] attains [the] age [of] 18 [years] or, [in the event he is] IF a full-time student, [attains the age of] 22 [years].

- (II) EFFECTIVE APRIL 1, 2001, ANY ELIGIBLE SURVIVING SPOUSE, CHILD, OR CHILDREN OF A MEMBER WHO RETIRED AND ELECTED THE MAXIMUM BENEFIT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (12), SHALL RECEIVE 40% OF THE ALLOWANCE THE MEMBER WAS RECEIVING.

(D-1) ORDINARY DISABILITY RETIREMENT BENEFITS FOR CLASS A OR CLASS B MEMBER WHO TERMINATED EMPLOYMENT ON OR BEFORE JUNE 30, 1987.

- (1) SURVIVORSHIP BENEFITS FOR MEMBERS WHO SELECTED MAXIMUM BENEFITS AND DIE ON OR BEFORE MARCH 31, 2001.

NO BENEFIT IS PAYABLE TO THE BENEFICIARY(IES), NEXT OF KIN, OR THE ESTATE OF A MEMBER WHO SELECTED MAXIMUM BENEFITS AND DIES ON OR BEFORE MARCH 31, 2001.

- (2) SURVIVORSHIP BENEFITS FOR MEMBERS WHO SELECTED MAXIMUM BENEFITS AND DIE ON OR AFTER APRIL 1, 2001.

- (I) IF A MEMBER WHO WAS AN EMPLOYEE AND RETIRED BEFORE JULY 1, 1987, AND ELECTED TO RECEIVE MAXIMUM BENEFITS WITHOUT OPTIONAL MODIFICATION DIES ON OR AFTER APRIL 1, 2001, AND IS SURVIVED BY A SPOUSE TO WHOM THE MEMBER HAD BEEN MARRIED FOR AT LEAST 1 YEAR IMMEDIATELY BEFORE RETIREMENT, AN AMOUNT EQUAL TO 40% OF THE ALLOWANCE THE MEMBER WAS RECEIVING SHALL BE PAID TO THE SURVIVING SPOUSE TO CONTINUE AS LONG AS HE OR SHE REMAINS UNMARRIED.

- (II) IF THERE IS NO SURVIVING SPOUSE OR IF THE SPOUSE DIES OR REMARRIES BEFORE THE YOUNGEST UNMARRIED CHILD OF THE DECEASED MEMBER ATTAINS AGE 18 OR, IF THE CHILD

IS A FULL-TIME STUDENT, BEFORE HE OR SHE ATTAINS AGE 22, THEN AN AMOUNT EQUAL TO 40% OF THE ALLOWANCE THE MEMBER WAS RECEIVING SHALL BE PAID TO THE CHILD OR CHILDREN, DIVIDED IN THE MANNER THAT THE BOARD OF TRUSTEES IN ITS DISCRETION DETERMINES, TO CONTINUE FOR THE BENEFIT OF THE CHILD OR CHILDREN UNTIL THE LAST CHILD MARRIES, DIES, OR ATTAINS EITHER AGE 18 OR, IF A FULL-TIME STUDENT, 22.

(3) OFFSET FOR WORKERS'S COMPENSATION BENEFITS.

(I) BENEFITS PAID ON OR BEFORE MARCH 31, 2001

WORKERS' COMPENSATION BENEFITS SHALL BE OFFSET AGAINST ORDINARY DISABILITY BENEFITS PAID ON OR BEFORE MARCH 31, 2001, IN ACCORDANCE WITH SUBSECTION (J) OF THIS SECTION.

(II) BENEFITS PAID ON OR AFTER APRIL 1, 2001.

WORKERS' COMPENSATION BENEFITS SHALL BE OFFSET AGAINST ORDINARY DISABILITY BENEFITS PAID ON OR AFTER APRIL 1, 2001, IN ACCORDANCE WITH SUBSECTION (K) OF THIS SECTION.

(f) Allowance on accidental disability retirement.

(8) [Pensions offset by compensation] OFFSET FOR WORKERS'S COMPENSATION benefits.

(I) BENEFITS PAID ON OR BEFORE MARCH 31, 2001.

Any amounts [which may be] paid or payable ON OR BEFORE MARCH 31, 2001, by the City of Baltimore[,] under [the provisions of] any [workmen's] WORKERS' Compensation or similar law[,] to a Class A or Class B member or to the dependents of a member on account of any disability or death[,] shall be offset against and payable in lieu of any benefits payable out of funds provided by the City [of Baltimore] under [the provisions of] this subtitle on account of the same disability or death. [In case] IF the present value of the total commuted benefits under [said workmen's] THE WORKERS' Compensation or similar law is less than the pension reserve for the benefits otherwise payable from funds provided by the City [of Baltimore] under this subtitle, then the present value of the commuted payments [of the workmen's compensation benefits or similar law] shall be deducted from the pension reserve and [such] THE benefits as may be provided by the pension reserve so reduced shall be payable under [the provisions of] this subtitle.

(II) BENEFITS PAID ON OR AFTER APRIL 1, 2001.

WORKERS' COMPENSATION BENEFITS SHALL BE OFFSET AGAINST ACCIDENTAL DISABILITY BENEFITS PAID ON OR AFTER APRIL 1, 2001, IN ACCORDANCE WITH SUBSECTION (K) OF THIS SECTION.

- (12) (I) [In the event that] IF a member who was an employee on or after July 1, 1987, but not after June 28, 1989, retires and elects to receive maximum benefits without optional modification later dies and is survived by a spouse to whom the member had been married for at least 1 year immediately prior to retirement, an amount equal to 5% of the allowance [said] THE member was receiving shall be paid to [such] THE surviving spouse to continue as long as he or she remains unmarried. If there is no [such] SURVIVING spouse or if the spouse dies or remarries before the youngest unmarried child of [said] THE deceased member [shall have either attained the] ATTAINS age of 18 [years] or, [in the event said] IF THE child is a full-time

student, before he OR SHE [shall have attained the] ATTAINS age [of] 22 [years], then an amount equal to 5% of the allowance [said] THE member was receiving shall be paid to [such] THE child or children, divided in [such] THE manner [as] THAT the Board of Trustees in its discretion [shall determine] DETERMINES, to continue for the benefit of [such] THE child or children until the last child marries, dies, or [either] attains [the] age [of] 18 [years] or, [in the event he is] IF a full-time student, [attains the age of] 22 [years].

- (II) EFFECTIVE APRIL 1, 2001, ANY ELIGIBLE SURVIVING SPOUSE, CHILD, OR CHILDREN OF A MEMBER WHO RETIRED AND ELECTED THE MAXIMUM BENEFIT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH (12), SHALL RECEIVE 40% OF THE ALLOWANCE THE MEMBER WAS RECEIVING.

(14) SURVIVORSHIP BENEFITS FOR BENEFICIARIES OF MEMBERS WHO TERMINATED EMPLOYMENT ON OR BEFORE JUNE 30, 1987 AND SELECTED MAXIMUM BENEFITS.

- (I) MEMBERS WHO DIED ON OR BEFORE MARCH 31, 2001.

NO BENEFIT IS PAYABLE TO THE BENEFICIARY(IES), NEXT OF KIN, OR THE ESTATE OF A MEMBER WHO SELECTED MAXIMUM BENEFITS AND DIES ON OR BEFORE MARCH 31, 2001.

- (II) MEMBERS WHO DIE ON OR AFTER APRIL 1, 2001.

(A) IF A MEMBER WHO WAS AN EMPLOYEE AND RETIRED BEFORE JULY 1, 1987, AND ELECTED TO RECEIVE MAXIMUM BENEFITS WITHOUT OPTIONAL MODIFICATION DIES ON OR AFTER APRIL 1, 2001, AND IS SURVIVED BY A SPOUSE TO WHOM THE MEMBER HAD BEEN MARRIED FOR AT LEAST 1 YEAR IMMEDIATELY BEFORE RETIREMENT, AN AMOUNT EQUAL TO 40% OF THE ALLOWANCE THE MEMBER WAS RECEIVING SHALL BE PAID TO THE SURVIVING SPOUSE TO CONTINUE AS LONG AS HE OR SHE REMAINS UNMARRIED.

(B) IF THERE IS NO SURVIVING SPOUSE OR IF THE SPOUSE DIES OR REMARRIES BEFORE THE YOUNGEST UNMARRIED CHILD OF THE DECEASED MEMBER ATTAINS AGE 18 OR, IF THE CHILD IS A FULL-TIME STUDENT, BEFORE HE OR SHE ATTAINS AGE 22, THEN AN AMOUNT EQUAL TO 40% OF THE ALLOWANCE THE MEMBER WAS RECEIVING SHALL BE PAID TO THE CHILD OR CHILDREN, DIVIDED IN THE MANNER THAT THE BOARD OF TRUSTEES IN ITS DISCRETION DETERMINES, TO CONTINUE FOR THE BENEFIT OF THE CHILD OR CHILDREN UNTIL THE LAST CHILD MARRIES, DIES, OR ATTAINS EITHER AGE 18 OR, IF A FULL-TIME STUDENT, 22.

(h) Non-line-of-duty death benefit.

(4) 40% SURVIVORSHIP DEATH BENEFIT.

- (I) BEGINNING APRIL 1, 2001, IF THE MEMBER HAD AT LEAST 20 YEARS OF SERVICE AS OF THE DATE OF HIS OR HER DEATH, WITHOUT REGARD TO WHETHER THE MEMBER WAS ELIGIBLE FOR A SERVICE RETIREMENT BENEFIT ON THE DATE OF THE MEMBER'S DEATH, AND IF A PROPER APPLICATION IS FILED UNDER SUBPARAGRAPH (VII) OF THIS PARAGRAPH (4), THE BOARD OF TRUSTEES SHALL PAY A RETIREMENT BENEFIT EQUAL TO 40% OF THE MEMBER'S ACCRUED MAXIMUM SERVICE RETIREMENT BENEFIT BASED ON THE NUMBER OF YEARS OF SERVICE CREDIT AS OF THE MEMBER'S DATE OF DEATH AND AS IF THE MEMBER HAD ATTAINED AGE 60 AS OF THE DATE OF HIS OR HER DEATH.

- (II) THIS BENEFIT SHALL BE PAID:

A. TO THE MEMBER'S DESIGNATED BENEFICIARY, AS LONG AS THAT DESIGNATED BENEFICIARY IS LIMITED TO:

1. THE MEMBER'S SURVIVING SPOUSE, TO CONTINUE FOR LIFE OR UNTIL REMARRIAGE; OR
2. THE MEMBER'S UNMARRIED MINOR CHILDREN, TO BE PAID TO EACH CHILD IN EQUAL SHARES, UNTIL THAT CHILD MARRIES OR IS NO LONGER A MINOR, AS DEFINED IN §47(H) OF THIS ARTICLE; OR

B. IF THE DESIGNATED BENEFICIARY IS NOT THE MEMBER'S SPOUSE OR MINOR CHILD AND THAT BENEFICIARY PREDECEASES THE MEMBER, OR IF THERE IS NO DESIGNATED BENEFICIARY, THEN TO THE MEMBER'S SURVIVING SPOUSE, TO CONTINUE FOR LIFE OR UNTIL REMARRIAGE; OR

C. IF THERE IS NO QUALIFYING SURVIVING SPOUSE UNDER SUBPARAGRAPH A OR B, OR IF THE SURVIVING SPOUSE DIES OR REMARRIES, THEN TO THE MEMBER'S UNMARRIED MINOR CHILDREN, TO BE PAID TO EACH CHILD IN EQUAL SHARES, UNTIL THAT CHILD MARRIES OR IS NO LONGER A MINOR, AS DEFINED IN §47(H) OF THIS ARTICLE.

(III) FOR PURPOSES OF THIS PARAGRAPH (4), "SURVIVING SPOUSE" MEANS A SPOUSE TO WHOM THE MEMBER WAS MARRIED FOR AT LEAST 1 YEAR IMMEDIATELY BEFORE THE DATE OF THE MEMBER'S DEATH.

(IV) FOR PURPOSES OF THIS PARAGRAPH (4), WHEN A MEMBER'S CHILD MARRIES OR IS NO LONGER A MINOR AND, CONSEQUENTLY, CEASES TO RECEIVE BENEFITS UNDER THIS PARAGRAPH (4), EACH REMAINING UNMARRIED MINOR CHILD WILL BEGIN TO RECEIVE, IN ADDITION TO HIS OR HER EXISTING BENEFIT, AN EQUAL SHARE OF THE BENEFIT FORMERLY PAID TO THE OTHER CHILD. THIS PROCESS CONTINUES UNTIL THE MEMBER'S YOUNGEST CHILD MARRIES OR IS NO LONGER A MINOR.

(V) IF A MEMBER FILES WITH THE BOARD OF TRUSTEES A WRITTEN DESIGNATION THAT NAMES SOMEONE OTHER THAN A SPOUSE OR MINOR CHILD AS BENEFICIARY AND IF THAT BENEFICIARY DOES NOT PREDECEASE THE MEMBER, THE BENEFITS OF THIS PARAGRAPH (4) ARE NOT AVAILABLE TO THE SURVIVING SPOUSE OR MINOR CHILDREN OF THE MEMBER.

(VI) THE BENEFIT PROVIDED BY THIS PARAGRAPH (4) IS IN PLACE OF ALL BENEFITS PROVIDED UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION.

(VII) TO RECEIVE THE BENEFIT PROVIDED UNDER THIS PARAGRAPH (4), THE SURVIVING SPOUSE OR MINOR CHILDREN MUST APPLY IN WRITING, ON FORMS PROVIDED BY THE BOARD OF TRUSTEES, WITHIN 60 DAYS AFTER NOTICE OF THIS BENEFIT IS PROVIDED TO THE SPOUSE OR MINOR CHILDREN AFTER THE DEATH OF THE MEMBER.

(VIII) ANY DEATH BENEFITS PAID BY THIS SYSTEM AND RECEIVED BY THE BENEFICIARY OF A MEMBER UNDER PARAGRAPHS (2) OR (3) OF THIS SUBSECTION SHALL BE OFFSET AGAINST ANY DEATH BENEFITS PAYABLE UNDER THIS PARAGRAPH (4).

(5)[(4)] *Death without beneficiaries or estate.*

The amounts that would have been paid under this subsection (h), excluding membership contribution accounts, with interest, forever remain assets of the System if:

- (i) a member dies without designating a beneficiary;
- (ii) that member has no heirs, as enumerated in [§§] PARAGRAPHS 2(iii), [and] 3(ii), AND 4(ii) of this subsection (h); and
- (iii) no estate for that member is opened within 2 years of the member's death.

(6)[(5)] *Death of retired Class A or Class B member within 30 days of retirement.*

(i) *Scope of paragraph.*

Except as specified in subparagraph (ii), this paragraph applies to a retired member who:

- A. has been granted a service or disability retirement allowance; and
- B. dies within 30 days of his or her retirement date.

(ii) *Exception.*

This paragraph does not apply to a former member who terminates employment before reaching age 60 without immediate entitlement to retirement benefits.

(iii) *Death deemed to be during active service.*

A retired Class A or Class B member described in subparagraph (i) of this paragraph [(5)] (6) is deemed to have died while still employed by the City and, instead of any other service or disability benefits under this System, a non-line-of-duty death benefit will be paid as if he or she died during active service.

(iv) *BENEFIT IN PLACE OF OTHERS.*

The benefit provided by subparagraph (iii) of this paragraph [(5)] (6) is in place of all benefits provided under §§ 6(a), 6(b), 6(c), or 6(d).

(v) *Offset of payments received.*

Any pension benefits paid by this System and received by the retired member before he or she died shall be offset against the death benefits payable under this subsection (h) of this section.

(j) *[Pensions offset by compensation benefits] OFFSET FOR WORKERS' COMPENSATION BENEFITS — BENEFITS PAID ON OR BEFORE MARCH 31, 2001.*

- (1) Any amounts [which may be] paid or payable by the City of Baltimore ON OR BEFORE MARCH 31, 2001, under [the provisions of] any Workers' Compensation or similar law to a Class A or Class B member or to the dependents of a Class A or Class B member on account of any disability or death shall be offset against and payable[,] in lieu of[,] any benefits payable out of funds provided by the City [of Baltimore] under [the provisions of] this subtitle on account of the same disability or death.
- (2) [In case] IF the present value of the total commuted benefits under [said] THE Workers' Compensation or similar law is less than the pension reserve on the benefits otherwise payable from funds provided by the City [of Baltimore] under this subtitle, then the present value of the

commuted payments shall be deducted from the pension reserve and [such] THE benefits as may be provided by the pension reserve so reduced shall be payable under [the provisions of] this subtitle.

(K) OFFSET FOR WORKERS' COMPENSATION BENEFITS — BENEFITS PAID ON OR AFTER APRIL 1, 2001.

(1) SCOPE OF SUBSECTION.

THIS SUBSECTION APPLIES TO A MEMBER OR BENEFICIARIES OF A MEMBER:

(I) THE PAYMENT OF WHOSE RETIREMENT BENEFIT COMMENCES ON OR AFTER APRIL 1, 2001, EITHER:

A. ON ACCOUNT OF AN ORDINARY DISABILITY UNDER SUBSECTION (C), (D), OR (D-1), OR

B. ON ACCOUNT OF AN ACCIDENTAL DISABILITY UNDER SUBSECTION (E) OR (F); OR

(II) WHO DIES ON OR AFTER APRIL 1, 2001, AND IS AWARDED EITHER:

A. A NON-LINE-OF-DUTY DEATH BENEFIT UNDER SUBSECTION (H), OR

B. A LINE-OF-DUTY DEATH BENEFIT UNDER SUBSECTION (I).

(2) OFFSET FOR WORKERS' COMPENSATION PAYMENTS.

THE BOARD OF TRUSTEES SHALL OFFSET THE AMOUNT OF A MEMBER'S WORKERS' COMPENSATION BENEFITS TO BE PAID OR PAYABLE BY THE CITY AND AWARDED UNDER THE STATE'S WORKERS' COMPENSATION LAW AGAINST ANY DISABILITY OR DEATH BENEFITS PAID OR PAYABLE BY THE SYSTEM TO A MEMBER OR A MEMBER'S BENEFICIARIES, IF:

(I) THE WORKERS' COMPENSATION AWARD WAS FOR PERMANENT PARTIAL OR PERMANENT TOTAL DISABILITY OR FOR DEATH; AND

(II) THE WORKERS' COMPENSATION BENEFIT WAS AWARDED ON ACCOUNT OF THE SAME DISABILITY OR DEATH THAT RESULTED IN THE SYSTEM'S PAYMENT OF DISABILITY OR DEATH BENEFITS.

(3) AMOUNTS NOT INCLUDED IN OFFSET.

THE AMOUNT OF WORKERS' COMPENSATION BENEFITS TO BE OFFSET DOES NOT INCLUDE AMOUNTS ALLOCATED FOR THE PAYMENT OF LEGAL FEES, MEDICAL EXPENSES, OR OTHER PAYMENTS AUTHORIZED BY THE WORKERS' COMPENSATION COMMISSION TO BE MADE DIRECTLY TO THIRD PARTIES AND NOT TO THE MEMBER OR THE MEMBER'S BENEFICIARY.

(4) METHOD OF OFFSET.

(I) NON-ACTUARIAL METHOD FOR LUMP-SUM PAYMENTS.

A. THE BOARD OF TRUSTEES SHALL OFFSET THE AMOUNT OF A MEMBER'S WORKERS' COMPENSATION AWARD, REDUCED BY THE AMOUNTS DESCRIBED IN

PARAGRAPH (3), AGAINST ANY LUMP-SUM DEATH BENEFITS PAID OR PAYABLE BY THE SYSTEM TO A MEMBER'S BENEFICIARIES IN THE FOLLOWING MANNER.

- B. THE OFFSET SHALL BE MADE ON A NON-ACTUARIAL, DOLLAR-FOR-DOLLAR BASIS AGAINST ANY LUMP-SUM BENEFIT UNTIL THE TOTAL AMOUNT OF THE WORKERS' COMPENSATION BENEFITS HAS BEEN RECOVERED.
- C. IF THE AMOUNT OF THE WORKERS' COMPENSATION BENEFITS EXCEEDS THE LUMP-SUM DEATH BENEFIT, THEN NO BENEFIT MAY BE PAID, EXCEPT FOR THE RETURN OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS.

(II) ACTUARIAL METHOD FOR PERIODIC PAYMENTS.

- A. THE BOARD OF TRUSTEES SHALL OFFSET THE AMOUNT OF A MEMBER'S WORKERS' COMPENSATION AWARD, REDUCED BY THE AMOUNTS DESCRIBED IN PARAGRAPH (3), AGAINST ANY PERIODIC DISABILITY OR DEATH BENEFITS PAID OR PAYABLE BY THE SYSTEM TO A MEMBER OR A MEMBER'S BENEFICIARIES IN THE FOLLOWING MANNER.
- B. THIS OFFSET SHALL BE CALCULATED ON AN ACTUARIAL BASIS BY ANNUITIZING THE MEMBER'S WORKERS' COMPENSATION AWARD, REDUCED BY THE AMOUNTS DESCRIBED IN PARAGRAPH (3), AND REDUCING THE MEMBER'S PERIODIC DISABILITY OR DEATH BENEFIT BY THE ANNUITIZED AMOUNT UNTIL THE TOTAL AMOUNT OF THE WORKERS' COMPENSATION BENEFITS HAVE BEEN RECOVERED.
- C. THE ACTUARIAL AMOUNT SHALL BE CALCULATED USING AN ACTUARIAL METHOD AND APPROPRIATE ANNUITY FACTORS RECOMMENDED BY THE SYSTEM'S ACTUARY AND APPROVED BY THE BOARD OF TRUSTEES.
- D. IF THE ANNUITIZED AMOUNT OF THE WORKERS' COMPENSATION BENEFITS EXCEEDS THE SYSTEM'S PERIODIC DISABILITY OR DEATH BENEFIT PAYMENT, THEN NO DEATH OR DISABILITY BENEFIT MAY BE PAID UNTIL THE AMOUNT OF THE WORKERS' COMPENSATION BENEFIT IS RECOVERED, EXCEPT FOR THE RETURN OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS.

(5) RESTORATION OF OFFSET AMOUNT AGAINST RETIREMENT BENEFITS.

- (I) ON RECOVERING THE FULL AMOUNT OF THE MEMBER'S WORKERS' COMPENSATION BENEFITS, THE REDUCED DISABILITY OR DEATH BENEFITS PAYABLE TO THE MEMBER OR THE MEMBER'S BENEFICIARIES SHALL BE RESTORED TO THE UNREDUCED AMOUNT OF THE DISABILITY OR DEATH BENEFITS PAYABLE TO THE MEMBER OR BENEFICIARIES PRIOR TO THE OFFSET FOR WORKERS' COMPENSATION.
- (II) THE AMOUNT BY WHICH A REDUCED DISABILITY OR DEATH BENEFIT IS RESTORED UNDER SUBPARAGRAPH (I) DOES NOT INCLUDE ANY POST-RETIREMENT INCREASES THAT THE MEMBER OR THE MEMBER'S BENEFICIARIES WOULD HAVE BEEN ELIGIBLE TO RECEIVE HAD THE MEMBER'S DISABILITY OR DEATH BENEFITS NOT BEEN REDUCED.

(6) TRANSITIONAL RULE FOR THOSE RECEIVING REDUCED BENEFITS PRIOR TO APRIL 1, 2001.

- (I) THE BOARD OF TRUSTEES SHALL IMPLEMENT THE METHOD OF OFFSET DESCRIBED IN PARAGRAPH (4) OF THIS SUBSECTION (K) FOR ANY MEMBER OR BENEFICIARY OF A MEMBER:

A. WHOSE DISABILITY OR DEATH BENEFITS WERE REDUCED BY WORKERS' COMPENSATION BENEFITS ON OR BEFORE MARCH 31, 2001; AND

B. WHOSE WORKERS' COMPENSATION BENEFITS WERE NOT FULLY RECOVERED AS OF APRIL 1, 2001.

(II) FOR MEMBERS OR BENEFICIARIES WHOSE DISABILITY OR DEATH BENEFITS HAVE BEEN OFFSET ON ACCOUNT OF WORKERS' COMPENSATION BENEFITS ON OR BEFORE MARCH 31, 2001, AND WHOSE WORKERS' COMPENSATION BENEFITS ARE FOUND TO HAVE BEEN RECOVERED UNDER THE METHOD DESCRIBED IN PARAGRAPH (4), ALL WORKERS' COMPENSATION OFFSETS SHALL BE TERMINATED.

§ 7. Management of funds.

(b) Interest.

- (1) (I) As of July 1, 1978, the Trustees will determine the "carrying value" of the Fund in accordance with the asset valuation method theretofore employed and the "adjusted market value" of the Fund representing an average fair market value of that date.
- (II) During the 1979 fiscal year, the Trustees will establish a "Reserve for Book Value" as of July 1, 1978, equal to the difference as of that date between the carrying value and the adjusted market value of the Fund. On that date and on each annual valuation date thereafter, the value of the Fund assets for actuarial valuation purposes will be carried at (1) the then current adjusted market value, plus (2) the Reserve for Book Value.
- (III) The Board of Trustees annually shall credit regular interest less the investment management, custodian and investment adviser costs on the mean amount for the preceding year in each of the funds. After payment of pension fund management, custodian, and investment adviser services as provided in §§ 7(g) and 43(a), any excess of the earnings of the funds of this Retirement System as determined in accordance with an appropriate asset investment adviser services as provided in §§ 7(g) and 43(a), any excess of the earnings of the funds of this Retirement System as determined in accordance with an appropriate asset valuation method giving effect to actual earnings of the funds, over the earnings based on the regular interest rate used for valuation purposes, shall first be applied by the Board of Trustees to meet the conditions of any asset averaging method then in use under the system.
- (IV) An additional amount equal to 1½% of the mean amount for the preceding year in each of the funds will be deducted from the remaining excess earnings, if any, and applied by the Board of Trustees to reduce the remaining balance, if any, in the "Reserve for Book Value"; to the extent that excess earnings are less than 1½% per annum, the City of Baltimore shall contribute the difference to the "Reserve for Book Value", averaged over a 5-year period in accordance with the asset valuation method theretofore employed. The remaining excess earnings, if any, shall next be applied by the Board in such amount or amounts as they determine (1) to decrease the amount contributed by the City of Baltimore, and/or (2) to decrease the period over which the unfunded accrued liability will be amortized as provided in § 8(c)(3), and/or (3) to reduce the remaining balance, if any, in the "Reserve for Book Value". Any deficiency of the earnings of the funds of this Retirement System, as determined in accordance with an appropriate asset valuation method giving recognition to actual earnings of the funds, below the required earnings based on the regular interest rate used for valuation purposes shall first be applied to meet the conditions of any asset averaging method then in use under the system; the remaining deficiency in earnings, if any,

shall be applied by the Board of Trustees in such amount or amounts as they determine either (1) to increase the amount contributed by the City of Baltimore, and/or (2) to increase the period over which the unfunded accrued liability will be amortized as provided in § 8(c)(3).

- (v) The increase or decrease of contribution and/or the increase or decrease in length of amortization period shall be determined by the Board after receiving the advice of the actuary engaged by the City, on the basis of regular interest rate used for valuation purposes, and of such mortality and other tables as shall be adopted by the Board of Trustees.
- (2) The Board of Trustees shall use such portion of the net unallocated interest surplus (if any), which has not been used to reduce the City's contribution or the unfunded actuarial liability, as is deemed necessary by the actuary to cover the cost to the City of Baltimore which may result from the implementation of Ordinance 87-988, effective July 1, 1987, as it affects benefits for current members as of the date of enactment of the ordinance. All other costs of Ordinance 87-988 shall be provided for in the same manner as otherwise described in this section.
- (3) The Board of Trustees shall apply the \$19,633,535 restricted portion of the interest surplus, as noted in City Council Resolution 88-009, towards the cost to the City of Baltimore which results from the implementation of Ordinance 89-275.
- (4) Any unallocated interest surplus as of June 30, 1990, shall be applied to reduce the current cost of the system. \$1,000,000 of such surplus shall be applied for the City's fiscal year ending June 30, 1992. The remainder of such surplus shall be applied in each following fiscal year until exhausted. The amount to be applied in each such year shall be no more than \$3,000,000 and no less than the lesser of \$1,000,000 or the remaining amount of surplus not yet applied.
- (5) The Board of Trustees shall use such portion of the net unallocated interest surplus, if any, as of June 30, 1995, as is deemed necessary by the actuary to cover the cost to the City of §§ 4(b)(2) and 9(c)(6) of this subtitle. Any [additional] ADDITIONAL costs of said sections shall be funded in the same manner as otherwise described in this section.
- (6) THE BOARD OF TRUSTEES SHALL USE THAT PORTION OF THE NET UNALLOCATED EXCESS EARNINGS, IF ANY, AS OF JUNE 30, 2000, THAT THE ACTUARY CONSIDERS NECESSARY TO COVER THE COST TO THE CITY OF §§ 6(A)(2)(III), 6(B)(15)(I), 6(B-1), 6(C)(2)(II), AND 6(C)(12)(II), 6(D-1), 6(F)(12)(II), 6(F)(14), 6(H)(4), 6(K), 9(E)(6), 9(J)(II), 9(M)(8)(C) AND (D), 9(O-1)(4), AND 9(O-4) OF THIS SUBTITLE. ANY ADDITIONAL COSTS OF THOSE SECTIONS SHALL BE FUNDED IN THE SAME MANNER AS OTHERWISE DESCRIBED IN THIS SECTION.

§ 9. Class C membership.

(e) *Service retirement benefits.*

- (5) *Normal retirement for [any] Class C member ~~employed~~ WHO WAS AN EMPLOYEE on or after June 29, 1993, AND WHO TERMINATES employment on or before June 18, 2001 ~~MARCH 31, 2001.~~*

Notwithstanding anything to the contrary, any Class C member, who has acquired at least 5 years of service at the normal retirement date of age 65, shall have a nonforfeitable right to receive a maximum pension commencing at the normal retirement date, age 65, or an optional pension as provided in § 9(m), which shall be the actuarial equivalent of the maximum pension. In addition, any Class C member who has not attained the normal retirement age 65, but who has acquired 30 years or more of service, regardless of age, shall be entitled to receive a maximum or optional pension calculated as if the member had attained his normal retirement date, age 65. The maximum pension shall be equal to: (a) 1.50% of the member's average final compensation, plus

0.35% of the member's average final compensation in excess of his covered compensation, multiplied by his years of service (and fractions thereof) not in excess of 30, plus (b) 1.85% of the member's average final compensation multiplied by his years of service (and fractions thereof) in excess of 30. The benefit provided by this § 9(e)(5) is subject to the offset set forth in § 9(e)(3) above.

- (6) NORMAL RETIREMENT FOR CLASS C MEMBER ~~EMPLOYED~~ WHO WAS AN EMPLOYEE ON OR AFTER ~~JUNE 29, 2001~~ APRIL 1, 2001.

NOTWITHSTANDING ANYTHING TO THE CONTRARY, ANY CLASS C MEMBER WHO HAS ACQUIRED AT LEAST 5 YEARS OF SERVICE AT THE NORMAL RETIREMENT DATE, AGE 65, HAS A NONFORFEITABLE RIGHT TO RECEIVE A MAXIMUM PENSION COMMENCING AT THE NORMAL RETIREMENT DATE, AGE 65, OR AN OPTIONAL PENSION AS PROVIDED IN § 9(M), WHICH IS THE ACTUARIAL EQUIVALENT OF THE MAXIMUM PENSION. IN ADDITION, ANY CLASS C MEMBER WHO HAS NOT ATTAINED THE NORMAL RETIREMENT AGE 65, BUT WHO HAS ACQUIRED 30 YEARS OR MORE OF SERVICE, REGARDLESS OF AGE, IS ENTITLED TO RECEIVE A MAXIMUM OR OPTIONAL PENSION CALCULATED AS IF THE MEMBER HAD ATTAINED HIS OR HER NORMAL RETIREMENT DATE, AGE 65. THE MAXIMUM PENSION IS EQUAL TO: (A) 1.60% OF THE MEMBER'S AVERAGE FINAL COMPENSATION, PLUS 0.25% OF THE MEMBER'S AVERAGE FINAL COMPENSATION IN EXCESS OF HIS OR HER COVERED COMPENSATION, MULTIPLIED BY HIS OR HER YEARS OF SERVICE (AND FRACTIONS OF THOSE YEARS OF SERVICE) NOT IN EXCESS OF 30, PLUS (B) 1.85% OF THE MEMBER'S AVERAGE FINAL COMPENSATION MULTIPLIED BY HIS OR HER YEARS OF SERVICE (AND FRACTIONS OF THOSE YEARS OF SERVICE) IN EXCESS OF 30. THE BENEFIT PROVIDED BY THIS § 9(E)(6) IS SUBJECT TO THE OFFSET SET FORTH IN § 9(E)(3) ABOVE.

(i) Ordinary disability retirement benefit.

- (4) Offset to ordinary disability retirement benefit ON ACCOUNT OF UNEMPLOYMENT COMPENSATION.

There shall be offset from any ordinary disability retirement benefit [payable: (i)] the full amount of any benefit or payment currently payable on or after ordinary disability retirement on account of unemployment compensation insurance under any Federal, State, or City law, when the City either pays the cost of [said] THE benefit by [means of] the reimbursement method or the City's experience rate is affected as a result of the taxing method.

(4A) OFFSETS FOR WORKER'S COMPENSATION BENEFITS.

- (i) ON OR BEFORE MARCH 31, 2001.

[(ii) effective] EFFECTIVE with the date beginning 5 years prior to the date of the member's retirement on ordinary disability, the full amount of any past or future benefit or payment [which] THAT may be paid or payable by the City of Baltimore under [the provisions of] any [workmen's compensation] WORKERS' COMPENSATION or similar law for any permanent disability, whether partial or total, or for death SHALL BE OFFSET FROM ANY ORDINARY DISABILITY RETIREMENT BENEFIT PAYABLE BY THE CITY ON OR BEFORE MARCH 31, 2001. The benefits under [said] THE [workmen's] WORKERS' Compensation or similar law shall be offset dollar-for-dollar, pro tanto, from the benefits otherwise payable from funds provided by the City [of Baltimore] under this subtitle, and [such] THE benefits so reduced shall be payable under [the provisions of] this subtitle.

(II) ON OR AFTER APRIL 1, 2001.

WORKERS' COMPENSATION BENEFITS SHALL BE OFFSET AGAINST ORDINARY DISABILITY BENEFITS PAID ON OR AFTER APRIL 1, 2001, IN ACCORDANCE WITH SUBSECTION (0-4) OF THIS SECTION.

(j) Accidental disability retirement benefit.(3) [Schedule of impairments] DISABILITY LOSS REQUIREMENTS.

(i) [A] FOR ACCIDENTAL DISABILITY RETIREMENT BENEFITS AWARDED ON OR BEFORE MARCH 31, 2001, A 75% anatomical loss of the use of any 1 [of the below:] or a 50% or more anatomical loss of each of 2 or more of the [below:] IMPAIRMENTS LISTED IN SUBPARAGRAPH (III).

(II) FOR ACCIDENTAL DISABILITY RETIREMENT BENEFITS AWARDED ON OR AFTER APRIL 1, 2001, A 50% ANATOMICAL LOSS OF THE USE OF ANY 1 OR A 25% OR MORE ANATOMICAL LOSS OF EACH OF 2 OR MORE OF THE IMPAIRMENTS LISTED IN SUBPARAGRAPH (III).

(III) SCHEDULE OF IMPAIRMENTS:

- (1) speech
- (2) sight
- (3) neck
- (4) back
- (5) vital bodily organ
- (6) a part of the central nervous system
- (7) arm
- (8) leg
- (9) shoulder
- (10) hearing
- (11) mentally incapacitated whereby a member applies for and is granted a disability benefit under the Federal Old-Age Survivor's and Disability Insurance Act.

(4) Offset [to accidental disability retirement benefit] ON ACCOUNT OF UNEMPLOYMENT COMPENSATION.

There shall be offset from any accidental disability retirement benefit [payable: (i)] the full amount of any benefit or payment currently payable on or after accidental disability retirement on account of unemployment compensation insurance under any Federal, State, or City law, when the City either pays the cost of [said] THE benefit by [means of] the reimbursement method or the City's experience rate is affected as a result of the taxing method.

(4A) OFFSETS FOR WORKER'S COMPENSATION BENEFITS.(i) ON OR BEFORE MARCH 31, 2001.

[(ii) effective] EFFECTIVE with the date beginning 5 years prior to the date of the accident [which] THAT qualified the member for accidental disability retirement benefits under this section, the full amount of any past or future benefit or payment

[which] THAT may be paid or payable by the City of Baltimore under [the provisions of] any [workmen's compensation] WORKERS' COMPENSATION or similar law for any permanent disability, whether partial or total, or for death SHALL BE OFFSET FROM ANY ACCIDENTAL DISABILITY RETIREMENT BENEFIT PAYABLE BY THE CITY ON OR BEFORE MARCH 31, 2001. The benefits under [said] THE [workmen's] WORKERS' Compensation or similar law shall be offset dollar-for-dollar, pro tanto, from the benefits otherwise payable from funds provided by the City [of Baltimore] under this subtitle, and [such] THE benefits so reduced shall be payable under [the provisions of] this subtitle.

(II) ON OR AFTER APRIL 1, 2001.

WORKERS' COMPENSATION BENEFITS SHALL BE OFFSET AGAINST ACCIDENTAL DISABILITY BENEFITS PAID ON OR AFTER APRIL 1, 2001, IN ACCORDANCE WITH SUBSECTION (0-4) OF THIS SECTION.

(4B) OFFSET ON ACCOUNT OF EXCESS EARNINGS.

- (I) [(iii)] A disability retiree may, without reduction of his OR HER retirement allowance, earn annually an amount, [hereinafter] referred to HERE as "earnings", equal to the rate of the annual earnable compensation currently being paid to persons in the same grade and step as the retiree was at the time of [his] retirement, plus the amount of any longevity payments currently being paid for the length of service the retiree had at the time of [his] retirement, [said] THIS rate of earnable compensation plus longevity payments, if any, [hereinafter] referred to HERE as "base amount". [Should such a] IF THE retiree [earn] EARNS an annual amount [which] THAT is greater than his OR HER base amount, the pension otherwise payable to a disabled retiree under the age of 70 shall be reduced in the following manner:
 - A. For the first \$5,000 of earnings in excess of the base amount, a reduction of \$1 in pension benefits shall be made for each \$2 earned.
 - B. For any earnings in excess of \$5,000 over the base amount, a reduction of \$2 in pension benefits shall be made for each \$5 earned.
- (II) In the calendar year of retirement, the base amount shall be prorated on a monthly basis. Benefits [which] THAT may be payable to a beneficiary of a deceased disability retiree under [the provisions of] this subtitle[,] shall not be reduced by reason of any excess earnings [said] THAT THE retiree may have had; and the base for calculating [said] THE beneficiary's benefits shall be the total unreduced retirement allowance of the disability retiree, notwithstanding the fact that [said] THE retiree was receiving a reduced retirement allowance in the year of his OR HER death.
- (III) The term "earnings" as used in this subsection [shall mean] MEANS income derived from wages, salaries, tips, commissions, other employee compensation, and self-employment. In all cases of doubt, the Board of Trustees shall decide what are and what are not "earnings" for the purposes of administering [the provisions of] this subsection.
- (IV) [Such] A disability retiree who has not been certified as fit to perform duties in the nature of those he OR SHE was performing [prior to his] BEFORE retirement may, nevertheless, accept suitable employment with the City, subject to the "earnings" provisions contained [herein] IN THIS SUBSECTION[: provided, however, that such].

HOWEVER, an employee [shall] MAY not again become a member of any retirement system supported in whole or in part by the Mayor and City Council of Baltimore.

- (v) On or before May 1 of each year following [his] disability retirement, a disability retiree shall submit, on a form [issued by the Board of Trustees or on its equivalent as] approved by the Board of Trustees, a signed statement setting forth his OR HER total gross earnings, if any, in the preceding calendar year and the source of [said] THOSE earnings. The execution of [said forms] THIS FORM by a disability retiree [shall have] HAS the same effect as a statement sworn [to by him] before a notary public. [Should] IF any disability retiree [fail] FAILS to submit [said] THIS signed statement, his OR HER retirement allowance may [thereafter] be discontinued by the Board of Trustees until he OR SHE has complied; and [should] IF he OR SHE [fail] FAILS to submit [said] A signed and completed statement by May 1 of the succeeding year, all rights in and to his OR HER pension may be revoked by the Board of Trustees.

(k) Dismemberment disability retirement benefits.

(3) Offset [to dismemberment disability retirement benefit] ON ACCOUNT OF UNEMPLOYMENT COMPENSATION.

There shall be offset from any dismemberment disability retirement benefit [payable: (i)] the full amount of any benefit or payment currently payable on account of unemployment compensation insurance under any Federal, State, or City law, when the City either pays the cost of [said] THE benefit by [means of] THE reimbursement method or the City's experience rate is affected as a result of the taxing method.

(3A) OFFSETS FOR WORKERS' COMPENSATION BENEFITS.

(I) ON OR BEFORE MARCH 31, 2001.

[(ii) effective] EFFECTIVE with the date beginning 5 years prior to the date of the accident [which] THAT qualified the member for dismemberment disability retirement benefits under this section, the full amount of any past or future benefit or payment [which] THAT may be paid or payable by the City of Baltimore under [the provisions of] any [workmen's compensation] WORKERS' COMPENSATION or similar law for any permanent disability, whether partial or total, or death SHALL BE OFFSET FROM ANY DISMEMBERMENT DISABILITY RETIREMENT BENEFIT PAYABLE BY THE CITY ON OR BEFORE MARCH 31, 2001. The benefits under [said] THE [workmen's] WORKERS' Compensation or similar law shall be offset dollar-for-dollar, pro tanto, from the benefits otherwise payable from funds provided by the City [of Baltimore] under this subtitle, and [such] THE benefits so reduced shall be payable under [the provisions of] this subtitle.

(II) ON OR AFTER APRIL 1, 2001.

WORKERS' COMPENSATION BENEFITS SHALL BE OFFSET AGAINST DISMEMBERMENT DISABILITY BENEFITS PAID ON OR AFTER APRIL 1, 2001, IN ACCORDANCE WITH SUBSECTION (0-4) OF THIS SECTION.

(3B) OFFSET ON ACCOUNT OF EXCESS EARNINGS

- (I) [(iii)] A disability retiree may, without reduction of his OR HER retirement allowance, earn annually an amount, [hereinafter] referred to HERE as "earnings", equal to the rate of the annual earnable compensation currently being paid to persons in the same grade and step as the retiree was at the time of [his] retirement, plus the amount of any longevity payments currently being paid for the length of service the retiree had at the time of [his] retirement. [said] THIS rate of earnable compensation plus longevity payments, if any, [hereinafter] referred to HERE as "base amount". [Should such a] IF THE retiree [earn] EARNS an annual amount [which] THAT is greater than his OR HER base amount, the pension otherwise payable to a disabled retiree under the age of 70 shall be reduced in the following manner:
- A. For the first \$5,000 of earnings in excess of the base amount, a reduction of \$1 in pension benefits shall be made for each \$2 earned.
- B. For any earnings in excess of \$5,000 over the base amount, a reduction of \$2 in pension benefits shall be made for each \$5 earned.
- (II) In the calendar year of retirement, the base amount shall be prorated on a monthly basis. Benefits [which] THAT may be payable to a beneficiary of a deceased disability retiree under [the provisions of] this subtitle, shall not be reduced by reason of any excess earnings [said] THAT THE retiree may have had; and the base for calculating [said] THE beneficiary's benefits shall be the total unreduced retirement allowance of the disability retiree, notwithstanding the fact that [said] THE retiree was receiving a reduced retirement allowance in the year of his OR HER death.
- (III) The term "earnings" as used in this subsection [shall mean] MEANS income derived from wages, salaries, tips, commissions, other employee compensation, and self-employment. In all cases of doubt, the Board of Trustees shall decide what are and what are not "earnings" for the purposes of administering [the provisions of] this subsection.
- (IV) [Such] A disability retiree who has not been certified as fit to perform duties in the nature of those he OR SHE was performing [prior to his] BEFORE retirement may, nevertheless, accept suitable employment with the City, subject to the "earnings" provisions contained [herein] IN THIS SUBSECTION[: provided, however, that such] HOWEVER, an employee [shall] MAY not again become a member of any retirement system supported in whole or in part by the Mayor and City Council of Baltimore.
- (V) On or before May 1 of each year following [his] disability retirement, a disability retiree shall submit, on a form [issued by the Board of Trustees or on its equivalent as] approved by the Board of Trustees, a signed statement setting forth his OR HER total gross earnings, if any, in the preceding calendar year and the source of [said] THOSE earnings. The execution of [said forms] THIS FORM by a disability retiree [shall have] HAS the same effect as a statement sworn [to by him] before a notary public. [Should] IF any disability retiree [fail] FAILS to submit [said] THIS signed statement, his OR HER retirement allowance may [thereafter] be discontinued by the Board of Trustees until he OR SHE has complied; and [should] IF he OR SHE [fail] FAILS to submit [said] A signed and completed statement by May 1 of the succeeding year, all rights in and to his OR HER pension may be revoked by the Board of Trustees.

(m) Method of payment.

(8) Transitional rules.

(C) BEGINNING APRIL 1, 2001, FOR MEMBERS WHO TERMINATED EMPLOYMENT ON OR AFTER JULY 1, 1987, AND ON OR BEFORE JUNE 28, 1989, AND WHO SELECTED MAXIMUM BENEFITS, THEIR BENEFICIARIES ARE ENTITLED TO THE 40% SURVIVORSHIP BENEFITS PROVIDED IN PARAGRAPH (1)(B) OF THIS SUBSECTION (M), AS LONG AS THE RETIRED MEMBER IS RECEIVING RETIREMENT BENEFITS AT APRIL 1, 2001.

(D) BEGINNING APRIL 1, 2001, FOR MEMBERS WHO TERMINATED EMPLOYMENT ON OR BEFORE JUNE 30, 1987, AND WHO SELECTED MAXIMUM BENEFITS, THEIR BENEFICIARIES ARE ENTITLED TO THE 40% SURVIVORSHIP BENEFITS PROVIDED IN PARAGRAPH (1)(B) OF THIS SUBSECTION (M), AS LONG AS THE RETIRED MEMBER IS RECEIVING RETIREMENT BENEFITS AT APRIL 1, 2001.

(o-1) Non-line-of-duty death benefits.

(4) 40% SURVIVORSHIP DEATH BENEFIT.

(I) BEGINNING APRIL 1, 2001, IF THE MEMBER HAD AT LEAST 20 YEARS OF SERVICE AS OF THE DATE OF HIS OR HER DEATH, WITHOUT REGARD TO WHETHER THE MEMBER WAS ELIGIBLE FOR A SERVICE RETIREMENT BENEFIT ON THE DATE OF THE MEMBER'S DEATH, AND IF A PROPER APPLICATION IS FILED UNDER SUBPARAGRAPH (VII) OF THIS PARAGRAPH (4), THE BOARD OF TRUSTEES SHALL PAY A RETIREMENT BENEFIT EQUAL TO 40% OF THE MEMBER'S ACCRUED MAXIMUM SERVICE RETIREMENT BENEFIT BASED ON THE NUMBER OF YEARS OF SERVICE CREDIT AS OF THE MEMBER'S DATE OF DEATH AND AS IF THE MEMBER HAD ATTAINED AGE 65 AS OF THE DATE OF HIS OR HER DEATH. THE REDUCTION CONTAINED IN § 9(F)(2) DOES NOT APPLY.

(II) THIS BENEFIT SHALL BE PAID:

A. TO THE MEMBER'S DESIGNATED BENEFICIARY, AS LONG AS THAT DESIGNATED BENEFICIARY IS LIMITED TO:

1. THE MEMBER'S SURVIVING SPOUSE, TO CONTINUE FOR LIFE OR UNTIL REMARRIAGE; OR
2. THE MEMBER'S UNMARRIED MINOR CHILDREN, TO BE PAID TO EACH CHILD, IN EQUAL SHARES, UNTIL THAT CHILD MARRIES OR IS NO LONGER A MINOR, AS DEFINED IN §47(H) OF THIS ARTICLE; OR

B. IF THE DESIGNATED BENEFICIARY IS NOT THE MEMBER'S SPOUSE OR MINOR CHILD AND THAT BENEFICIARY PREDECEASES THE MEMBER, OR IF THERE IS NO DESIGNATED BENEFICIARY, THEN TO THE MEMBER'S SURVIVING SPOUSE, TO CONTINUE FOR LIFE OR UNTIL REMARRIAGE; OR

C. IF THERE IS NO QUALIFYING SURVIVING SPOUSE UNDER SUBPARAGRAPH A OR B, OR IF THE SURVIVING SPOUSE DIES OR REMARRIES, THEN TO THE MEMBER'S UNMARRIED MINOR CHILDREN, TO BE PAID TO EACH CHILD IN EQUAL SHARES, UNTIL THAT CHILD MARRIES OR IS NO LONGER A MINOR, AS DEFINED IN §47(H) OF THIS ARTICLE.

- (III) FOR PURPOSES OF THIS PARAGRAPH (4), "SURVIVING SPOUSE" MEANS A SPOUSE TO WHOM THE MEMBER WAS MARRIED FOR AT LEAST 1 YEAR IMMEDIATELY BEFORE THE DATE OF THE MEMBER'S DEATH.
- (IV) FOR PURPOSES OF THIS PARAGRAPH (4), WHEN A MEMBER'S CHILD MARRIES OR IS NO LONGER A MINOR AND, CONSEQUENTLY, CEASES TO RECEIVE BENEFITS UNDER THIS PARAGRAPH (4), EACH REMAINING UNMARRIED MINOR CHILD WILL BEGIN TO RECEIVE, IN ADDITION TO HIS OR HER EXISTING BENEFIT, AN EQUAL SHARE OF THE BENEFIT FORMERLY PAID TO THE OTHER CHILD. THIS PROCESS CONTINUES UNTIL THE MEMBER'S YOUNGEST CHILD MARRIES OR IS NO LONGER A MINOR.
- (V) IF A MEMBER FILES WITH THE BOARD OF TRUSTEES A WRITTEN DESIGNATION THAT NAMES SOMEONE OTHER THAN A SPOUSE OR MINOR CHILD AS BENEFICIARY AND IF THAT BENEFICIARY DOES NOT PREDECEASE THE MEMBER, THE BENEFITS OF THIS PARAGRAPH (4) ARE NOT AVAILABLE TO THE SURVIVING SPOUSE OR MINOR CHILDREN OF THE MEMBER.
- (VI) THE BENEFIT PROVIDED BY THIS PARAGRAPH (4) IS IN PLACE OF ALL BENEFITS PROVIDED UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION.
- (VII) TO RECEIVE THE BENEFIT PROVIDED UNDER THIS PARAGRAPH (4), THE SURVIVING SPOUSE OR MINOR CHILDREN MUST APPLY IN WRITING, ON FORMS PROVIDED BY THE BOARD OF TRUSTEES, WITHIN 60 DAYS AFTER NOTIFICATION OF THIS BENEFIT IS PROVIDED TO THE SPOUSE OR MINOR CHILDREN AFTER THE DEATH OF THE MEMBER.
- (VIII) ANY DEATH BENEFITS PAID BY THIS SYSTEM AND RECEIVED BY THE BENEFICIARY OF A MEMBER UNDER PARAGRAPHS (2) OR (3) OF THIS SUBSECTION SHALL BE OFFSET AGAINST ANY DEATH BENEFITS PAYABLE UNDER THIS PARAGRAPH (4).
- (5)[(4)] *Death without beneficiaries or estate.*

The amounts that would have been paid under this subsection (o-1), excluding membership contribution accounts, with interest, forever remain assets of the System if:

- (i) a member dies without designating a beneficiary;
- (ii) that member has no heirs, as enumerated in PARAGRAPHS 2(iii), 3(ii), [and] 3(iii), AND 4(II) of this subsection (o-1); and
- (iii) no estate for that member is opened within 2 years of the member's death.

(6)[(5)] *Death of retired member within 30 days of retirement.*

(i) *Scope of paragraph.*

Except as specified in subparagraph (B), this paragraph applies to:

A. a retired member who:

- 1. has been granted a service or disability retirement allowance; and
- 2. dies within 30 days of his or her retirement date; or

B. a retired member who:

1. retires before reaching age 65;
2. when applying for retirement, elects to postpone receipt of his or her retirement allowance until age 65; and
3. dies within 30 days after reaching age 65.

(ii) Exception.

This paragraph does not apply to a former member who terminates employment before reaching age 65 without immediate entitlement to retirement benefits.

(iii) Death deemed to be during active service.

A retired member or vested former member described in subparagraph (i) of this paragraph [(5)] (6) is deemed to have died while still employed by the City and, instead of any other service or disability benefits under this System, a non-line-of-duty death benefit will be paid as if he or she died during active service.

(iv) Offset of payments received.

Any pension benefits paid by this System and received by the retired member or former member before he or she died shall be offset against the death benefits payable under this paragraph.

(o-3) [Pensions offset by compensation benefits] WORKERS' COMPENSATION BENEFITS OFFSET AGAINST BENEFITS PAID ON OR BEFORE MARCH 31, 2001.

Effective with the date beginning 5 years prior to the date of death of the member, the full amount of any past or future benefit or payment [which] THAT may be paid or payable by the City of Baltimore under [the provisions of] any Workers' Compensation or similar law[,] for any permanent disability, whether partial or total, or for death[,] shall be offset against and payable[,] in lieu of[,] any DISABILITY, DISMEMBERMENT, OR DEATH benefits payable ON OR BEFORE MARCH 31, 2001, out of funds provided by the City [of Baltimore] under [the provisions of] this subtitle. The benefits under [said] THE Workers' Compensation or similar law shall be offset dollar-for-dollar, pro tanto, from the benefits otherwise payable from funds provided by the City [of Baltimore] under this subtitle, and [such] the benefits so reduced shall be payable under [the provisions of] this subtitle.

(O-4) WORKERS' COMPENSATION BENEFITS OFFSET AGAINST DISABILITY AND DEATH BENEFITS PAID ON OR AFTER APRIL 1, 2001.

(1) SCOPE OF SUBSECTION.

THIS SUBSECTION APPLIES TO A MEMBER OR BENEFICIARIES OF A MEMBER:

(I) THE PAYMENT OF WHOSE RETIREMENT BENEFIT COMMENCES ON OR AFTER APRIL 1, 2001, EITHER:

- A. ON ACCOUNT OF AN ORDINARY DISABILITY UNDER SUBSECTION (I),
- B. ON ACCOUNT OF AN ACCIDENTAL DISABILITY UNDER SUBSECTION (J), OR

C. ON ACCOUNT OF A DISMEMBERMENT DISABILITY UNDER SUBSECTION (K); OR

(II) WHO DIES ON OR AFTER APRIL 1, 2001, AND IS AWARDED EITHER:

A. A NON-LINE-OF-DUTY DEATH BENEFIT UNDER SUBSECTION (O-1), OR

B. A LINE-OF-DUTY DEATH BENEFIT UNDER SUBSECTION (O-2).

(2) OFFSET FOR WORKERS' COMPENSATION PAYMENTS.

THE BOARD OF TRUSTEES SHALL OFFSET THE AMOUNT OF A MEMBER'S WORKERS' COMPENSATION AWARD PAID OR PAYABLE BY THE CITY AGAINST ANY DISABILITY OR DEATH BENEFITS PAID OR PAYABLE BY THE SYSTEM TO A MEMBER OR A MEMBER'S BENEFICIARIES, IF:

(I) THE MEMBER OR ANY BENEFICIARY OF A MEMBER WAS AWARDED WORKERS' COMPENSATION BENEFITS UNDER THE STATE'S WORKERS' COMPENSATION LAW TO BE PAID OR PAYABLE BY THE CITY;

(II) THE WORKERS' COMPENSATION AWARD WAS FOR PERMANENT PARTIAL OR PERMANENT TOTAL DISABILITY OR FOR DEATH;

(III) THE WORKERS' COMPENSATION AWARD WAS AWARDED ON ACCOUNT OF THE SAME DISABILITY OR DEATH THAT RESULTED IN THE SYSTEM'S PAYMENT OF DISABILITY OR DEATH BENEFITS; AND

(IV) THE WORKERS' COMPENSATION AWARD WAS AWARDED BY THE WORKERS' COMPENSATION COMMISSION NO MORE THAN 5 YEARS BEFORE:

A. THE EFFECTIVE DATE OF THE MEMBER'S RETIREMENT ON ACCOUNT OF ORDINARY DISABILITY,

B. THE DATE OF THE ACCIDENT QUALIFYING THE MEMBER FOR ACCIDENTAL DISABILITY OR DISMEMBERMENT BENEFITS, OR

C. THE DATE OF THE MEMBER'S DEATH QUALIFYING THE MEMBER'S BENEFICIARIES TO RECEIVE A SYSTEM DEATH BENEFIT.

(3) AMOUNTS NOT INCLUDED IN OFFSET.

THE AMOUNT OF WORKERS' COMPENSATION BENEFITS TO BE OFFSET DOES NOT INCLUDE AMOUNTS ALLOCATED FOR THE PAYMENT OF LEGAL FEES, MEDICAL EXPENSES, OR OTHER PAYMENTS AUTHORIZED BY THE WORKERS' COMPENSATION COMMISSION TO BE MADE DIRECTLY TO THIRD PARTIES AND NOT TO THE MEMBER OR THE MEMBER'S BENEFICIARY.

(4) METHOD OF OFFSET.

(I) NON-ACTUARIAL METHOD FOR LUMP-SUM PAYMENTS.

A. THE BOARD OF TRUSTEES SHALL OFFSET THE AMOUNT OF A MEMBER'S WORKERS' COMPENSATION AWARD, REDUCED BY THE AMOUNTS DESCRIBED IN PARAGRAPH (3), AGAINST ANY LUMP-SUM DISABILITY, DISMEMBERMENT, OR

DEATH BENEFITS PAID OR PAYABLE BY THE SYSTEM TO A MEMBER OR A MEMBER'S BENEFICIARIES IN THE FOLLOWING MANNER.

- B. THE OFFSET SHALL BE MADE ON A NON-ACTUARIAL, DOLLAR-FOR-DOLLAR BASIS AGAINST ANY LUMP-SUM BENEFIT UNTIL THE TOTAL AMOUNT OF THE WORKERS' COMPENSATION BENEFITS HAS BEEN RECOVERED.
- C. IF THE AMOUNT OF THE WORKERS' COMPENSATION BENEFITS EXCEEDS THE LUMP-SUM DISABILITY, DISMEMBERMENT, OR DEATH BENEFIT, THEN NO DISABILITY, DISMEMBERMENT, OR DEATH BENEFIT MAY BE PAID, EXCEPT FOR THE RETURN OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS, IF ANY.

(II) ACTUARIAL METHOD FOR PERIODIC PAYMENTS.

- A. THE BOARD OF TRUSTEES SHALL OFFSET THE AMOUNT OF A MEMBER'S WORKERS' COMPENSATION AWARD, REDUCED BY THE AMOUNTS DESCRIBED IN PARAGRAPH (3), AGAINST ANY PERIODIC DISABILITY, DISMEMBERMENT, OR DEATH BENEFITS PAID OR PAYABLE BY THE SYSTEM TO A MEMBER OR A MEMBER'S BENEFICIARIES IN THE FOLLOWING MANNER.
- B. THIS OFFSET SHALL BE CALCULATED ON AN ACTUARIAL BASIS BY ANNUITIZING THE MEMBER'S WORKERS' COMPENSATION AWARD, REDUCED BY THE AMOUNTS DESCRIBED IN PARAGRAPH (3), AND REDUCING THE MEMBER'S PERIODIC DISABILITY, DISMEMBERMENT, OR DEATH BENEFIT BY THE ANNUITIZED AMOUNT UNTIL THE TOTAL AMOUNT OF THE WORKERS' COMPENSATION BENEFITS HAVE BEEN RECOVERED.
- C. THE ACTUARIAL AMOUNT SHALL BE CALCULATED USING AN ACTUARIAL METHOD AND APPROPRIATE ANNUITY FACTORS RECOMMENDED BY THE SYSTEM'S ACTUARY AND APPROVED BY THE BOARD OF TRUSTEES.
- D. IF THE ANNUITIZED AMOUNT OF THE WORKERS' COMPENSATION BENEFITS EXCEEDS THE SYSTEM'S PERIODIC DISABILITY, DISMEMBERMENT, OR DEATH BENEFIT PAYMENT, THEN NO DISABILITY, DISMEMBERMENT, OR DEATH BENEFIT MAY BE PAID, EXCEPT FOR THE RETURN OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS, IF ANY.

(5) RESTORATION OF OFFSET AMOUNT AGAINST RETIREMENT BENEFITS.

- (I) ON RECOVERING THE FULL AMOUNT OF THE MEMBER'S WORKERS' COMPENSATION BENEFITS, THE REDUCED DISABILITY, DISMEMBERMENT, OR DEATH BENEFITS PAYABLE TO THE MEMBER OR THE MEMBER'S BENEFICIARIES SHALL BE RESTORED TO THE UNREDUCED AMOUNT OF THE DISABILITY, DISMEMBERMENT, OR DEATH BENEFITS PAYABLE TO THE MEMBER OR BENEFICIARIES PRIOR TO THE OFFSET FOR WORKERS' COMPENSATION.
- (II) THE AMOUNT BY WHICH A REDUCED DISABILITY, DISMEMBERMENT, OR DEATH BENEFIT IS RESTORED UNDER SUBPARAGRAPH (I) DOES NOT INCLUDE ANY POST-RETIREMENT INCREASES THAT THE MEMBER OR THE MEMBER'S BENEFICIARIES WOULD HAVE BEEN ELIGIBLE TO RECEIVE HAD THE MEMBER'S DISABILITY, DISMEMBERMENT, OR DEATH BENEFITS NOT BEEN REDUCED.

(6) TRANSITIONAL RULE FOR THOSE RECEIVING REDUCED BENEFITS PRIOR TO APRIL 1, 2001.

(I) THE BOARD OF TRUSTEES SHALL IMPLEMENT THE METHOD OF OFFSET DESCRIBED IN PARAGRAPH (4) OF THIS SUBSECTION (O-4) FOR ANY MEMBER OR BENEFICIARY OF A MEMBER:

A. WHOSE DISABILITY, DISMEMBERMENT, OR DEATH BENEFITS WERE REDUCED BY WORKERS' COMPENSATION BENEFITS ON OR BEFORE MARCH 31, 2001; AND

B. WHOSE WORKERS' COMPENSATION BENEFITS WERE NOT FULLY RECOVERED AS OF APRIL 1, 2001.

(II) FOR MEMBERS OR BENEFICIARIES WHOSE DISABILITY, DISMEMBERMENT, OR DEATH BENEFITS HAVE BEEN OFFSET ON ACCOUNT OF WORKERS' COMPENSATION BENEFITS ON OR BEFORE MARCH 31, 2001, AND WHOSE WORKERS' COMPENSATION BENEFITS ARE FOUND TO HAVE BEEN RECOVERED UNDER THE METHOD DESCRIBED IN PARAGRAPH (4), ALL WORKERS' COMPENSATION OFFSETS SHALL BE TERMINATED.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on ~~the 30th day after~~ the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-190
(Council Bill 01-410)**

AN ORDINANCE CONCERNING

Impoundment — Storage Charges

FOR the purpose of increasing the daily storage charge for certain impounded vehicles; clarifying how certain other charges are to be made public; correcting, clarifying, and conforming certain language; and generally relating to the procedures for impounded vehicles.

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic

Section(s) 31-47

Baltimore City Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code**Article 31. Transit and Traffic****Subtitle 31. Clear Streets and Impoundment****§ 31-47. Storage charges.**

(a) *[Basic charges] NONCOMMERCIAL VEHICLES.*

(1) [Storage charges] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION FOR COMMERCIAL VEHICLES, THE STORAGE CHARGE [to be collected shall be at the rate of \$25] for each vehicle [(other than a commercial vehicle as defined in the Maryland Vehicle Law)] delivered to the storage area IS AS FOLLOWS[,]:

(i) [this cost to cover storage] for [a period not exceeding 2 consecutive days or a total of] THE 1ST 48 hours OR ANY SHORTER PERIOD, ~~\$25~~ \$50; AND

[(2) Charges for commercial vehicles shall be such as may be established and made public by the Director.]

[(b) *Additional charges.*]

(ii) [There shall be an additional charge of \$10] for each [day] 24-HOUR PERIOD or [fractional] part [thereof] OF A 24-HOUR PERIOD after the [48-hour period during which a noncommercial motor vehicle is stored] 1ST 48 HOURS, ~~\$25~~ \$15.

(B) *COMMERCIAL VEHICLES.*

(1) THE STORAGE CHARGES FOR A COMMERCIAL VEHICLE, AS DEFINED IN THE MARYLAND VEHICLE LAW, ARE AS SET BY THE DIRECTOR FROM TIME TO TIME.

(2) A SCHEDULE OF THE CHARGES SET UNDER THIS SUBSECTION MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

(c) *Charges in addition to fines, etc.*

The charges [here] imposed BY THIS SECTION are in addition to any OTHER fine, penalty, or charge imposed for [the] violation of any [other] traffic law.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-191
(Council Bill 01-415)**

AN ORDINANCE CONCERNING

Rental Properties — Registration Fees

FOR the purpose of modifying the fees and per-owner maximums for the annual registration of nonowner-occupied dwelling units; clarifying, correcting, and conforming certain language; providing for the establishment of certain performance standards; requiring certain hearings to be conducted; providing for the automatic termination of this Ordinance; and generally relating to the registration of dwellings and dwelling units.

BY repealing and reordaining, with amendments

Article 13 - Housing and Urban Renewal
Section(s) 309(a)(1) and (b)(1)
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 13. Housing and Urban Renewal

Division V. Housing Code of Baltimore City

**Chapter 3. Notice; Emergencies; Correction of Violations;
Collections and Liens; Administrative Review; Penalties**

§ 309. Registration of residential property; designation of authorized agent.

(a) Annual registration statement.

- (1) By September 1[, 1981 and each September 1 annually thereafter] OF EACH YEAR, every owner of a non-owner-occupied dwelling unit, whether or not occupied or fit for human habitation or producing revenue, shall [file a registration statement] REGISTER THAT UNIT with the Commissioner [for each such dwelling unit] on [a] THE form [to be provided by] the Commissioner PROVIDES.

(b) Annual registration fee; housing inspection fund.

- (1) [For] THE ANNUAL REGISTRATION FEE IS \$30 FOR each [such] dwelling unit [there shall be an annual registration fee of \$15], with a maximum fee of [\$2,500] \$5,000 [per] FOR EACH owner of record[, to be]. THIS FEE SHALL BE paid [at the time] WHEN the owner files the annual registration statement.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted. This Ordinance and the new fees set by it will remain effective through June 30, 2003. At the end of that period, with no further action by the Mayor and City Council, this Ordinance will be abrogated and of no further effect.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) Within 60 days of the effective date of this Ordinance, the Department of Housing and Community Development and the Property Owners Association of Greater Baltimore, Inc., shall develop performance standards for the Department's code enforcement.

(b) Beginning in February 2002, the City Council shall hold public hearings for the purpose of assessing:

(i) the Department's compliance with the agreed-upon performance standards; and

(ii) whether and to what extent the new rate set by this Ordinance can reasonably be abrogated or reduced earlier than the date specified in Section 3 of this Ordinance.

(c) The Mayor and City Council intends that any reduction authorized under subsection (b)(ii) of this section be limited to owners who, as of the effective date of this Ordinance, are in full compliance with all registration requirements.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-192
(Council Bill 01-418)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
Canton Crossing**

FOR the purpose of approving the application of Canton Crossing, LLC, the developer and contract purchaser or the negotiating party for the purchase of certain properties located south of Boston Street, the western boundary being east of the Inner Harbor including the riparian rights, the eastern boundary being a line set 660 feet east of the eastern right-of-way line of Baylis Street, and the southern boundary being from the southern right-of-way line of Danville Street extending from the water's edge a distance of 660 feet east of the eastern right-of-way line of Baylis Street, in the Canton Waterfront and Canton Industrial Urban Renewal Areas, to have those properties designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 5
Baltimore City Revised Code
(Edition 2000)

Recitals

Canton Crossing, LLC, is the contract purchaser of the properties located south of Boston Street, the western boundary being east of the Inner Harbor including the riparian rights, the eastern boundary being a line set 660 feet east of the eastern right-of-way line of Baylis Street, and the southern boundary being the southern right-of-way line of Danville Street extending from the water's edge a distance of 660 feet east of the eastern right-of-way line of Baylis Street, consisting of 51.25 acres, more or less, which includes fast land, hard land, and riparian rights.

Exxon Corporation is a fee simple owner of Parcels G, H, and the right-of-way of the proposed private street of the property, which is being negotiated for sale or lease to the aforementioned contract purchaser as shown on the development plan.

Canton Crossing, LLC, proposes to develop the properties as a mixed-use development consisting of offices, retail, hotel, residences, marina, warehouse/storage, and public space.

On April 17, 2001, representatives of Canton Crossing, LLC, met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the property and to institute proceedings to have the property designated an Industrial Planned Unit Development.

The representatives of Canton Crossing, LLC, have now applied to the Baltimore City Council for designation of the property as an Industrial Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of Canton Crossing, LLC, contract purchaser or negotiating party for the purchase of those properties located south of Boston Street, the western boundary being east of the Inner Harbor including the riparian rights, the eastern boundary being a line set 660 feet east of the eastern right-of-way line of Baylis Street, and the southern boundary being the southern right-of-way line of Danville Street extending from the water's edge a distance of 660 feet east of the eastern right-of-way line of Baylis Street, consisting of 51.25 acres, more or less, which includes fast land, hard land, and riparian rights, as outlined on the accompanying Development Plan entitled "Canton Crossing", and consisting of the following exhibits entitled:

- (1) Exhibit A, "Existing Conditions Plan — Canton Crossing PUD, dated April 17, 2001; and
- (2) Exhibit B, "A Development Plan — Canton Crossing PUD, dated April 17, 2001,

to designate the properties an Industrial Planned Unit Development under Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by Canton Crossing, LLC is approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitle 5 of the Zoning Code, the following uses are permitted within the Industrial Planned Unit Development with respect to the Parcels designated on the Development Plan (the Parcels hereinafter individually are referred to as a "Parcel" and collectively as "Parcels"):

- (a) In general, in each parcel throughout this Industrial Planned Unit Development, offices are permitted by right.

- (b) In general, in each parcel throughout this Industrial Planned Unit Development, uses as allowed in the M-3 Zoning District are allowed, except as specifically listed below:

Concrete and concrete product: manufacturing; cinder and cinder blocks: manufacturing; flammable liquids: manufacturing and storage; coal yards; tire retreading and recapping establishments; gases, combustible or toxic — manufacturing and storage; atomic reactors; rock crushing; waste disposal, except garbage — for land fill and reclamation; extraction of sand, gravel, or other raw materials.

- (c) In addition to the allowed uses listed in subsection (a) above, in ~~Parcels A, C, and E residential use is allowed with a maximum aggregate usable square footage of 180,000 square feet in Parcel A and 30,000 square feet in Parcel E~~ Parcel C2 residential uses are allowed.
- (d) In addition to the allowed uses listed in subsections (a) and (b) above, in Parcel B, banks and savings and loan associations, with drive-in establishments, are permitted.
- (e) In addition to the allowed uses in subsection (a), in up to 50% of the first floor of each building on Parcels A, B, C, D, F, G, and H, the following B-1 Zoning uses listed in § 6-206 of the Zoning Article of the Baltimore City Revised Code are allowed:

Automatic teller machines; banks and savings and loan associations; barber shops; beauty shops; book stores: general; candy and ice cream stores; ~~clothing shops~~; day care facilities, as follows: day nurseries and nursery schools, family day care homes, and school-age child care centers; drug stores and pharmacies (without drive-thru windows); dry cleaning and laundry receiving stations — processing done elsewhere; food stores, grocery stores, meat markets, bakeries, and delicatessens; gift and card shops; laundries: hand — no more than 2 employees plus 1 owner or manager on the premises; newsstands; radio and television antennas and towers that extend no more than 25 feet above the building on which they are mounted — but not including microwave antennas (satellite dishes); shoeshine parlors; telephone exchanges; travel bureaus — no more than 2 employees plus 1 owner or manager on the premises; ~~variety stores.~~

- (f) Notwithstanding the above, athletic fields, parks, and playgrounds are allowed throughout the Planned Unit Development. The accessory uses and the conditional uses as defined under §§ 6-207 and 6-208 of the Zoning Code are also authorized as needed.
- (g) In addition to the allowed uses listed in subsection (a) and paragraph 1 below, Parcel E will be a mixed use Parcel. ~~Except as provided in paragraphs 2 and 3 below, all uses specified in the Zoning Article, Title 6, Subtitles 2 and 3 of the Baltimore City Revised Code as permitted, accessory, or conditional uses in a B-1 and B-2 Zoning District are specifically authorized as permitted, accessory, and~~ The uses allowed as listed (permitted, accessory, and conditional) in the B-1 and B-2 Zoning Districts are those in Section 3(g)(3), subject to the requirements of Zoning Article, Title 14 Conditional Uses, respectively, in the Industrial Planned Unit Development. There is a maximum of 90,000 square feet for B-1 and B-2 uses on Parcel E, excluding the hotel.
- (1) A maximum number of 180 hotel ~~meeting rooms are permitted as accessory use to the hotel and breakfast rooms (note: these hotel rooms may be extended stay rooms that are configured as dwelling units) are allowed. Meeting rooms are permitted as accessory use to the hotel~~ rooms or suites, or bed-and-breakfast rooms are permitted. Accessory meeting rooms for the hotel are permitted.
 - (2) The following uses specified in § 6-206 as permitted uses in a B-1 Zoning District are prohibited in the Industrial Planned Unit Development:

Foster homes for children; multi-purpose neighborhood centers; schools: elementary and secondary.

- (3) The following uses specified in § 6-306 as permitted uses in a B-2 Zoning District are ~~prohibited~~ allowed in Parcel E in the Industrial Planned Unit Development:

~~Apartment hotels; automotive accessory stores - but not including repair or installation services; blood donor centers; bowling establishments; bus and transit turnarounds and passenger shelters; check cashing agencies; coin and philatelic stores; exterminators' shops; fabric shops; fraternity and sorority houses; off-campus; garden supply, tool, and seed stores; gift and card shops; millinery shops; newspaper distribution agencies: for home delivery and retail trade; paint, wallpaper, tile, and floor covering stores; religious institutions, as follows: (i) churches, temples, and synagogues, (ii) convents, seminaries, and monasteries; rooming houses; second-hand stores and rummage shops; sewing machines: sales and service — household appliances only; skating rinks; swimming pools; taxidermist shops; telegraph offices; trading stamp redemption centers; undertaking establishments and funeral parlors; vending machines for retail sale of ice or milk; Venetian blinds and window shades: sales and service; wig shops.~~

Bike — sales, retail and repair; blueprinting and photostating establishments; business and office machine — sales, rental and service; camera and photo supply stores; carry-out food shops; catering establishments — food; clinics — medical and dental; communications — sales and services; computer centers; display rooms for mail order sales; dry cleaning establishments — no more than 4 employees plus 1 owner or manager on the premises; employment agencies; exhibit rooms; financial institutions; hobby shops; jewelry stores — including watch repair; laboratories — medical and dental; leather goods and luggage stores; massage therapists' office; museums, aquariums, and planetariums; office supply stores; opticians — sales and service; philanthropic and charitable institutions; photocopying service; photographers; physical culture and health services — gymnasiums, reducing salons and public baths; post offices; printing establishments — no more than 10 employees plus 1 owner or manager; radio and television stations and studios; record, tape, CD, and sheet music stores; recording studios; restaurants and lunch rooms — not including live entertainment and dancing; schools — business colleges, community colleges, colleges and universities; secretarial and telephone answering services; security sales, brokerages and exchanges; sporting and athletic goods stores; stationery stores; swimming pools (swimming pools will be allowed in the hotel and any athletic/spa club); telegraph offices; tennis and lacrosse clubs (tennis will be allowed in the hotel and any athletic/spa club) ticket agencies; toy stores; travel bureaus; vending machines for retail sale of ice or milk; and video movies: sales and rentals.

Commercial uses on Parcel E may total a maximum of 90,000 square feet.

- (4) A maximum of 2 restaurants, with live entertainment and dancing, with a maximum of 10,000 square feet for each of these restaurants, will be allowed. If any restaurant with live entertainment and dancing is to have a liquor license, it is limited to a Class B restaurant liquor license.
- (5) Notwithstanding paragraph (4), restaurants without live entertainment are allowed.

- (h) Parcel F is to be the proposed marina. Approval of this use is conditioned on an amendment to the Marina Master Plan and Planning Commission Final Design approval.
- (i) With respect to Parcels G and H, the following shall apply:
 - (1) The boundary line for these Parcels, referred to in the notes of Exhibit 2, is subject to change pending approval of a Minor Amendment by the Planning Commission. ~~This change in the~~ The eastern boundary, only, will constitute a Minor Amendment to the Planning Commission and may be shifted a maximum of 60 feet. Any other boundary change constitutes a Major Amendment.
 - (2) That upon purchase or lease of these Parcels by Canton Crossing, LLC, its successors and assigns, these properties will be included in the Planned Unit Development.
- (j) Parcel 5, A.K.A. 1517 South Clinton Street, described in Block Plat 6515, Ward 26, Section 2, is not part of the Planned Unit Development unless Canton Crossing, LLC, acquires the property.
- (k) In addition to the above-referenced sections, the following shall be allowed:
 - (1) Outdoor table service is allowed and subject to the Planning Commission's Final Design approval.
 - (2) Non-accessory antennas, when mounted on buildings or rooftops, are permitted subject to Design approval by the Planning Commission.

SECTION 4. AND BE IT FURTHER ORDAINED, That off-street parking requirements for the Industrial Planned Unit Development are as follows:

- (1) Office use — 4 parking spaces per 1000 square feet of gross floor area.
- (2) Retail use - 5 parking spaces per 1000 square feet of gross floor area.
- (3) Warehouse/Manufacturing/Industrial Use — 1 per 3 employees.
- (4) Residential use — 1.5 spaces per each residential unit.
- (5) Marina Use — 1 space per 2 slips.

SECTION 5. AND BE IT FURTHER ORDAINED, ~~That the Massing Plan must be approved by the Planning Commission prior to the issuance of the building permit for Parcel C. The Massing Plan is subject to Design Advisory Panel review. Parcel C will have a maximum of 17 stories. Parcel C2 shall have a maximum of 17 stories. The Plans for Parcels B and D Phase 1 are approved as part of this legislation and shown in the attached drawings. A massing plan for future Phases for Parcels B and D, and for Parcels A, C1, E, F, G, and H must be reviewed by the Design Advisory Panel and approved by the Planning Commission prior to or at the time of the approval of the design for Parcel C2. The intent is to allow approximately 4-story structures on Parcels G and H, and approximately 6-story structures on the remainder of the Parcels.~~

Massing will be dictated by the Massing Plan to be reviewed by the Design Advisory Panel and approved by the Planning Commission. The approved plans for Phase I on Parcels B and D, submitted in connection with this Ordinance, dated June 4, 2001, are made a part of this Ordinance, and no changes may be made to the plans without the prior approval of the Planning Department.

SECTION 6. AND BE IT FURTHER ORDAINED, That upon purchase or lease by Canton Crossing, LLC, its successors or assigns, of the properties designated an Industrial Planned Unit Development under this Ordinance, these properties shall be included in the Planned Unit Development, including but not limited to Parcels G and H.

SECTION 7. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to Final Design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 8. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance. Final Design approval will be given by the Planning Commission.

SECTION 9. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 10. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-193
(Council Bill 01-437)**

AN ORDINANCE CONCERNING

Ordinance of Estimates for the Fiscal Year Ending June 30, 2002

FOR the purpose of providing the appropriations estimated to be needed by each agency of the City of Baltimore for operating programs and capital projects during the fiscal 2002 year.

BY authority of
Article VI - Board of Estimates
Section 3 et seq.
Baltimore City Charter (1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following amounts or so much thereof as shall be sufficient are hereby appropriated subject to the provisions hereinafter set forth for the purpose of carrying out the programs included in the operating budget and the projects listed in the capital budget from the amounts estimated to be available in the designated funds during the fiscal year ending June 30, 2002.

A. Operating Budget**Board of Elections**

180	Voter Registration and Conduct of Elections		
	General Fund Appropriation	\$	1,813,067

City Council

100	City Legislation		
	General Fund Appropriation	\$	3,658,677

Community Relations Commission

156	Development of Intergroup Relations		
	General Fund Appropriation	\$	799,551
	Federal Fund Appropriation	\$	50,054

Comptroller

130	Executive Direction and Control		
	General Fund Appropriation	\$	589,940
131	Audits		
	General Fund Appropriation	\$	2,948,789
132	Real Estate Acquisition and Management		
	General Fund Appropriation	\$	432,193
135	Insurance on City Facilities		
	General Fund Appropriation	\$	67,126

Council Services

103	Council Services		
	General Fund Appropriation	\$	448,657

Courts: Circuit Court

110	Circuit Court		
	General Fund Appropriation	\$	8,262,807
	Federal Fund Appropriation	\$	957,719
	State Fund Appropriation	\$	3,805,966

Courts: Orphans' Court

112	Orphans' Court		
	General Fund Appropriation	\$	373,236

Employees' Retirement Systems

152	Administration		
	Special Fund Appropriation	\$	4,144,900

Enoch Pratt Free Library

450	Administrative and Technical Services		
	General Fund Appropriation	\$	5,239,188
	State Fund Appropriation	\$	370,338
	Special Fund Appropriation	\$	500,398

452	Extension Services		
	General Fund Appropriation	\$	7,644,542
	Special Fund Appropriation	\$	407,135
453	State Library Resource Center		
	General Fund Appropriation	\$	5,063,740
	State Fund Appropriation	\$	7,835,028

Finance

140	Administrative Direction and Control		
	General Fund Appropriation	\$	827,605
141	Budget and Management Research		
	General Fund Appropriation	\$	1,216,471
142	Accounting and Payroll Services		
	General Fund Appropriation	\$	2,406,068
	Loan and Guarantee Fund Appropriation	\$	3,277,258
144	Purchasing		
	General Fund Appropriation	\$	2,246,134
150	Treasury Management		
	General Fund Appropriation	\$	2,308,615

Fire

210	Administrative Direction and Control		
	General Fund Appropriation	\$	1,861,177
211	Training		
	General Fund Appropriation	\$	1,109,630
212	Fire Suppression		
	General Fund Appropriation	\$	81,699,136
	Federal Fund Appropriation	\$	501,000
	State Fund Appropriation	\$	20,000
213	Fire Marshal		
	General Fund Appropriation	\$	2,574,566
214	Support Services		
	General Fund Appropriation	\$	5,484,622
	State Fund Appropriation	\$	1,038,000
215	Fire Alarm and Communications		
	General Fund Appropriation	\$	3,881,670
	State Fund Appropriation	\$	20,000
219	Non-actuarial Retirement Benefits		
	General Fund Appropriation	\$	283,000

319	Ambulance Service		
	General Fund Appropriation	\$	8,292,248
	Federal Fund Appropriation	\$	200,000
	State Fund Appropriation	\$	40,000
	Special Fund Appropriation	\$	5,646,968

Health

240	Animal Control		
	General Fund Appropriation	\$	1,747,121
	Special Fund Appropriation	\$	198,301
300	Administrative Direction and Control		
	General Fund Appropriation	\$	2,744,245
302	Environmental Health		
	General Fund Appropriation	\$	2,299,636
	Federal Fund Appropriation	\$	1,661,486
	State Fund Appropriation	\$	871,719
303	Special Purpose Grants		
	Special Fund Appropriation	\$	2,000,000
304	Communicable Disease		
	General Fund Appropriation	\$	3,277,848
	Federal Fund Appropriation	\$	25,599,330
	State Fund Appropriation	\$	240,954
	Special Fund Appropriation	\$	65,000
305	Maternal and Infant Services		
	General Fund Appropriation	\$	733,721
	Federal Fund Appropriation	\$	7,250,430
	State Fund Appropriation	\$	317,146
	Special Fund Appropriation	\$	54,132
306	General Nursing Services		
	General Fund Appropriation	\$	1,082,877
	Federal Fund Appropriation	\$	63,000
	State Fund Appropriation	\$	5,542,263
307	Mental Health Services		
	General Fund Appropriation	\$	1,549,359
	Federal Fund Appropriation	\$	36,408,354
	State Fund Appropriation	\$	11,291,758
308	Child, Adolescent and Family Health		
	General Fund Appropriation	\$	665,693
	Federal Fund Appropriation	\$	9,722,697
	State Fund Appropriation	\$	1,261,346
	Special Fund Appropriation	\$	5,000
309	Child and Adult Care - Food		
	Federal Fund Appropriation	\$	6,054,796

310	School Health Services		
	General Fund Appropriation	\$	3,878,857
	Federal Fund Appropriation	\$	516,189
	State Fund Appropriation	\$	180,188
	Special Fund Appropriation	\$	5,337,803
311	Health Services for the Aging		
	General Fund Appropriation	\$	180,857
	Federal Fund Appropriation	\$	29,993,869
	State Fund Appropriation	\$	1,269,020

Housing and Community Development

119	Neighborhood Service Centers		
	General Fund Appropriation	\$	372,826
	Federal Fund Appropriation	\$	1,579,961
	State Fund Appropriation	\$	2,568,807
177	Administrative Direction and Control		
	General Fund Appropriation	\$	2,141,851
	Federal Fund Appropriation	\$	1,291,159
	Special Fund Appropriation	\$	332,464
184	Energy Assistance and Emergency Food		
	State Fund Appropriation	\$	7,711,775
260	Construction and Building Inspection		
	General Fund Appropriation	\$	2,498,616
	Federal Fund Appropriation	\$	1,041,784
	Special Fund Appropriation	\$	1,000,000
357	Services for Homeless Persons		
	General Fund Appropriation	\$	251,036
	Federal Fund Appropriation	\$	30,482,349
	State Fund Appropriation	\$	3,427,000
	Special Fund Appropriation	\$	523
570	Preservation of Historic Places		
	General Fund Appropriation	\$	226,090
	Federal Fund Appropriation	\$	173,845
	Special Fund Appropriation	\$	71,193
582	Finance and Development		
	General Fund Appropriation	\$	881,475
	Federal Fund Appropriation	\$	3,408,985
	State Fund Appropriation	\$	1,125,000
	Special Fund Appropriation	\$	95,000
583	Neighborhood Services		
	General Fund Appropriation	\$	2,367,075
	Federal Fund Appropriation	\$	2,718,508
	State Fund Appropriation	\$	68,000
	Special Fund Appropriation	\$	3,411,000

Of the amount appropriated for this Program 583, \$200,000 shall be withheld for at least 3 months and may be expended after that period only (i) if the Department has reported to the City Council on its progress in improving its code enforcement operations and (ii) the City Council has approved the report by Council Resolution.

585	Baltimore Development Corporation		
	General Fund Appropriation	\$	2,100,000
	Federal Fund Appropriation	\$	425,000
	Special Fund Appropriation	\$	110,000
592	Special Housing Grants		
	State Fund Appropriation	\$	690,380
593	Community Support Projects		
	Federal Fund Appropriation	\$	8,101,971
597	Weatherization		
	State Fund Appropriation	\$	1,671,888
604	Child Care Centers		
	Federal Fund Appropriation	\$	1,577,519
605	Head Start		
	Federal Fund Appropriation	\$	23,098,067
606	Arts and Education		
	State Fund Appropriation	\$	78,610
Law			
175	Legal Services		
	General Fund Appropriation	\$	3,650,089
Legislative Reference			
106	Legislative Reference Services		
	General Fund Appropriation	\$	375,531
	Special Fund Appropriation	\$	11,400
107	Archives and Records Management		
	General Fund Appropriation	\$	227,647
Liquor License Board			
250	Liquor Control		
	General Fund Appropriation	\$	1,595,377
Mayoralty			
125	Executive Direction and Control		
	General Fund Appropriation	\$	2,822,452
127	Office of State Relations		
	General Fund Appropriation	\$	591,822

353	Office of Community Projects General Fund Appropriation	\$	132,264
599	Office of International Programs General Fund Appropriation	\$	70,134
M-R: Art and Culture			
492	Promotion of Art and Culture General Fund Appropriation	\$	442,016
	Federal Fund Appropriation	\$	5,000
	State Fund Appropriation	\$	56,004
	Special Fund Appropriation	\$	394,842
493	Art and Culture Grants General Fund Appropriation	\$	2,579,140
M-R: Cable and Communications			
572	Cable and Communications Coordination General Fund Appropriation	\$	124,059
	Special Fund Appropriation	\$	627,223
M-R: CitiStat Office			
347	CitiStat Operations General Fund Appropriation	\$	478,765
M-R: Civic Promotion			
590	Civic Promotion General Fund Appropriation	\$	9,031,213
M-R: Commission on Aging and Retire			
324	Aging and Retirement Education General Fund Appropriation	\$	512,669
	Motor Vehicle Appropriation	\$	325,000
	Federal Fund Appropriation	\$	5,128,655
	State Fund Appropriation	\$	3,280,237
	Special Fund Appropriation	\$	699,049
M-R: Conditional Purchase Agreement			
129	Conditional Purchase Agreement Payments General Fund Appropriation	\$	19,341,053
	Loan and Guarantee Fund Appropriation	\$	705,742
	Special Fund Appropriation	\$	324
M-R: Contingent Fund			
121	Contingent Fund General Fund Appropriation	\$	750,000
M-R: Convention Complex			
531	Convention Center Operations General Fund Appropriation	\$	11,359,022
	State Fund Appropriation	\$	2,831,000
	Convention Center Bond Fund Appropriation	\$	4,635,734

540	Baltimore Arena Operations		
	General Fund Appropriation	\$	450,000
M-R: Debt Service			
123	General Debt Service		
	General Fund Appropriation	\$	53,306,984
	Motor Vehicle Appropriation	\$	3,935,549
M-R: Educational Grants			
446	Educational Grants		
	General Fund Appropriation	\$	1,117,006
M-R: Environmental Control Board			
117	Environmental Control		
	General Fund Appropriation	\$	305,218
M-R: Health and Welfare Grants			
385	Health and Welfare Grants		
	General Fund Appropriation	\$	59,000
M-R: Labor Commissioner			
128	Labor Relations		
	General Fund Appropriation	\$	443,454
M-R: Local Share to City Schools			
352	Local Share to City Schools		
	General Fund Appropriation	\$	200,806,029
M-R: Miscellaneous General Expenses			
122	Miscellaneous General Expenses		
	General Fund Appropriation	\$	19,828,521
	Motor Vehicle Appropriation	\$	3,654,000
M-R: Office of Children, Youth and Fam			
350	Office of Children, Youth and Families		
	General Fund Appropriation	\$	523,778
	State Fund Appropriation	\$	2,332,511
	Special Fund Appropriation	\$	1,100,000
M-R: Office of Criminal Justice			
224	Office of Criminal Justice		
	General Fund Appropriation	\$	523,544
	Federal Fund Appropriation	\$	1,037,427
	State Fund Appropriation	\$	1,632,004
	Special Fund Appropriation	\$	315,000
M-R: Office of Employment Development			
630	Administration (Title I)		
	General Fund Appropriation	\$	186,794
631	Job Training Partnership (Titles II/III)		
	Federal Fund Appropriation	\$	15,597,879

633	Youth Initiatives		
	Federal Fund Appropriation	\$	13,500,000
639	Special Services		
	General Fund Appropriation	\$	716,764
	Federal Fund Appropriation	\$	3,799,500
	State Fund Appropriation	\$	1,824,154

M-R: Office of Information Technology

147	Information Technology Services		
	General Fund Appropriation	\$	4,612,907

M-R: Office of Neighborhoods

354	Neighborhoods		
	General Fund Appropriation	\$	726,563

Of the amount appropriated for Program 354, \$363,000 shall be withheld for at least 3 months and may be expended after that period only if (i) the Mayor's Office of Neighborhoods has reported to the City Council on its operations and why they should be continued and (ii) the City Council has approved that report by Council Resolution.

M-R: Retirees' Benefits

351	Retirees' Benefits		
	General Fund Appropriation	\$	63,217,000

M-R: Self-Insurance Fund

126	Contribution to Self-insurance Fund		
	General Fund Appropriation	\$	26,224,000
	Motor Vehicle Appropriation	\$	6,483,451

Municipal and Zoning Appeals

185	Zoning, Tax and Other Appeals		
	General Fund Appropriation	\$	310,279

Museum of Art

489	Operation of Museum of Art		
	General Fund Appropriation	\$	2,251,840

Personnel

160	Personnel Administration		
	General Fund Appropriation	\$	1,600,363
167	Occupational Medicine and Safety		
	General Fund Appropriation	\$	513,624

Planning

187	City Planning		
	General Fund Appropriation	\$	846,024
	Motor Vehicle Appropriation	\$	752,712
	Federal Fund Appropriation	\$	631,600
	State Fund Appropriation	\$	33,750

Police

200	Administrative Direction and Control		
	General Fund Appropriation	\$	15,571,815
201	Field Operations Bureau		
	General Fund Appropriation	\$	145,831,742
	Federal Fund Appropriation	\$	15,282,784
	State Fund Appropriation	\$	7,332,800

Of the amount appropriated for Program 201, \$500,000 shall be withheld for at least 3 months and may be expended after that period only if (i) the Department has reported to the City Council on its progress in reducing court overtime and (ii) the City Council has approved that report by Council Resolution.

202	Investigations		
	General Fund Appropriation	\$	28,453,334
	Federal Fund Appropriation	\$	79,660
	Special Fund Appropriation	\$	960,000
203	Traffic		
	Motor Vehicle Appropriation	\$	10,483,756
	State Fund Appropriation	\$	32,823
204	Services Bureau		
	General Fund Appropriation	\$	27,202,892
	Special Fund Appropriation	\$	1,885,801

Of the amount appropriated for Program 204, \$200,000 shall be withheld for at least 3 months and may be expended after that period only if (i) the Department has reported to the City Council on its progress in improving the 311 system and (ii) the City Council has approved that report by Council Resolution.

205	Non-actuarial Retirement Benefits		
	General Fund Appropriation	\$	5,909,529
207	Research and Development		
	General Fund Appropriation	\$	4,857,884

Public Works

190	Departmental Administration		
	General Fund Appropriation	\$	116,376
	Motor Vehicle Appropriation	\$	1,174,222
191	Permits		
	General Fund Appropriation	\$	(34,445)
	Motor Vehicle Appropriation	\$	426,473
193	Building Maintenance		
	General Fund Appropriation	\$	13,423,313
198	Engineering/Construction Management		
	General Fund Appropriation	\$	74,517
	Motor Vehicle Appropriation	\$	1,009,167

513	Solid Waste Maintenance		
	General Fund Appropriation	\$	335,201
	Motor Vehicle Appropriation	\$	25,101,351
515	Solid Waste Collection		
	General Fund Appropriation	\$	10,578,020
	Motor Vehicle Appropriation	\$	1,728,764
<u>Of the amount appropriated for Program 515, \$500,000 shall be withheld for at least 3 months and may be expended after that period only if (i) the Department has reported to the City Council on its progress in improving its bulk trash operations and (ii) the City Council has approved that report by Council Resolution.</u>			
516	Solid Waste Disposal		
	General Fund Appropriation	\$	12,696,708
	Motor Vehicle Appropriation	\$	1,927,705
518	Storm Water Maintenance		
	Motor Vehicle Appropriation	\$	3,320,555
544	Sanitary Maintenance		
	Waste Water Utility Fund Appropriation	\$	11,091,961
546	Water Maintenance		
	Water Utility Fund Appropriation	\$	24,102,289
550	Waste Water Facilities		
	Waste Water Utility Fund Appropriation	\$	78,398,474
552	Water Facilities		
	Water Utility Fund Appropriation	\$	25,603,793
553	Water Engineering		
	Water Utility Fund Appropriation	\$	8,831,218
554	Waste Water Engineering		
	Waste Water Utility Fund Appropriation	\$	13,763,812
555	Environmental Services		
	Water Utility Fund Appropriation	\$	475,130
	Waste Water Utility Fund Appropriation	\$	2,992,539
560	Facilities Engineering		
	Water Utility Fund Appropriation	\$	214,755
	Waste Water Utility Fund Appropriation	\$	342,128
561	Utility Billing		
	Water Utility Fund Appropriation	\$	7,981,164
565	Utility Debt Service		
	Water Utility Fund Appropriation	\$	16,949,651
	Waste Water Utility Fund Appropriation	\$	15,447,086

Recreation and Parks

471	Administrative Direction and Control		
	General Fund Appropriation	\$	2,010,969
	State Fund Appropriation	\$	454,243
473	Municipal Concerts and Other Musical Events		
	General Fund Appropriation	\$	59,036
478	General Park Services		
	General Fund Appropriation	\$	4,848,820
	State Fund Appropriation	\$	1,284,793
479	Special Facilities		
	General Fund Appropriation	\$	1,033,277
	State Fund Appropriation	\$	125,754
	Special Fund Appropriation	\$	125,295
480	Regular Recreational Services		
	General Fund Appropriation	\$	7,614,036
	State Fund Appropriation	\$	447,773
	Special Fund Appropriation	\$	1,012,630
482	Supplementary Recreational Services		
	State Fund Appropriation	\$	1,683,413
	Special Fund Appropriation	\$	877,445
505	Park and Street Trees		
	Motor Vehicle Appropriation	\$	2,349,082
	State Fund Appropriation	\$	10,000

Sheriff

118	Sheriff Services		
	General Fund Appropriation	\$	8,466,000

Social Services

365	Public Assistance		
	General Fund Appropriation	\$	230,000

State's Attorney

115	Prosecution of Criminals		
	General Fund Appropriation	\$	16,806,979
	Federal Fund Appropriation	\$	1,727,552
	State Fund Appropriation	\$	2,890,344
	Special Fund Appropriation	\$	180,804

Transportation

195	Towing		
	General Fund Appropriation	\$	345,631
	Motor Vehicle Appropriation	\$	4,895,985
	State Fund Appropriation	\$	20,222

230	Bureau Administration		
	Motor Vehicle Appropriation	\$	7,874,372
	Federal Fund Appropriation	\$	320,000
231	Traffic Engineering		
	Motor Vehicle Appropriation	\$	4,190,373
232	Parking Management		
	Federal Fund Appropriation	\$	169,174
	Parking Management Fund Appropriation	\$	3,794,939
233	Signs & Markings		
	Motor Vehicle Appropriation	\$	4,027,335
	State Fund Appropriation	\$	17,000
235	Parking Enforcement		
	Parking Management Fund Appropriation	\$	5,005,061
239	Traffic Computer & Communications		
	Motor Vehicle Appropriation	\$	2,639,260
500	Street Lighting		
	Motor Vehicle Appropriation	\$	16,778,805
501	Highway Maintenance		
	Motor Vehicle Appropriation	\$	30,064,517
503	Highway Engineering		
	General Fund Appropriation	\$	675,328
	Motor Vehicle Appropriation	\$	1,526,566
548	Conduits		
	Conduit Management Fund Appropriation	\$	2,462,000
580	Parking Enterprise Facilities		
	Parking Enterprise Fund Appropriation	\$	21,040,000
Wage Commission			
165	Wage Enforcement		
	General Fund Appropriation	\$	397,455
War Memorial Commission			
487	Operation of War Memorial Building		
	General Fund Appropriation	\$	284,000

Internal Service Fund Authorization

Comptroller, Department of

130 Executive Direction and Control

An internal service fund is hereby authorized to provide for the administration of the Municipal Telephone Exchange and the Municipal Post Office, the cost of which is to be recovered from using agencies.

133 Municipal Telephone Exchange

An internal service fund is hereby authorized to provide for operation of a Municipal Telephone Exchange, the costs of which are to be recovered from using agencies.

136 Municipal Post Office

An internal service fund is hereby authorized to provide for operation of a Municipal Post Office, the costs of which are to be recovered from using agencies.

Finance, Department of**142 Bureau of Accounting and Payroll Services**

An internal service fund is hereby authorized to provide for accounting services of the Mobile Equipment Program, the costs of which are to be recovered from using agencies.

144 Purchasing

An internal service fund is hereby authorized to provide for operation of a Municipal Reproduction and Printing Service, the costs of which are to be recovered from using agencies.

An internal service fund is hereby authorized to provide for Centralized Automotive Parts Warehousing and Inventory, the costs of which are to be recovered from using agencies.

145 Risk Management Services

An internal service fund is hereby authorized to provide for the operation of the Risk Management Office, the costs of which are to be recovered from the Self-Insurance Fund.

Law, Department of**175 Legal Services**

An internal service fund is hereby authorized to provide for a Self-Insurance Program covering Automotive Equipment, Police Animal Liability, Employee Liability and the administration of Workers' Compensation claims, the costs of which are to be recovered from the Self-Insurance Fund.

Personnel, Department of**160 Personnel Administration**

An internal service fund is hereby authorized to provide for the operation of the Unemployment Insurance function, the costs of which are to be recovered from contributions from various fund sources.

161 Vision Care Program

An internal service fund is hereby authorized to provide for the operation of an Employee Vision Care Program, the costs of which are to be recovered from contributions from various fund sources.

Public Works, Department of**189 Fleet Management**

An internal service fund is hereby authorized to provide for operation of a Central Automotive and Mechanical Repair Service, the costs of which are to be recovered from using agencies.

500 Street Lighting

An internal service fund is hereby authorized to provide for operation of a City-owned Two-way Radio System, the costs of which are to be recovered from using agencies.

B. Capital Budget

SECTION 2. AND BE IT FURTHER ORDAINED, That the Capital Improvement Appropriations herein made are for the following Construction Projects provided that the appropriations will be placed in Construction Reserve accounts at the beginning of the fiscal year and transferred by the Board of Estimates to Construction Accounts as project funds are needed.

Baltimore Development Corporation

601-354 West Side Industrial & Commercial Development		
General Obligation Bond Appropriation	\$	1,000,000
601-483 South Baltimore Industrial & Commercial		
General Obligation Bond Appropriation	\$	1,000,000
601-573 Fayette/Lombard Street Corridor		
General Obligation Bond Appropriation	\$	1,000,000
601-575 East Baltimore Industrial & Commercial Development		
General Obligation Bond Appropriation	\$	1,000,000
601-860 Industrial and Commercial Financing		
General Obligation Bond Appropriation	\$	1,000,000
601-869 Economic Development Strategy/ Toolkit/ Database		
General Fund Appropriation	\$	225,000
601-870 Business Incubators/Centers-Capital Repairs		
General Obligation Bond Appropriation	\$	500,000
601-873 Brownfields Incentive Fund		
Federal Economic Development Grant Appropriation	\$	1,000,000
Other Federal Fund Appropriation	\$	8,000,000
601-875 Business /Technology Development Initiative		
General Obligation Bond Appropriation	\$	500,000
601-876 Industrial Park Development		
General Obligation Bond Appropriation	\$	1,000,000
Federal Economic Development Grant Appropriation	\$	1,000,000
Other Federal Fund Appropriation	\$	2,000,000
Other State Fund Appropriation	\$	1,000,000
603-700 Hippodrome Performing Arts Center		
General Obligation Bond Appropriation	\$	2,000,000
603-825 West Side Downtown		
General Obligation Bond Appropriation	\$	1,000,000

Baltimore City Public Schools**417-202 Systemic Improvements (Fiscal Year 2002)**

General Obligation Bond Appropriation	\$ 2,869,000
State School Grant Appropriation	\$ 24,130,000
Other Fund Appropriation	\$ 4,000,000

418-020 School Construction - Asbestos Removal

General Obligation Bond Appropriation	\$ 1,716,000
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418-050 Abbottston Elementary/Stadium School #50/15

General Obligation Bond Appropriation	\$ 200,000
State School Grant Appropriation	\$ 1,038,000

418-144 James Mosher Elementary School #144

General Obligation Bond Appropriation	\$ 2,989,000
State School Grant Appropriation	\$ 6,463,000

418-237 Highlandtown Elementary School #237

General Obligation Bond Appropriation	\$ 2,226,000
State School Grant Appropriation	\$ 3,217,000

418-410 Mergenthaler Vocational High School #410

General Obligation Bond Appropriation	\$ 2,000,000
State School Grant Appropriation	\$ 4,424,000

Department of Finance**146-022 Purchasing Management System**

General Fund Appropriation	\$ 950,000
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146-026 ITB Strategic Plan & Network Contract

Other Fund Deappropriation	\$ (1,311,000)
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146-027 Enterprise Resource Planning (ERP)

General Fund Appropriation	\$ 4,250,000
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Department of Housing and Community Development**588-009 Lead Prevention Initiative**

Other State Fund Appropriation	\$ 2,375,000
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588-981 Acquisition/Relocation Fund

General Obligation Bond Appropriation	\$ 950,000
Community Development Block Grant Appropriation	\$ 475,000

588-982 Commercial Areas, Main Streets and Gateways

General Obligation Bond Appropriation	\$ 650,000
General Fund Appropriation	\$ 250,000
Community Development Block Grant Appropriation	\$ 200,000

588-983 Demolition Program

General Obligation Bond Appropriation	\$ 1,200,000
General Fund Appropriation	\$ 400,000
Community Development Block Grant Appropriation	\$ 1,250,000
Other State Fund Appropriation	\$ 1,000,000

588-984 Homeownership Incentive Program

General Obligation Bond Appropriation	\$ 2,250,000
Community Development Block Grant Appropriation	\$ 420,000
Other State Fund Appropriation	\$ 150,000

588-985 Housing Development

General Obligation Bond Appropriation	\$ 1,550,000
Community Development Block Grant Appropriation	\$ 800,000
Other Federal Fund Appropriation	\$ 8,171,000

588-986 Housing Repair Assistance Programs

General Obligation Bond Appropriation	\$ 400,000
Community Development Block Grant Appropriation	\$ 1,050,000
Other Federal Fund Appropriation	\$ 100,000

588-987 Housing & Services-Special Needs Population

General Obligation Bond Appropriation	\$ 750,000
Community Development Block Grant Appropriation	\$ 1,950,000
Other Federal Fund Appropriation	\$ 500,000

588-988 Information Technology Development

Community Development Block Grant Appropriation	\$ 50,000
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588-989 Loan Repayment

Community Development Block Grant Appropriation	\$ 6,500,000
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588-990 Neighborhood Planning and Revitalization

General Obligation Bond Appropriation	\$ 1,900,000
Other Federal Fund Appropriation	\$ 5,000,000
Sale Of City Real Property Appropriation	\$ 500,000
Urban Development Action Grant Repayment Appropriation	\$ 500,000

588-991 Public Housing Redevelopment

General Obligation Bond Appropriation	\$ 1,000,000
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588-992 Public Improvements & Infrastructure

General Obligation Bond Appropriation	\$ 1,100,000
Community Development Block Grant Appropriation	\$ 100,000

588-993 Racetrack Area

State Race Track Grant Appropriation	\$ 611,000
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588-994 Special Capital Projects

General Obligation Bond Appropriation	\$ 750,000
Community Development Block Grant Appropriation	\$ 750,000

588-995 Vacant Lot Treatment/ Restoration Fund

General Obligation Bond Appropriation	\$	1,000,000
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588-998 State Funding for City Revitalization

Other State Fund Appropriation	\$	7,000,000
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Enoch Pratt Free Library**457-024 Central Library - Expansion**

Other State Fund Appropriation	\$	1,033,000
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457-038 Southeast Regional Library

General Obligation Bond Appropriation	\$	4,500,000
Other Fund Appropriation	\$	750,000

457-200 Library Facilities - Modernization

Other Fund Appropriation	\$	92,000
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Mayoralty**127-030 City Council Information Technology Project**

General Fund Appropriation	\$	100,000
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127-045 Top of The World Observation Level Renovation

Other State Fund Appropriation	\$	250,000
Other Fund Appropriation	\$	250,000

127-115 Walters Art Museum-1974 Building Renovation

Other Private Fund and Grant Appropriation	\$	1,008,000
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127-128 Walters Art Museum-Hackerman House Repair

Other Private Fund and Grant Appropriation	\$	115,000
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127-135 Walters Art Museum-Garage/Lot Development

Other State Fund Appropriation	\$	385,000
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127-138 Maryland Science Center - Expansion

General Obligation Bond Appropriation	\$	1,000,000
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127-149 Maryland Historical Society - Renovation

General Obligation Bond Appropriation	\$	1,500,000
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127-150 Living Classrooms - Maritime Park

General Obligation Bond Appropriation	\$	2,000,000
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127-200 Network and Systems Support Contract

General Fund Appropriation	\$	1,500,000
Waste Water Utility Fund Appropriation	\$	250,000
Water Utility Fund Appropriation	\$	250,000
City Motor Vehicle Fund Appropriation	\$	350,000

127-204 311 - One Call Center

General Fund Appropriation	\$ 1,000,000
Waste Water Utility Fund Appropriation	\$ 175,000
Water Utility Fund Appropriation	\$ 175,000
City Motor Vehicle Fund Appropriation	\$ 150,000

483-050 Baltimore Zoo Renovation

Other State Fund Appropriation	\$ 4,750,000
Other Fund Appropriation	\$ 5,587,000

529-038 Aquarium Major Building Expansion

Other State Fund Appropriation	\$ 3,000,000
Other Private Fund and Grant Appropriation	\$ 11,400,000

529-056 Aquarium Rainforest Glazing Replacement

Other Private Fund and Grant Appropriation	\$ 150,000
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529-200 Pier 4 Roof Replacement

Other Private Fund and Grant Appropriation	\$ 380,000
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529-201 Pier 3 Expansion Pyramid Exhibit

Other Private Fund and Grant Appropriation	\$ 350,000
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Museum of Art**488-020 Museum of Art- Master Plan**

Other State Fund Appropriation	\$ 100,000
Other Private Fund and Grant Appropriation	\$ 70,000

488-101 Museum of Art - Lucas Collection

Other State Fund Appropriation	\$ 850,000
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Parking Authority of Baltimore City**580-036 Fleet/Eden/Caroline Parking Garage**

Parking Revenue Bond Appropriation	\$ 15,000,000
Other State Fund Appropriation	\$ 6,000,000

580-037 Discovery Park Parking Garage Expansion

Parking Revenue Bond Appropriation	\$ 8,000,000
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Department of Planning**188-004 Critical Area Buffer Offset Program**

Critical Area Buffer Offset Fund Deappropriation	\$ (300,000)
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188-005 Critical Area Stormwater Management Program

Critical Area Stormwater Management Fund Deappropriation	\$ (370,000)
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188-006 Neighborhood Planning Program - NPP

General Fund Appropriation	\$	200,000
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Police Department**206-101 Baltimore Marine Unit**

State Waterway Improvement Fund Appropriation	\$	50,000
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Department of Public Works**197-134 Asbestos Management Program**

General Obligation Bond Appropriation	\$	1,000,000
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197-801 Mitchell Courthouse Master Plan

Other State Fund Appropriation	\$	400,000
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197-808 Hopkins Plaza Improvements

City Motor Vehicle Fund Appropriation	\$	1,000,000
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197-815 Elevator Upgrades

General Fund Appropriation	\$	250,000
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504-100 Footway Paving Construction Reserve

City Motor Vehicle Fund Appropriation	\$	100,000
Private Payments - Sidewalks Appropriation	\$	1,250,000

504-200 Alley Paving Construction Reserve

City Motor Vehicle Fund Appropriation	\$	500,000
Private Payments - Alleys Appropriation	\$	500,000

507-001 Federal Aid Construction Reserve

Lease Income Appropriation	\$	375,000
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507-313 Enhancement Construction Reserve

Federal Transportation Enhancement Grant Appropriation	\$	1,000,000
Other Private Fund and Grant Appropriation	\$	1,000,000

507-315 Edmondson Avenue Bridge Painting

Federal Highway Transportation Fund Appropriation	\$	1,600,000
City Motor Vehicle Fund Appropriation	\$	400,000

507-416 Hawkins Point Road Bridge Over CSXT RR

Federal Highway Transportation Fund Appropriation	\$	560,000
City Motor Vehicle Fund Appropriation	\$	140,000

507-426 Eastern Avenue Railroad Bridges Underpass

Federal Highway Transportation Fund Appropriation	\$	1,600,000
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507-436 Locust Point Access Road

City Motor Vehicle Fund Appropriation	\$	2,000,000
Other Private Fund and Grant Appropriation	\$	6,000,000

507-437 Digital Harbor Bulkheads - Reconstruction

Other State Fund Appropriation	\$ 7,200,000
City Motor Vehicle Fund Appropriation	\$ 5,000,000
Other Fund Appropriation	\$ 2,200,000

507-752 Bridge Inspection Program

Federal Highway Transportation Fund Appropriation	\$ 960,000
City Motor Vehicle Fund Appropriation	\$ 240,000

507-815 Monroe Street Viaduct Over CSXT Railroad

Federal Highway Transportation Fund Appropriation	\$ 8,000,000
City Motor Vehicle Fund Appropriation	\$ 2,000,000

508-018 Hollins Ferry Road - Reconstruction

City Motor Vehicle Fund Appropriation	\$ 845,000
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508-024 ITS Deployment

City Motor Vehicle Fund Appropriation	\$ 100,000
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508-031 Falls Road and Smith Avenue Intersection

City Motor Vehicle Fund Appropriation	\$ 400,000
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508-055 Deepdene Road Retaining Wall

City Motor Vehicle Fund Appropriation	\$ 200,000
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508-079 North Avenue Bridge Over Amtrak

Federal Highway Transportation Fund Appropriation	\$ 800,000
City Motor Vehicle Fund Appropriation	\$ 250,000

508-087 Harford Road Bridge Over Herring Run

Federal Highway Transportation Fund Appropriation	\$ 960,000
City Motor Vehicle Fund Appropriation	\$ 240,000

508-091 Maisel Street Pedestrian Bridge

City Motor Vehicle Fund Appropriation	\$ 1,000,000
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508-094 Edison Highway Bridge Over Amtrak

Federal Highway Transportation Fund Appropriation	\$ 640,000
City Motor Vehicle Fund Appropriation	\$ 160,000

508-099 Preston Street Transit Connectivity Project

City Motor Vehicle Fund Appropriation	\$ 156,000
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508-117 Eutaw Street Rehabilitation

City Motor Vehicle Fund Appropriation	\$ 100,000
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508-120 Longwood Street Reconstruction

City Motor Vehicle Fund Appropriation	\$ 173,000
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508-134 North Avenue Resurfacing

Federal Highway Transportation Fund Appropriation	\$ 1,200,000
City Motor Vehicle Fund Appropriation	\$ 400,000

508-139 Wilkens Avenue Reconstruction		
City Motor Vehicle Fund Appropriation	\$	300,000
508-185 Central Avenue Reconstruction		
City Motor Vehicle Fund Appropriation	\$	7,000,000
508-214 Mount Vernon Cultural District Street Improvements		
Other State Fund Appropriation	\$	125,000
City Motor Vehicle Fund Appropriation	\$	500,000
508-215 Pedestrian Wayfinding Signage Program		
Federal Transportation Enhancement Grant Appropriation	\$	750,000
City Motor Vehicle Fund Appropriation	\$	750,000
508-227 Cherry Hill Road Enhancements		
Other State Fund Appropriation	\$	300,000
508-251 North Broadway Street Enhancements		
Other State Fund Appropriation	\$	109,000
508-253 Belair/Edison Community Gateway Enhancement		
Other State Fund Appropriation	\$	232,000
508-489 Housing & Community Development Streets		
City Motor Vehicle Fund Deappropriation	\$	(750,000)
508-746 Hanover Street Bridge Over the Middle Branch		
City Motor Vehicle Fund Appropriation	\$	1,000,000
508-750 Wabash Avenue Concrete Slab Repairs		
Federal Highway Transportation Fund Appropriation	\$	480,000
City Motor Vehicle Fund Appropriation	\$	120,000
508-799 Sign Inventory and Upgrade		
City Motor Vehicle Fund Appropriation	\$	100,000
508-818 Wilkens Avenue - Resurfacing		
Federal Highway Transportation Fund Appropriation	\$	800,000
City Motor Vehicle Fund Appropriation	\$	250,000
508-823 Franklinton Road Bridge Over Dead Run		
City Motor Vehicle Fund Appropriation	\$	750,000
508-824 Waterview Avenue Bridge		
Federal Highway Transportation Fund Appropriation	\$	2,000,000
City Motor Vehicle Fund Appropriation	\$	500,000
508-834 Forest Park Avenue Bridge Over Gwynns Falls		
Federal Highway Transportation Fund Appropriation	\$	224,000
City Motor Vehicle Fund Appropriation	\$	56,000
508-841 Broadway Median (North To Monument)		
City Motor Vehicle Fund Appropriation	\$	800,000

508-915 Lexington Street Reconstruction		
City Motor Vehicle Fund Appropriation	\$	500,000
508-918 Howard Street Widening		
City Motor Vehicle Fund Appropriation	\$	250,000
508-923 Lombard Street Two-Way Conversion		
City Motor Vehicle Fund Appropriation	\$	275,000
508-940 Druid Lake Jogging Path		
City Motor Vehicle Fund Appropriation	\$	300,000
508-941 Lafayette Avenue Bridge Over Amtrak		
Federal Highway Transportation Fund Appropriation	\$	200,000
City Motor Vehicle Fund Appropriation	\$	50,000
508-942 Argonne Drive Bridge Over Herring Run		
Federal Highway Transportation Fund Appropriation	\$	640,000
City Motor Vehicle Fund Appropriation	\$	160,000
508-989 Harford Road Modifications/Enhancements		
City Motor Vehicle Fund Appropriation	\$	1,250,000
509-060 Forest Park Avenue - Resurfacing		
Federal Highway Transportation Fund Appropriation	\$	1,250,000
City Motor Vehicle Fund Appropriation	\$	388,000
509-101 Fairfield Industrial Park Street Reconstruction		
City Motor Vehicle Fund Appropriation	\$	200,000
509-666 Ridgeview Avenue - Reconstruction		
City Motor Vehicle Fund Appropriation	\$	500,000
509-674 Chesapeake Avenue - Reconstruction		
City Motor Vehicle Fund Appropriation	\$	200,000
509-687 Handicap Ramps/Curbs Program		
City Motor Vehicle Fund Appropriation	\$	100,000
510-005 Downtown Street Lighting		
City Motor Vehicle Fund Appropriation	\$	250,000
510-008 Residential Street Lighting Improvements		
City Motor Vehicle Fund Appropriation	\$	250,000
510-030 Light Rail/Metro Areas Lighting Upgrades		
Other State Fund Appropriation	\$	187,000
512-008 Traffic Signal Computer Replacement		
Federal Highway Transportation Fund Appropriation	\$	2,523,000
City Motor Vehicle Fund Appropriation	\$	642,000

512-023 Oversize Permit Computer Link		
City Motor Vehicle Fund Appropriation	\$	200,000
514-071 Edmondson Avenue - Resurfacing		
Other State Fund Appropriation	\$	360,000
514-073 Reisterstown Road - Resurfacing		
Federal Highway Transportation Fund Appropriation	\$	246,000
City Motor Vehicle Fund Appropriation	\$	75,000
514-100 Pothole Repair Construction Reserve		
City Motor Vehicle Fund Appropriation	\$	1,000,000
514-109 Coldspring Lane - Resurfacing		
City Motor Vehicle Fund Appropriation	\$	1,000,000
514-200 Local Street Resurfacing Program		
City Motor Vehicle Fund Appropriation	\$	6,000,000
514-201 Park Heights Avenue - Resurfacing		
Federal Highway Transportation Fund Appropriation	\$	1,360,000
City Motor Vehicle Fund Appropriation	\$	382,000
514-207 Charles Street - Design Modifications		
City Motor Vehicle Fund Appropriation	\$	400,000
514-212 Potee Street - Resurfacing		
Federal Highway Transportation Fund Appropriation	\$	1,040,000
City Motor Vehicle Fund Appropriation	\$	325,000
514-459 Edmondson Avenue - Resurfacing		
Federal Highway Transportation Fund Appropriation	\$	480,000
City Motor Vehicle Fund Appropriation	\$	135,000
514-486 Hillen Road - Resurfacing		
Federal Highway Transportation Fund Appropriation	\$	1,100,000
City Motor Vehicle Fund Deappropriation	\$	(400,000)
514-543 Fayette Street Rehabilitation		
City Motor Vehicle Fund Appropriation	\$	100,000
514-594 Curran and Whitman Streets - Resurfacing		
City Motor Vehicle Fund Appropriation	\$	422,000
514-595 Duvall Street Reconstruction		
City Motor Vehicle Fund Appropriation	\$	221,000
514-596 Eastern Avenue - Ponca Street to City Line		
City Motor Vehicle Fund Appropriation	\$	500,000
514-607 Light Street - Wells to Ostend		
City Motor Vehicle Fund Appropriation	\$	215,000

514-609 Monument Street (Chester to Edison)		
City Motor Vehicle Fund Appropriation	\$	238,000
514-613 Roland Avenue Street Improvements		
City Motor Vehicle Fund Appropriation	\$	520,000
514-618 Washington Blvd - Resurfacing		
Federal Highway Transportation Fund Appropriation	\$	1,600,000
City Motor Vehicle Fund Appropriation	\$	557,000
514-622 Charles St/ Northern Pkwy Improvements		
City Motor Vehicle Fund Appropriation	\$	400,000
514-624 Cherryhill Area Streets		
City Motor Vehicle Fund Appropriation	\$	400,000
514-626 Downtown Streetscape Resurfacing		
Other State Fund Appropriation	\$	410,000
City Motor Vehicle Fund Appropriation	\$	1,000,000
514-651 Belair Rd/Erdman Ave Resurfacing		
Federal Highway Transportation Fund Appropriation	\$	600,000
City Motor Vehicle Fund Appropriation	\$	187,000
514-657 Eastern Avenue Streetscape Enhancements		
City Motor Vehicle Fund Appropriation	\$	70,000
515-102 Oliver I Project Street Resurfacing		
City Motor Vehicle Fund Appropriation	\$	6,000
Other Fund Appropriation	\$	90,000
515-117 Main Street Corridors: Street Improvements		
City Motor Vehicle Fund Appropriation	\$	600,000
515-131 Flag House Courts Infrastructure Construction		
Water Revenue Bond Appropriation	\$	885,000
Waste Water Revenue Bond Appropriation	\$	415,000
City Motor Vehicle Fund Appropriation	\$	3,400,000
520-127 Fairfield Drainage Improvements		
General Obligation Bond Appropriation	\$	3,433,000
520-132 Moore's Run Drainage Improvements		
General Obligation Bond Deappropriation	\$	(3,433,000)
520-446 Ridgeview Avenue Storm Drain		
City Motor Vehicle Fund Appropriation	\$	492,000
520-634 Critical Areas Storm Water Mitigation		
Critical Area Stormwater Management Fund Appropriation	\$	370,000
525-314 Gwynns Run Pollution Control		
City Motor Vehicle Fund Appropriation	\$	400,000

525-350 East Stony Run at Charles Street		
City Motor Vehicle Fund Appropriation	\$	600,000
525-431 Gwynns Falls Debris Collector		
City Motor Vehicle Fund Appropriation	\$	210,000
525-905 Lower Gwynns Falls Dike - Phase II		
Other State Fund Appropriation	\$	678,000
551-144 Mapping Program		
Waste Water Utility Fund Appropriation	\$	450,000
551-233 Waste Water System - Annual Improvements		
Waste Water Revenue Bond Appropriation	\$	1,000,000
County Grant Appropriation	\$	1,000,000
551-401 Sewer Replacement Projects		
Waste Water Revenue Bond Appropriation	\$	2,000,000
551-402 Combined Sewer Separation Program		
Waste Water Revenue Bond Appropriation	\$	2,000,000
551-403 Small Sewer Extensions and Improvements		
Waste Water Revenue Bond Appropriation	\$	335,000
551-404 Infiltration/Inflow Correction Program		
Waste Water Revenue Bond Appropriation	\$	2,000,000
551-405 Herring Run Sewershed Conveyance System		
Waste Water Revenue Bond Appropriation	\$	4,280,000
County Grant Appropriation	\$	675,000
551-406 Lower Jones Falls Sewershed-Improvements		
Waste Water Revenue Bond Appropriation	\$	300,000
551-407 Gwynns Falls Sewershed Conveyance System		
Waste Water Revenue Bond Appropriation	\$	330,000
County Grant Appropriation	\$	1,320,000
551-408 High Level Sewershed Conveyance System		
Waste Water Revenue Bond Appropriation	\$	700,000
551-409 Upper Jones Falls Conveyance System		
Waste Water Revenue Bond Appropriation	\$	1,800,000
County Grant Appropriation	\$	1,800,000
551-440 Hawkins Point Sewerage Study		
Waste Water Revenue Bond Appropriation	\$	1,000,000
551-528 Patapsco WWTP-Biological Nitrogen Removal		
Waste Water Revenue Bond Appropriation	\$	320,000
Other State Fund Appropriation	\$	1,000,000
County Grant Appropriation	\$	680,000

551-530 Public Works-Geographic Information System

Waste Water Utility Fund Appropriation	\$	500,000
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551-540 Patapsco Maintenance Shop Expansion

Waste Water Revenue Bond Appropriation	\$	2,112,000
County Grant Appropriation	\$	4,488,000

551-555 Back River Electrical Distribution Improvements

Waste Water Revenue Bond Appropriation	\$	650,000
County Grant Appropriation	\$	650,000

551-557 Biological Nutrient Removal Enhancements

Waste Water Revenue Bond Appropriation	\$	200,000
Other State Fund Appropriation	\$	400,000
County Grant Appropriation	\$	200,000

551-562 Chlorine System Improvements

Waste Water Revenue Bond Appropriation	\$	2,000,000
County Grant Appropriation	\$	2,000,000

551-565 Miscellaneous Mechanical Improvements

Waste Water Revenue Bond Appropriation	\$	1,248,000
County Grant Appropriation	\$	2,652,000

551-568 Electrical Improvements at Patapsco WWTP

Waste Water Revenue Bond Appropriation	\$	832,000
County Grant Appropriation	\$	1,768,000

551-569 On Call Sanitary Engineering Service

Waste Water Revenue Bond Appropriation	\$	500,000
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551-570 Patapsco Fine Screens Influent Channel

Waste Water Revenue Bond Appropriation	\$	960,000
County Grant Appropriation	\$	2,040,000

557-031 Water Supply System - Improvements

Water Revenue Bond Appropriation	\$	500,000
County Grant Appropriation	\$	200,000

557-070 Watershed Road and Facility Maintenance

Water Revenue Bond Appropriation	\$	1,147,000
County Grant Appropriation	\$	673,000

557-084 Montebello Plant-Laboratory/Office Building

Water Revenue Bond Appropriation	\$	3,969,000
County Grant Appropriation	\$	2,331,000

557-099 Mapping Program - Water Supply System

Water Utility Fund Appropriation	\$	450,000
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557-100 Water Infrastructure Rehabilitation

Water Revenue Bond Appropriation	\$	4,185,000
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557-101 Water Mains - Installation		
Water Revenue Bond Appropriation	\$	1,000,000
557-130 Water System Cathodic Protection		
Water Revenue Bond Appropriation	\$	160,000
County Grant Appropriation	\$	40,000
557-133 Meter Replacement Program		
Water Revenue Bond Appropriation	\$	1,500,000
County Grant Appropriation	\$	1,500,000
557-150 Ashburton Filtration Plant - Renovation		
Water Revenue Bond Appropriation	\$	4,410,000
County Grant Appropriation	\$	2,590,000
557-300 Water Facilities-Annual Improvements		
Water Revenue Bond Appropriation	\$	945,000
County Grant Appropriation	\$	555,000
557-313 Maintenance Shop and Storage Building		
Water Revenue Bond Appropriation	\$	3,458,000
County Grant Appropriation	\$	2,072,000
557-400 Valve and Hydrant Replacement-Annual		
Water Revenue Bond Appropriation	\$	1,000,000
557-630 Public Works-Geographic Information System		
Water Utility Fund Appropriation	\$	500,000
557-689 On-Call Water Engineering Services		
Water Revenue Bond Appropriation	\$	500,000
557-690 Liberty Dam Restoration		
Water Revenue Bond Appropriation	\$	1,512,000
County Grant Appropriation	\$	888,000
557-695 Boat Ramp - Liberty Reservoir		
State Waterway Improvement Fund Appropriation	\$	25,000
557-696 Chlorine Handling Safety Improvements		
Water Revenue Bond Appropriation	\$	350,000
County Grant Appropriation	\$	350,000
557-702 Water Facilities Data Acquisition		
Water Revenue Bond Appropriation	\$	1,701,000
County Grant Appropriation	\$	999,000
557-704 Water Facility Protection Improvements		
Water Revenue Bond Appropriation	\$	945,000
County Grant Appropriation	\$	555,000

557-707 Alternate Water Resource Development

Water Revenue Bond Appropriation	\$ 315,000
County Grant Appropriation	\$ 185,000

563-001 Conduit Construction Reserve

Private Payments - Conduits Appropriation	\$ 400,000
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563-512 Conduit Record Automation

Private Payments - Conduits Appropriation	\$ 400,000
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563-513 Conduit Occupancy Evaluation

Private Payments - Conduits Appropriation	\$ 500,000
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Department of Recreation and Parks**474-264 Street Tree Planting Program**

City Motor Vehicle Fund Appropriation	\$ 800,000
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474-457 Critical Areas Mitigation - Buffer Zone

Critical Area Buffer Offset Fund Appropriation	\$ 300,000
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474-488 Gwynns Falls Trail Phase I - Stabilization

City Motor Vehicle Fund Appropriation	\$ 150,000
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474-523 Gwynns Fall Trail Phase III

Federal Transportation Enhancement Grant Appropriation	\$ 1,500,000
State Open Space Grant Appropriation	\$ 600,000
City Motor Vehicle Fund Appropriation	\$ 600,000
Other Fund Appropriation	\$ 200,000

474-570 Jones Falls/Penn Station Trail System

City Motor Vehicle Fund Appropriation	\$ 200,000
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474-613 Herring Run Fitness & Boxing Center

State Open Space Grant Appropriation	\$ 500,000
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474-619 Recreation Center Renovation-FY2002

General Obligation Bond Appropriation	\$ 1,000,000
State Open Space Grant Appropriation	\$ 200,000

474-620 Swimming Pool and Bath House Renovation

General Obligation Bond Appropriation	\$ 325,000
State Open Space Matching Grant Appropriation	\$ 675,000

474-621 Baltimore Playlot Program FY2002

General Fund Appropriation	\$ 475,000
State Open Space Matching Grant Appropriation	\$ 1,525,000

474-622 Park Rehabilitation Program FY2002

General Obligation Bond Appropriation	\$ 175,000
State Open Space Matching Grant Appropriation	\$ 525,000

474-623 Basketball Courts/Tennis Courts/ Ballfields

State Open Space Grant Appropriation \$ 400,000

474-624 Gateway Landscaping Improvements

City Motor Vehicle Fund Appropriation \$ 500,000

SECTION 3. AND BE IT FURTHER ORDAINED, That the amounts set forth in Section 2 above designated deappropriations and enclosed in parentheses shall revert to the surpluses of the respective funds and be available for appropriation by this or subsequent ordinances.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) The City reasonably expects to reimburse the expenditures described in subsection (b) of this Section with the proceeds of one or more obligations (as such term is used in Treas. Reg. Section 1.150-1(b) to be incurred by the City (or any entity controlled by the City within the meaning of Treas. Reg. Section 1.150-1). The City intends that this Section of this Ordinance of Estimates (as this Ordinance of Estimates may be amended from time to time) shall serve as a declaration of the City's reasonable intention to reimburse expenditures as required by Treas. Reg. Section 1.150-2 and any successor regulation.

(b) The City intends that this declaration will cover all reimbursement of expenditures for capital projects or programs approved in the capital budget contained in this Ordinance of Estimates to the extent that the City has appropriated in this Ordinance of Estimates to pay the cost thereof from one or more obligations to be issued by the City (or any entity controlled by the City within the meaning of Treas. Reg. Section 1.150-1). The term "obligation" (as such term is defined in Treas. Reg. Section 1.150(b) and as used in this Section) includes general obligation bonds and notes, revenue bonds and notes, leases, conditional purchase agreements and other obligations of the City (or any entity controlled by the City within the meaning of Treas. Reg. Section 1.150-1).

(c) The maximum anticipated debt expected to be incurred by the City to reimburse the cost of each capital project or program in this Ordinance of Estimates is the applicable appropriation listed in this Ordinance of Estimates from the proceeds of one or more obligations, as such appropriations may be increased or decreased.

SECTION 5. The foregoing appropriations in summary consist of:

<u>Fund</u>	<u>Operating</u>	<u>Capital</u>	<u>Total</u>
General	\$ 920,973,000	\$ 9,600,000	\$ 930,573,000
Motor Vehicle	134,669,000	54,500,000	189,169,000
Federal	250,157,303	73,429,000	323,586,303
State	77,734,011	83,677,000	161,411,011
Water Utility	84,158,000	1,375,000	85,533,000
Waste Water Utility	122,036,000	1,375,000	123,411,000
Parking Enterprise	21,040,000	0	21,040,000
Loan and Guarantee Enterprise	3,983,000	0	3,983,000
Conduit Management	2,462,000	0	2,462,000
Parking Management	8,800,000	0	8,800,000
Special	31,569,630	145,431,000*	177,000,630
Convention Center Bond	4,635,734	0	4,635,734
General Obligation Bonds	0	47,000,000	47,000,000
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	\$1,662,217,678	\$416,387,000	\$2,078,604,678

*Consisting of:

County	\$32,211,000
Revenue Bonds and Notes	\$76,464,000

Other Fund Sources \$36,756,000
145,431,000

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-194
(Council Bill 01-438)**

AN ORDINANCE CONCERNING

Annual Property Tax — Fiscal Year 2002

FOR the purpose of providing a tax for the use of the Mayor and City Council of Baltimore for the period July 1, 2001, through June 30, 2002.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That for the period July 1, 2001, through June 30, 2002, a tax is levied and imposed for the use of the Mayor and City Council of Baltimore on all property in the City of Baltimore (except property exempt by law), as follows:

- (a) except as otherwise specified in item (b) of this section, a tax of \$2.328 is levied and imposed on every \$100 of assessed or assessable value of real property; and
- (b) a tax of \$5.82 is levied and imposed on every \$100 of assessed or assessable value of:
 - (1) personal property; and
 - (2) operating real property described in State Tax-Property Article § 8-109(c).

SECTION 2. AND BE IT FURTHER ORDAINED, That this tax shall be paid and collected in the manner prescribed by law.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-195
(Council Bill 01-451)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Fire Department — \$250,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$250,000 to the Fire Department — Program 212 (Fire Suppression), for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Property Transfer Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$250,000 shall be made available to the Fire Department — Program 212 (Fire Suppression) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide funding for additional operating expenses. The source of revenue for this appropriation is from the Property Transfer Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-196
(Council Bill 01-452)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Police Department — \$800,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$800,000 to the Police Department — Program 202 (Investigations), to provide funding for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$800,000 shall be made available to the Police Department — Program 202 (Investigations) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide funding for additional operating expenses. The source of revenue for this appropriation is funds from the Income Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-197
(Council Bill 01-453)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Police Department — \$200,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$200,000 to the Police Department — Program 200 (Administration), to provide funding for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Recordation Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$200,000 shall be made available to the Police Department — Program 200 (Administration) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide funding for additional operating expenses. The source of revenue for this appropriation is funds from the Recordation Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-198
(Council Bill 01-454)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Police Department — \$1,800,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,800,000 to the Police Department — Program 204 (Services Bureau), to provide funding for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from Loan Repayments (\$1,100,000) and the Admissions Tax (\$700,000) in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 23, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,800,000 shall be made available to the Police Department — Program 204 (Services Bureau) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide funding for additional operating expenses. The source of revenue for this appropriation is funds from Loan Repayments (\$1,100,000) and the Admissions Tax (\$700,000) in excess of the amount from these sources that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-199
(Council Bill 01-455)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Police Department — \$8,700,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$8,700,000 to the Police Department — Program 201 (Field Operations), to provide funding for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Property Transfer Tax (\$225,000), Income Tax (\$7,575,000), and Net Parking Revenues (\$900,000) in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$8,700,000 shall be made available to the Police Department — Program 201 (Field Operations) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide funding for additional operating expenses. The source of revenue for this appropriation is funds from the Property Transfer Tax (\$225,000),

Income Tax (\$7,575,000), and Net Parking Revenues (\$900,000) in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-200
(Council Bill 01-456)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$800,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$800,000 to the Department of Public Works — Program 198 (Engineering and Construction Management), to provide funding for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Recordation Tax (\$100,000) and the Miscellaneous Building Inspection Fees (\$700,000) in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$800,000 shall be made available to the Department of Public Works — Program 198 (Engineering and Construction Management) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide funding for additional operating expenses. The source of revenue for this appropriation is funds from the Recordation Tax (\$100,000) and the Miscellaneous Building Inspection Fees (\$700,000) in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-201
(Council Bill 01-0457)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$1,200,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,200,000 to the Department of Public Works — Program 516 (Solid Waste Disposal), to provide funding for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax (\$500,000) and the Landfill Fees (\$700,000) in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,200,000 shall be made available to the Department of Public Works — Program 516 (Solid Waste Disposal) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide funding for additional operating expenses. The source of revenue for this appropriation is funds from the Income Tax (\$500,000) and the Landfill Fees (\$700,000) in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-202
(Council Bill 01-458)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$1,000,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,000,000 to the Department of Public Works — Program 515 (Solid Waste Collection), to provide funding for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,000,000 shall be made available to the Department of Public Works — Program 515 (Solid Waste Collection) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide funding for additional operating expenses. The source of revenue for this appropriation is funds from the Income Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-203
(Council Bill 01-459)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$500,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$500,000 to the Department of Public Works — Program 193 (Building Maintenance), to provide funding for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Miscellaneous Building Inspection Fees in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$500,000 shall be made available to the Department of Public Works — Program 193 (Building Maintenance) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide funding for additional operating expenses. The source of revenue for this appropriation is funds from the Miscellaneous Building Inspection Fees in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

Martin O'Malley, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-204
(Council Bill 01-460)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Operating Appropriation —
Department of Public Works — \$2,300,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Operating Appropriation in the amount of \$2,300,000 to the Department of Public Works — Program 501 (Highway Maintenance), to provide funding for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents Red Light Fines (\$2,000,000) and State Highway User Revenues (\$300,000) in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,300,000 shall be made available to the Department of Public Works — Program 501 (Highway Maintenance) as a Supplementary Motor Vehicle Fund Operating Appropriation for Fiscal Year 2001, to provide funding for additional operating expenses. The source of revenue for this appropriation is Red Light Fines (\$2,000,000) and State Highway User Revenues (\$300,000) in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-205
(Council Bill 01-461)**

AN ORDINANCE CONCERNING

**Supplementary Motor Vehicle Fund Operating Appropriation —
Department of Public Works — \$1,500,000**

FOR the purpose of providing a Supplementary Motor Vehicle Fund Operating Appropriation in the amount of \$1,500,000 to the Department of Public Works — Program 230 (Transportation Bureau Administration), to provide funding for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents State Highway User Revenues in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,500,000 shall be made available to the Department of Public Works — Program 230 (Transportation Bureau Administration) as a Supplementary Motor Vehicle Fund Operating Appropriation for Fiscal Year 2001, to provide funding for additional operating expenses. The source of revenue for this appropriation is State Highway User Revenues in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-206
(Council Bill 01-462)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
MR-Miscellaneous General Expenses — \$450,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$450,000 to the MR-Miscellaneous General Expenses — Program 122 (Misc. General Expenses), to provide additional funding for legal fees; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$450,000 shall be made available to the MR-Miscellaneous General Expenses — Program 122 (Misc. General Expenses) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide additional funding for legal fees. The source of revenue for this appropriation is funds from the Income Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-207
(Council Bill 01-463)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
MR-Miscellaneous General Expenses — \$2,800,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$2,800,000 to the MR-Miscellaneous General Expenses — Program 122 (Misc. General Expenses), to provide an annual payment to the Baltimore City Public School System for vested compensated employees leave; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Prior Year Special Reserve in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,800,000 shall be made available to the MR-Miscellaneous General Expenses — Program 122 (Misc. General Expenses) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide an annual payment to the Baltimore City Public School System for vested compensated employee leave. The source of revenue for this appropriation is funds from the Prior Year Special Reserve in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.
Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-208
(Council Bill 01-464)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
MR-Office of Employment Development — \$1,000,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,000,000 to the MR-Office of Employment Development — Program 639 (Special Services), to provide funding for additional operating expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,000,000 shall be made available to the MR-Office of Employment Development — Program 639 (Special Services) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide funding for additional operating expenses. The source of revenue for this appropriation is from the Income Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-209
(Council Bill 01-465)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Local Share to City Schools — \$438,229**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$438,229 to the Local Share to City Schools — Program 352, to provide settlement to the Baltimore City Public Schools for transition services expenses; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2001 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2001 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On May 16, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$438,229 shall be made available to the Local Share to City Schools — Program 352 as a Supplementary General Fund Operating Appropriation for Fiscal Year 2001, to provide settlement to the Baltimore City Public Schools for transition services expenses. The source of revenue for this appropriation is funds from the Income Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2001.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-210
(Council Bill 01-483)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Enoch Pratt Free Library — \$100,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$100,000 to the Enoch Pratt Free Library — Program 452 (Extension Services), to provide funding for additional operating expenses for Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 13, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$100,000 shall be made available to the Enoch Pratt Free Library — Program 452 (Extension Services) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to provide funding for additional operating expenses for Fiscal 2002. The source of revenue for this appropriation is funds from the Income Tax, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-211
(Council Bill 01-484)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$570,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$570,000 to the Department of Public Works — Program 516 (Solid Waste Disposal), to provide funding for additional operating expenses in Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 13, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$570,000 shall be made available to the Department of Public Works — Program 516 (Solid Waste Disposal) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to provide funding for additional operating expenses in Fiscal 2002. The source of revenue for this appropriation is funds from the Income Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-212
(Council Bill 01-485)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Capital Appropriation —
Department of Public Works — \$600,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$600,000 to the Department of Public Works — Account # 9965-580-535 (Orion Garage/Calvert), to provide funding for land acquisition for construction of a new parking garage on the properties known as 26, 30, 32, 34, and 36 South Calvert Street and 108, 112, and 114 East Lombard Street (Ward 4, Section 11, Block 661) in Fiscal 2002; and providing for a special effective date.

BY authority of
Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from Loan Repayments in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 13, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$600,000 shall be made available to the Department of Public Works — Account # 9965-580-535 (Orion Garage/Calvert) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2002, to provide funding for land acquisition for construction of a new parking garage on the properties known as 26, 30, 32, 34, and 36 South Calvert Street and 108, 112, and 114 East Lombard Street (Ward 4, Section 11, Block 661). The source of revenue for this appropriation is from Loan Repayments, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

Martin O'Malley, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-213
(Council Bill 01-486)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$5,730,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$5,730,000 to the Department of Public Works — Program 515 (Solid Waste Collection), to provide funding for additional operating expenses in Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 13, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$5,730,000 shall be made available to the Department of Public Works — Program 515 (Solid Waste Collection) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to provide funding for additional operating expenses in Fiscal 2002. The source of revenue for this appropriation is funds from the Income Tax, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-214
(Council Bill 01-487)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$1,200,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,200,000 to the Department of Public Works — Program 193 (Building Maintenance), to provide funding for additional operating expenses for Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 13, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,200,000 shall be made available to the Department of Public Works — Program 193 (Building Maintenance) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to provide funding for additional operating expenses for Fiscal 2002. The source of revenue for this appropriation is funds from the Income Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-215
(Council Bill 01-488)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Recreation and Parks — \$771,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$771,000 to the Department of Recreation and Parks — Program 478 (General Park Services), to provide funding for additional operating expenses for Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 13, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$771,000 shall be made available to the Department of Recreation and Parks — Program 478 (General Park Services) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to provide funding for additional operating expenses for Fiscal 2002. The source of revenue for this appropriation is funds from the Income Tax, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-216
(Council Bill 01-489)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Recreation and Parks — \$2,229,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$2,229,000 to the Department of Recreation and Parks — Program 480 (Regular Recreation Services), to provide funding for additional operating expenses for Fiscal 2002; and providing for a special effective date.

BY authority of
Article VI - Board of Estimates
Section 8(b) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Income Tax in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 13, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,229,000 shall be made available to the Department of Recreation and Parks — Program 480 (Regular Recreation Services) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to provide funding for additional operating expenses for Fiscal 2002. The source of revenue for this appropriation is funds from the Income Tax in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-217
(Council Bill 01-508)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Housing and Community Development — \$100,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$100,000 to the Department of Housing and Community Development — Program 585 (Baltimore Development Corporation), for additional operating expenses for Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Non-Profit Contribution in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$100,000 shall be made available to the Department of Housing and Community Development — Program 585 (Baltimore Development Corporation) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, for additional operating expenses for Fiscal 2002. The source of revenue for this appropriation is funds from the Non-Profit Contribution in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-218
(Council Bill 01-509)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$2,600,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$2,600,000 to the Department of Public Works — Program 193 (Building Maintenance), for additional operating expenses for Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Non-Profit Contribution (\$1,750,000) and Impoundment Fees (\$850,000) in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,600,000 shall be made available to the Department of Public Works — Program 193 (Building Maintenance) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, for additional operating expenses for Fiscal 2002. The source of revenue for this appropriation is funds from the Non-Profit Contribution (\$1,750,000) and Impoundment Fees (\$850,000) in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-219
(Council Bill 01-510)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Public Works — \$1,000,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$1,000,000 to the Department of Public Works — Program 513 (Solid Waste Maintenance), for additional operating expenses for Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Non-Profit Contribution in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$1,000,000 shall be made available to the Department of Public Works — Program 513 (Solid Waste Maintenance) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, for additional operating expenses for Fiscal 2002. The source of revenue for this appropriation is funds from the Non-Profit Contribution, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-220
(Council Bill 01-511)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Capital Appropriation —
Department of Finance — \$337,357**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$337,357 to the Department of Finance (Enterprise Resource Planning) (Account #9908-149-027-6), for additional Capital expenses for Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Non-Profit Contribution in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$337,357 shall be made available to the Department of Finance (Enterprise Resource Planning) (Account #9908-149-027-6) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2002, for additional Capital expenses for Fiscal 2002 . The source of revenue for this appropriation is funds from the Non-Profit Contribution in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-221
(Council Bill 01-512)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Housing and Community Development — \$262,207**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$262,207 to the Department of Housing and Community Development — Program 260 (Construction and Building Inspection), to provide funding for additional operating expenses for Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Non-Profit Contribution in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$262,207 shall be made available to the Department of Housing and Community Development — Program 260 (Construction and Building Inspection) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, for additional operating expenses for Fiscal 2002. The source of revenue for this appropriation is funds from the Non-Profit Contribution in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-222
(Council Bill 01-513)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Housing and Community Development — \$137,793**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$137,793 to the Department of Housing and Community Development — Program 583 (Neighborhood Services), for additional operating expenses for Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Non-Profit Contribution in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2--2 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$137,793 shall be made available to the Department of Housing and Community Development — Program 583 (Neighborhood Services) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, for additional operating expenses for Fiscal 2002. The source of revenue for this appropriation is funds from the Non-Profit Contribution, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-223
(Council Bill 01-514)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Health Department — \$103,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$103,000 to the Health Department — Program 240 (Animal Control), for additional operating expenses for Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Non-Profit Contribution in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$103,000 shall be made available to the Health Department — Program 240 (Animal Control) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, for additional operating expenses for Fiscal 2002. The source of revenue for this appropriation is funds from the Non-Profit Contribution in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-224
(Council Bill 01-515)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Law Department — \$174,643**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$174,643 to the Law Department — Program 175 (Legal Services), to provide funding for additional operating expenses for Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Non-Profit Contribution in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$174,643 shall be made available to the Law Department — Program 175 (Legal Services) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to provide funding for additional operating expenses for Fiscal 2002. The source of revenue for this appropriation is funds from the Non-Profit Contribution, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-225
(Council Bill 01-516)**

AN ORDINANCE CONCERNING

**General Fund Operating Appropriation Transfer —
MR-Miscellaneous General Expenses (Program 122) to
Department of Public Works (Program 193) — \$1,750,000**

FOR the purpose of transferring a General Fund Operating Appropriation in the amount of \$1,750,000 from MR-Miscellaneous General Expenses (Program 122) to the Department of Public Works (Program 193 - Building Maintenance) for additional operating expenses in Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 9(a)(2)
Baltimore City Charter
(1996 Edition)

Recitals

Article VI, § 9(a)(2) of the City Charter provides that, on recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency.

The sum of \$1,750,000, as appropriated to the MR-Miscellaneous General Expenses (Program 122) in the Fiscal 2002 Ordinance of Estimates, is not needed for the purpose for which it was appropriated and, therefore, is available for transfer to another agency.

On June 21, 2001, the Board of Estimates recommended the transfer authorized by this Ordinance.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the sum of \$1,750,000, contained in the Fiscal 2002 Ordinance of Estimates as a General Fund Operating Appropriation, is transferred from MR-Miscellaneous General Expenses (Program 122) to the Department of Public Works (Program 193 - Building Maintenance).

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-226
(Council Bill 01-517)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Planning — \$135,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$135,000 to the Department of Planning — Program 187 (City Planning), for additional operating expenses for Fiscal 2002; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Non-Profit Contribution in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On June 21, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$135,000 shall be made available to the Department of Planning — Program 187 (City Planning) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, for additional operating expenses for Fiscal 2002. The source of revenue for this appropriation is funds from the Non-Profit Contribution, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved June 21, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-227
(Council Bill 00-313)**

AN ORDINANCE CONCERNING

Sale of Property — Rear Portion of 4001-4007 Alto Road

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property known as the rear portion of 4001-4007 Alto Road, Block 2826C, portion of Lot 014 and no longer needed for public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property known as the rear portion of 4001-4007 Alto Road, Baltimore, Maryland 21216 and more particularly described as follows:

The subject parcel (Block 2826C, rear of Lot 14) is an unimproved lot. The site is located north of the Gwynns Falls Park, south of Liberty Heights Avenue, east of Forest Park Avenue, and west of Hilton Street in the area commonly referred to as Windsor Hills,

containing 78,400 square feet, more or less, this property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved July 30, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-228
(Council Bill 01-389)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing, and
Rest Home (Assisted Living) — 2300 Elsinore Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of convalescent, nursing, and rest home (assisted living) on the property known as 2300 Elsinore Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-704 and 14-102(2)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of convalescent, nursing, and rest home (assisted living) on the property known as 2300 Elsinore Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-704 and 14-102(2) of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of residents is 10, including any resident manager;
2. there may be no more than 2 persons per sleeping room;
3. sleeping rooms for clients may not be in the basement;
4. the minimum age for resident-clients is 50 years;
5. 24-hour supervision must be provided;
6. a fire suppression sprinkling system must be installed in the building before occupancy permits may be issued;
7. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high; and
8. the convalescent, nursing, and rest home (assisted living) ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved July 30, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-229
(Council Bill 01-408)**

AN ORDINANCE CONCERNING

**Sale of Properties — 3106 Hawkins Point Road and the East Side
of Allanhurst Drive, 230.7 Feet North of Hawkins Point Road**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain properties that are known as 3106 Hawkins Point Road, Block 7001 Lot 015, and the east side of Allanhurst Drive, 230.7 feet north of Hawkins Point Road, Block 7001 Lot 016, and are no longer needed for public use; and providing for a special effective date.

BY authority of

Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the Comptroller of Baltimore City may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the properties known as 3106 Hawkins Point Road, Block 7001 Lot 015, and the east side of Allanhurst Drive, 230.7 feet north of Hawkins Point Road, Block 7001 Lot 016, and more particularly described as follows:

The subject parcels (Block 7001, Lots 015 and 016) are unimproved lots. The sites are located south and west of the Patapsco River, north of the Anne Arundel County and Baltimore City line and east of the Curtis Creek in the area commonly referred to as Hawkins Point,

containing 1.37 acres, more or less, these properties being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved July 30, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-230
(Council Bill 00-228)**

AN ORDINANCE CONCERNING

**Zoning — Bus ~~and Transit~~ Passenger Shelters —
Advertising Signs**

FOR the purpose of authorizing the placement of advertising signs on bus ~~and transit~~ passenger shelters, subject to certain conditions; modifying the districts within which bus passenger shelters, including or not including advertising, are permitted uses, conditional uses requiring Board approval, or conditional uses

requiring approval by ordinance; correcting certain terminology; providing for a special effective date; and generally relating to the regulation of general advertising signs.

BY repealing and reordaining, with amendments

Article - Zoning

Section(s) 4-203(14)(ii), 5-203(17)(ii), 6-208(12)(ii), 6-306(10), 7-206(13), 11-101(e), 11-206

Baltimore City Revised Code

(Edition 2000)

BY adding

Article - Zoning

Section(s) 4-204(.5), 5-204(.5), 6-209(.5), 6-506(5), 7-208.5, 11-424

Baltimore City Revised Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article — Zoning

§ 4-203. Conditional uses — Board approval required.

In an R-1 District, conditional uses that require Board approval are as follows:

(14) Public utility uses, as follows:

(ii) Bus and transit turnarounds and passenger shelters — BUT NOT INCLUDING ADVERTISING SIGNS.

§ 4-204. Conditional uses — Ordinance required.

In an R-1 District, conditional uses that require approval by ordinance are as follows:

(.5) BUS PASSENGER SHELTERS — INCLUDING ADVERTISING SIGNS THAT COMPLY WITH § 11-424 OF THIS ARTICLE.

§ 5-203. Conditional uses — Board approval required.

In an O-R District, conditional uses that require Board approval are as follows:

(17) Public utility uses, as follows:

(ii) Bus and transit turnarounds and passenger shelters — BUT NOT INCLUDING ADVERTISING SIGNS .

§ 5-204. Conditional uses — Ordinance required.

In an O-R District, conditional uses that require approval by ordinance are as follows:

(.5) BUS PASSENGER SHELTERS — INCLUDING ADVERTISING SIGNS THAT COMPLY WITH § 11-424 OF THIS ARTICLE.

§ 6-208 Conditional use — Board approval required.

In a B-1 District, conditional uses that require Board approval are as follows:

(12) Public utility uses, as follows:

(ii) Bus and transit turnarounds and passenger shelters — BUT NOT INCLUDING ADVERTISING SIGNS.

§ 6-209. Conditional uses — Ordinance required.

In a B-1 District, conditional uses that require approval by ordinance are as follows:

(.5) BUS PASSENGER SHELTERS — INCLUDING ADVERTISING SIGNS THAT COMPLY WITH § 11-424 OF THIS ARTICLE.

§ 6-306. Permitted uses.

In a B-2 District, permitted uses are as follows:

(10) Bus and transit turnarounds and passenger shelters — BUT NOT INCLUDING ADVERTISING SIGNS.

§ 6-506. Permitted uses.

In a B-4 District, permitted uses are as follows:

(5) BUS PASSENGER SHELTERS — INCLUDING ADVERTISING SIGNS THAT COMPLY WITH § 11-424 OF THIS ARTICLE.

§ 7-206. Permitted uses.

In an M-1 District, permitted uses are as follows, subject to compliance with the performance standards set forth in Title 12 {“Performance Standards”} of this article:

(13) Bus and transit turnarounds and passenger shelters — BUT NOT INCLUDING ADVERTISING SIGNS.

§ 7-208. Conditional uses — Ordinance required.

In an M-1 District, conditional uses that require approval by ordinance are as follows, subject to compliance with the performance standards set forth in Title 12 {“Performance Standards”} of this article:

(.5) BUS PASSENGER SHELTERS — INCLUDING ADVERTISING SIGNS THAT COMPLY WITH § 11-424 OF THIS ARTICLE.

§ 11-101. Definitions.

(e) General advertising sign.

(1) “General advertising sign” means any billboard, posterboard, or other sign that directs attention to a business, commodity, service, event, or other activity that is:

(I) [(1)] sold, offered, or conducted somewhere other than on the premises on which the sign is located or to which it is affixed; and

(II) [(2)] sold, offered, or conducted on the premises only incidentally if at all.

(2) "GENERAL ADVERTISING SIGN" DOES NOT INCLUDE A SIGN THAT:

- (I) IS ATTACHED TO A BUS OR TRANSIT PASSENGER SHELTER; AND
- (II) COMPLIES FULLY WITH ALL REQUIREMENTS OF § 11-424 OF THIS TITLE.

§ 11-206. General advertising signs.

The erection, placement, or construction of new general advertising signs [(billboards and posterboards)] is prohibited, and the City may not issue permits for these signs.

§ 11-424. ADVERTISING SIGNS ON PASSENGER SHELTERS.

(A) IN GENERAL.

ADVERTISING SIGNS ON BUS OR TRANSIT PASSENGER SHELTERS ARE ALLOWED IN ALL DISTRICTS; AS PROVIDED IN THIS SECTION.

(B) LIMITATIONS — ALL DISTRICTS.

- (1) IN ALL DISTRICTS, THESE SIGNS ARE SUBJECT TO THE FOLLOWING REQUIREMENTS:
- (2) ~~(1) THE~~ THE SIGN DISPLAY AREA MUST BE INTEGRAL TO THE DESIGN OF THE PASSENGER SHELTER.
- (3) ~~(2) NO~~ NO SIGN MAY EXTEND FROM THE FACE OF THE PASSENGER SHELTER.
- (4) ~~(3) NO~~ NO SIGN MAY EXTEND ABOVE THE TOP OF THE PASSENGER SHELTER.
- ~~(4) THE AGGREGATE AREA OF ALL SIGNS ON ANY 1 PASSENGER SHELTER MAY NOT EXCEED 25 SQUARE FEET.~~
- (5) THE ADVERTISING SIGN AREA MAY NOT EXCEED 25 SQUARE FEET ON ONE SIDE. THE SIGN MAY BE DOUBLE-SIDED. INFORMATIONAL SIGNS, TRANSIT RIDER INFORMATION, AND MAPS PROVIDED BY THE MASS TRANSIT ADMINISTRATION ARE NOT INCLUDED WITHIN THIS SIZE LIMIT. A COMMUNITY INFORMATION PANEL IS ALLOWED AND IS NOT INCLUDED WITHIN THIS SIZE LIMIT AS LONG AS IT DOES NOT EXCEED 11" X 17" AND IS PLACED ON THE INSIDE OF THE SHELTER.
- ~~(6) (5) (I)~~ EXCEPT AS SPECIFIED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, NO SIGN MAY ADVERTISE ALCOHOLIC BEVERAGES OR ~~CIGARETTES~~ TOBACCO PRODUCTS.
- (II) THE PROHIBITION OF THIS PARAGRAPH (6) DOES NOT APPLY TO ANY SIGN LOCATED:
 - (A) IN A B-4 DISTRICT;
 - (B) IN AN M-3 DISTRICT, IF THE SIGN IS MORE THAN 1,000 FEET FROM THE BOUNDARY OF ANY OTHER DISTRICT THAT IS NOT A B-4 OR M-3 DISTRICT; OR
 - (C) IN AN M-3 DISTRICT, IF THE SIGN IS MORE THAN 500 FEET FROM THE BOUNDARY OF ANY OTHER DISTRICT THAT IS NOT A B-4 OR M-3 DISTRICT AND THE SIGN FACES AWAY FROM THAT OTHER DISTRICT.
- ~~(6) PURSUANT TO A CONTRACT APPROVED BY THE BOARD OF ESTIMATES, THE OWNER OF THE PASSENGER SHELTER MUST HAVE AGREED TO SHARE WITH THE CITY, IN AN AMOUNT OR PERCENTAGE APPROVED BY THE BOARD OF ESTIMATES, ALL REVENUES DERIVED FROM THE SIGNS.~~
- (7) PARTIES ARE ELIGIBLE TO PLACE ADVERTISING ON BUS PASSENGER SHELTERS ONLY IF THEY:

(I) HAVE OBTAINED A MINOR PRIVILEGE PERMIT FOR EACH SHELTER THAT IS IN A PUBLIC RIGHT-OF-WAY; AND

(II) HAVE AN AGREEMENT FOR THE ADVERTISING THAT HAS BEEN APPROVED BY THE BOARD OF ESTIMATES.

(8) ~~(7) THE SIGN OTHERWISE COMPLIES~~ THE SIGN MUST OTHERWISE COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THIS TITLE.

(C) LIMITATIONS — B-4 AND B-5 DISTRICTS.

IN A B-4 OR B-5 DISTRICT, THE SHELTER AND SITE MUST BE APPROVED BY THE PLANNING COMMISSION.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved August 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-231
(Council Bill 00-267)**

AN ORDINANCE CONCERNING

Private Parking Facilities — Towing

FOR the purpose of increasing the number of signs to be posted in certain facilities where towing services are used to enforce parking restrictions; prohibiting the towing of vehicles from all facilities not properly posted ~~in accordance with these requirements~~; expanding the time within which vehicle owners may reclaim towed vehicles; requiring that an automatic teller machine be available to vehicle owners at the tower's storage facilities; requiring the tower to include certain information on the receipt provided for a reclaimed vehicle; correcting, clarifying, and conforming certain language; and generally relating to towing vehicles from private parking facilities.

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic
Section(s) 21-1, 21-3, and 21-6
Baltimore City Code
(Edition 2000)

BY repealing

Article 31 - Transit and Traffic
Section(s) 21-2
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 31 - Transit and Traffic

Subtitle 21 - Towing Vehicles from Private Parking Facility

§ 21-1. Required signs.

(a) *In general.*

(1) [Each owner of] THIS SECTION APPLIES TO ANY private property THAT:

(I) [having] HAS A parking [facilities] FACILITY with 3 or more spaces accessible to the public[.]; and

(II) [offering such parking] MAKES THIS FACILITY AVAILABLE to [its] customers, clientele, EMPLOYEES, residents, lessees, or guests[.].

(2) UNLESS A PARKING FACILITY IS POSTED IN ACCORDANCE WITH THIS SECTION:

(I) THE OWNER, MANAGER, OR OTHER PERSON IN CHARGE OF THE PARKING FACILITY [who intends to] MAY NOT USE TOWING SERVICES TO enforce parking restrictions [by the use of tow truck services shall post signs which meet the following minimum requirements]; AND

(~~ii~~) (II) NO TOWING COMPANY MAY TOW A VEHICLE FROM THE PARKING FACILITY FOR A VIOLATION OF PARKING RESTRICTIONS.

[(b) *Size; placement; number.*

(1) A sign that is at least 24" x 30" shall be conspicuously posted at each point of ingress and egress, indicating that a vehicle parked at that location may be towed.

(2) Additional signs meeting the requirements of this section shall be prominently posted throughout the area where such towing may take place, so that there is 1 sign for every 7,500 sq. feet of parking.

(3) Each sign shall be clearly readable and visible at all times.]

(B) [(c)] *Contents.*

[(1) It shall be stated on the] EACH sign MUST:

(1) INDICATE THAT VEHICLES PARKED WITHOUT AUTHORIZATION MAY BE TOWED; AND

(2) STATE:

(i) the exact location to which the vehicle will be towed; [and]

(ii) the hours during which the vehicle may be reclaimed[.];

(III) [(2) Information shall be supplied on the sign as to] the maximum amount [which may] THAT WILL be charged for the towing and FOR per diem storage of a vehicle[.];

(IV) [(3) A] THE telephone number [of a person whom an] THAT THE VEHICLE'S OWNER OR operator [or owner of a vehicle towed may contact] MAY CALL to reclaim the vehicle [shall be posted on the sign.]; AND

(V) [(4) Each sign shall state] the name AND CITY LICENSE NUMBER of the towing [firm, which must have a valid towing license issued by the Director of Finance] COMPANY.

(C) *SIZE, NUMBER, AND PLACEMENT.*

(1) EACH SIGN MUST BE AT LEAST 24" X 30".

(2) AT LEAST 1 SIGN MUST BE CONSPICUOUSLY POSTED:

(I) AT EACH ENTRANCE TO THE PARKING FACILITY; AND

(II) AT EACH EXIT FROM THE PARKING FACILITY.

(3) ADDITIONAL SIGNS MUST BE CONSPICUOUSLY POSTED THROUGHOUT THE FACILITY ~~SO THAT THERE IS AT LEAST 1 ADDITIONAL SIGN FOR EACH 750 SQUARE FEET (OR FRACTION OF 750 SQUARE FEET) OF PARKING AS FOLLOWS:~~

(I) FOR A SURFACE LOT IN THE TOURIST PARKING DISTRICT, SO THAT THERE IS AT LEAST 1 ADDITIONAL SIGN FOR EACH 25 PARKING SPACES (OR FRACTION OF 25 PARKING SPACES); AND

(II) FOR ALL OTHER PARKING FACILITIES AND AREAS, SO THAT THERE IS AT LEAST 1 ADDITIONAL SIGN FOR EACH 7,500 SQUARE FEET OF PARKING (OR FRACTION OF 7,500 SQUARE FEET).

(4) EACH SIGN MUST BE CLEARLY READABLE AND VISIBLE AT ALL TIMES.

(D) TOURIST PARKING DISTRICT.

(1) THERE IS A TOURIST PARKING DISTRICT.

(2) THE DISTRICT COMPRISES THE FOLLOWING AREA OF THE CITY:

BEGINNING AT NORTH AVENUE AND GREENMOUNT AVENUE, SOUTH ON GREENMOUNT TO MONUMENT STREET, THEN EAST ON MONUMENT TO CENTRAL AVENUE, THEN SOUTH ON CENTRAL TO FLEET STREET, THEN EAST ON FLEET TO ESSEX STREET, THEN SOUTHEAST ON ESSEX TO MONTFORD AVENUE, THEN SOUTH ON MONTFORD TO HUDSON STREET, THEN EAST ON HUDSON TO HIGHLAND AVENUE, THEN SOUTH ON HIGHLAND TO EASTBOURNE AVENUE, THEN WEST ON EASTBOURNE TO CLINTON STREET, THEN SOUTH ON CLINTON TO I-95, THEN WEST ON I-95 TO MONROE STREET, THEN NORTHWEST ON MONROE TO WASHINGTON BOULEVARD, THEN NORTHEAST ON WASHINGTON TO SOUTH CAREY STREET, THEN NORTH ON SOUTH CAREY TO LOMBARD STREET, THEN EAST ON LOMBARD TO MARTIN LUTHER KING BOULEVARD, THEN NORTH ON MARTIN LUTHER KING TO PENNSYLVANIA AVENUE, THEN NORTHWEST ON PENNSYLVANIA TO NORTH AVENUE, THEN EAST ON NORTH TO GREENMOUNT AVENUE.

[§ 21-2. Maximum tow distance.

It shall be unlawful to tow a vehicle from private property in Baltimore City more than 15 miles from the point of removal.]

§ 21-3. [Opportunity to promptly reclaim] RECLAIMING VEHICLE.**(A) OPPORTUNITY TO BE 24/7.**

When a vehicle has been towed from private property, the towing company or owner of the property from which the vehicle was removed must provide the owner of the vehicle or [his] THE OWNER'S authorized agent the opportunity to retake possession of the vehicle [towed within 24 hours from the time the vehicle was removed from said property] AT ANY TIME, 24 HOURS A DAY, 7 DAYS A WEEK.

(B) ATM TO BE ON PREMISES.

AN AUTOMATIC TELLER MACHINE MUST BE AVAILABLE AT ANY LOCATION WHERE PERSONS SEEKING TO RECLAIM THEIR VEHICLES WILL BE REQUIRED TO PAY THE TOWER.

(C) COMPLAINT INFORMATION TO BE PROVIDED.

FOR ANY VEHICLE TOWED FROM PRIVATE PROPERTY, THE RECEIPT GIVEN TO THE OWNER OR OWNER'S AGENT MUST CONTAIN THE FOLLOWING STATEMENT:

"TOWING FROM PRIVATE PARKING FACILITIES IS REGULATED BY CITY CODE ARTICLE 31, SUBTITLE 21. FOR COMPLAINTS, PLEASE CALL THE BALTIMORE CITY TOWING BOARD AT {TELEPHONE NUMBER}."

§ 21-6. Penalties.**(A) IN GENERAL.**

Any person [violating] WHO VIOLATES any provision of this subtitle [shall be deemed] is guilty of a misdemeanor and, [upon] ON conviction [thereof], [shall be fined] SUBJECT TO a sum [not exceeding] OF NOT MORE THAN \$200 for each offense.

(B) EACH TOWED VEHICLE A SEPARATE OFFENSE.

EACH VEHICLE THAT IS TOWED FROM A PARKING FACILITY THAT IS NOT POSTED AS REQUIRED BY THIS SECTION IS A SEPARATE OFFENSE.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved August 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-232
(Council Bill 01-390)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing, and Rest Home (Assisted Living) —
2235 Brookfield Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 2235 Brookfield Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-1104 and 14-102(2)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 2235 Brookfield Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1104 and 14-102(2) of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of residents is 7, including up to 2 resident managers;
2. there may be no more than 2 persons per sleeping room;
3. sleeping rooms for clients may not be in the basement;
4. the minimum age for resident-clients is 50 years;
5. 24-hour supervision must be provided;
6. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high; and
7. the convalescent, nursing, and rest home (assisted living) ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved August 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-233
(Council Bill 01-395)**

AN ORDINANCE CONCERNING

Sale of Property — 2600 Insulator Drive

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property, including a marina, that is located at 2600 Insulator Drive and is no longer needed for public use; and providing for a special effective date.

BY authority of

Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the Comptroller of Baltimore City may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property, including a marina, with lawfully established riparian rights, located at 2600 Insulator Drive containing 2.46 acres, 107,156 square feet, more or less, this property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That the property is subject to the following conditions:

1. The operation of the marina must comply with all the regulations of the Army Corps of Engineers and the Maryland Department of the Environment.
2. No tavern may operate on the site.
3. A restaurant with a liquor license is permitted, subject to the following conditions:
 - (a) at least 50% of the gross sales receipts must be from the sale of food;
 - (b) the property owner must supply information on gross food sales to the Board of Liquor License Commissioners and the Zoning Enforcement Officer at least annually or, on request, more frequently; and
 - (c) the liquor license for this site may authorize the sale of package goods from the restaurant, but:
 - (i) no advertising sign for the sale of package goods is permitted; and
 - (ii) the sale of package goods is permitted only to marina tenants who provide proper identification.

SECTION 2 3. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

SECTION 3 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved August 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-234
(Council Bill 01-419)**

AN ORDINANCE CONCERNING

**Urban Renewal — Canton Industrial Area —
Amendment 2**

FOR the purpose of amending the Urban Renewal Plan for Canton Industrial Area to change certain land use designations and to revise an exhibit to reflect the changes in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Canton Industrial Area was originally approved by the Mayor and City Council of Baltimore by Ordinance 90-637 and last amended by Ordinance 00-129.

An amendment to the Urban Renewal Plan for Canton Industrial Area is necessary to change certain land use designations and to revise an exhibit to reflect the changes in the Plan.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Canton Industrial Area are approved:

- (1) The properties located south of Boston Street, the western boundary being east of the Inner Harbor including riparian rights, the eastern boundary being a line set approximately 660 feet east of the eastern right-of-way line of Baylis Street, and the southern boundary being from the southern right-of-way line of Danville Street extending from the water's edge a distance approximately 660 feet east of the eastern right-of-way line of Baylis Street are designated as "Industrial/Commercial".
- (2) Exhibit 1, "Land Use Plan" is amended to reflect the change in land use for the properties designated as "Industrial/Commercial" in the above subsection (1).

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Canton Industrial, as amended by this Ordinance and identified as "Urban Renewal Plan, Canton Industrial, revised to include Amendment 2, dated _____", is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 4. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 5. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved August 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-235
(Council Bill 01-428)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Housing for the Elderly —
1700-1720 Edmondson Avenue, 604-610 North Mount Street
(Block 0109, Lots 1-5), 612 North Mount Street (k/a Block 0109, Lot 6A),
and 613-621 North Fulton Street (Block 0109, Lots 41-45)**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of housing for the elderly on the property known as 1700-1720 Edmondson Avenue, 604-610 North Mount Street (Block 0109, Lots 1-5), 612 North Mount Street (k/a Block 0109, Lot 6A), and 613-621 North Fulton Street (Block 0109, Lots 41-45), as outlined in red on the accompanying amended plat.

BY authority of

Article - Zoning
Section(s) 5-204(4) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of housing for the elderly on the property known as 1700-1720 Edmondson Avenue, 604-610 North Mount Street (Block 0109, Lots 1-5), 612 North Mount Street (k/a Block 0109, Lot 6A), and 613-621 North Fulton Street (Block 0109, Lots 41-45), as outlined in red on the amended plat accompanying this Ordinance, in accordance with Zoning Code §§ 5-204(4) and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of units is 64;
2. the Site Plan, dated May 22, 2001, the Landscaping Plan, dated March 30, 2001, and the Exterior Elevations Plan, dated March 30, 2001, submitted in connection with this Ordinance, are made a

part of this Ordinance, and no change may be made to the plans without the prior approval of the Planning Department;

3. accessory uses allowed are those listed in Zoning Code § 5-202(2)(i), but cocktail lounges are prohibited;
4. consolidation of lots does not constitute a change in conditional use;
5. an access door that leads to the accessory shops from Fulton Street for the use of the public, as well as a secure access for the residents leading to the interior of the building, are allowed; and
6. the housing for the elderly ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved August 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-236
(Council Bill 01-441)**

AN ORDINANCE CONCERNING

**Zoning — Health-Care Facilities — Conditional Use Substance Abuse
Treatment Center — 4615 Park Heights Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a substance abuse treatment center on the property known as 4615 Park Heights Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning

Section(s) 4-904(1) and 14-102

and

Article - Health

Section 3-102

Baltimore City Revised Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a substance abuse treatment center on the

property known as 4615 Park Heights Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Article - Zoning, §§ 4-904(1) and 14-102 and Article - Health, § 3-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. This conditional use may not be implemented until the Baltimore City Health Department and the Abell Foundation select an Operator through the issued Request For Proposals.
2. The maximum capacity of this facility is 124 beds.
3. The Planning Department must approve the site plans and signage package.
4. A minimum of 15 parking spaces must be provided.
5. No outpatient treatment program may be conducted on this site.
6. the substance abuse treatment center ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved August 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-237
(Council Bill 01-466)**

AN ORDINANCE CONCERNING

Franchise — Bridgeway Over Marion Street

FOR the purpose of granting a franchise to 301 West Lexington Street Condominium Inc., to construct, use, and maintain a pedestrian bridgeway above and across Marion Street, connecting the multi-unit residential apartment building located at 118 North Howard Street (also known as 301 East Lexington Street) to the structured parking garage located at 308-322 West Fayette Street, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

Recitals

Baltimore Condo 2-8 LLC, a Delaware limited liability company, intends to develop floors 2 through 8 of the building located at 118 North Howard Street (also known as 301 West Lexington Street) into residential apartments. The building is currently subject to a condominium regime known as 301 West Lexington Street Condominium (the "Condominium"). The development of residential apartment units will occur within the condominium units covering floors 2 through 8 of the building.

301 West Lexington Condominium Inc., the Council of Unit Owners of the Condominium, as defined in Section 11-101 of the Real Property Article of the Annotated Code of Maryland, as amended, proposes to construct a pedestrian bridgeway over portions of Marion Street located between Howard Street to the east and Eutaw Street to the west, to connect the building to the structured parking garage located at 308-322 West Fayette Street. The pedestrian bridgeway will be a limited common element of the Condominium and will be owned by 301 West Lexington Street Condominium, Inc.

Portions of the bridgeway will be located above and across public property.

The purpose of the pedestrian bridgeway is to provide a safe and convenient means of pedestrian travel over Marion Street between the garage and the building for the residents of the apartments being developed on floors 2 through 8.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to 301 West Lexington Street Condominium Inc., its tenants, successors, and assigns (collectively, the "Grantee") to construct, use, and maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this Ordinance, a pedestrian bridgeway that will connect to the building at 118 North Howard Street and the parking structure at 308-322 West Fayette Street, by crossing over Marion Street, and located within an aerial easement area more particularly described as follows:

Beginning for the same at a point along the northerly right-of-way line of Marion Street (20 feet wide) at the southwestern-most corner of that same parcel of land as shown on the Condominium Plan for 301 West Lexington Street, dated October 13, 1997, and recorded among the Land Records of the City of Baltimore, Maryland in Condominium Plat Pocket Folder S.E.B. No. 329, thence leaving said southwestern-most corner and running across said Marion Street, commencing at elevation 157.93 feet, more or less, and ascending to elevation 169.93 feet, more or less, referred to the elevation datum established by the Baltimore City Topographical Survey Commission, and with all bearings being referred to the Grid Meridian as established by said Commission, as now surveyed by STV Incorporated, as follows:

1. South 46° 59' 08" West 31.11 feet, more or less, to a point to intersect the southerly right-of-way line of said Marion Street, thence along same;
2. South 86° 59' 08" West 11.67 feet, more or less, to a point, thence leaving said southerly right-of-way line of Marion Street and running across same;
3. North 46° 59' 08" East 31.11 feet, more or less, to a point to intersect the aforesaid northerly right-of-way line of Marion Street, thence along same;
4. North 86° 59' 08" East 11.67 feet, more or less, to the point of beginning,

containing 233 square feet or 0.0054 acre of land, more or less.

Being, and intended as, a portion of a Pedestrian Access Easement for a bridge connection between the 301 West Lexington Street Condominium and the parking garage along the southerly side of Marion Street, the Easement running across and above Marion Street at the 7th building level (between elevations 157.93 feet and 169.93 feet, more or less, Baltimore City Vertical Datum), the 301 West Lexington Street Condominium

being recorded among the Land Records of the City of Baltimore, Maryland in Condominium Plat Pocket Folder S.E.B. No. 329. The portion of the pedestrian bridgeway over the public way is approximately ~~7.33~~ 11.67 feet wide by ~~24~~ 31.11 feet long and 12 feet high. The area of the bridgeway over the public way is approximately ~~175.92~~ 233 square feet.

SECTION 2. AND BE IT FURTHER ORDAINED, That to become effective, the franchise or right granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within 6 months after the effective date of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That as compensation for the Franchise, the Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$2,359.13 a year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) The initial term of the Franchise is 1 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Mayor and City Council of Baltimore or the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is 25 years.

(b) Either the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, or the Grantee may cancel the Franchise as at the end of the initial or any renewal term by giving written notice of cancellation to the other at least 90 days before the end of that term.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the annual franchise charge by giving written notice of the increase or decrease to the Grantee at least 150 days before the end of the original or renewal term immediately preceding the renewal term to which the increase or decrease will first apply. The new franchise charge will apply to all subsequent annual renewal terms, unless again increased or decreased in accordance with this section.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of Baltimore City, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of the Commissioner of Housing and Community Development and the Director of Public Works. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses in connection with the readjustment, relocation, protection, or support.

SECTION 8. AND BE IT FURTHER ORDAINED, That at the option of the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, the Grantee's failure to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise. Immediately on written notice to the Grantee of the exercise of this option, the Franchise terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore may waive the forfeiture or otherwise reinstate the Franchise.

SECTION 9. AND BE IT FURTHER ORDAINED, That at any time and without prior notice, the Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public interest, welfare, safety, or

convenience so requires. Immediately on written notice to the Grantee of the exercise of this right, the Franchise terminates.

SECTION 10. AND BE IT FURTHER ORDAINED, That on cancellation, expiration, forfeiture, revocation, or other termination of the Franchise for any reason, the Grantee shall remove all structures for which the Franchise is granted. The removal of these structures shall be (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of Housing and Community Development and the Director of Public Works, and (iii) completed within the time specified in writing by the Director of Public Works.

SECTION 11. AND BE IT FURTHER ORDAINED, That the Grantee is liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses, costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any time subjected on account of, or in any way resulting from, (i) the presence, construction, use, operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this Ordinance.

SECTION 12. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved August 13, 2001

Martin O'Malley, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-238
(Council Bill 01-470)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Parking, Open Off-Street Area —
1318-1336 South Highland Avenue and a Portion of Lot 25 of Block 6491**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area, for the parking of 4 or more automobiles, on the properties known as 1318-1336 South Highland Avenue and a portion of Lot 25 of Block 6491, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a parking, open off-street area, for the parking of 4 or more automobiles, on the properties known as 1318-1336 South Highland Avenue and a portion of Lot 25 of Block 6491, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code § 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. The Site Plan for this off-street parking lot, entitled "Parking for Ahepa Senior Housing" and dated July 10, 2001, is made a part of this Ordinance. No change may be made to the Site Plan without the prior approval of the Planning Department.

2. The off-street parking lot may be used only for the purpose of satisfying the parking requirements for the Housing for the Elderly project previously authorized by Ordinance 01-187.
3. It is the intent to close Wise Court. After Wise Court is closed, the properties along Clinton Street (elderly housing building) and the properties along Highland Avenue (the parking area) may be consolidated. Neither this consolidation nor the consolidation of the Highland Avenue properties will constitute a change in conditional use.
4. This project may be constructed before Wise Court is closed.
5. The parking lot, open off-street area complies with all applicable federal, state, and local licensing and certification

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved August 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-239
(Council Bill 01-472)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing, and
Rest Home (Assisted Living) — 3605 Hillsdale Road**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 3605 Hillsdale Road, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-704 and 14-102(2)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 3605 Hillsdale Road, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-704 and 14-102(2) of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. the maximum number of residents is 8, including any resident manager;

2. there may be no more than 2 persons per sleeping room;
3. sleeping rooms for clients may not be in the basement;
4. the minimum age for resident-clients is 50 years;
5. 24-hour supervision must be provided;
6. there may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high; and
7. the convalescent, nursing, and rest home (assisted living) ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved August 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-240
(Council Bill 01-481)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Parking, Open Off-Street Area —
701 Wyman Park Drive**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area on the property known as 701 Wyman Park Drive, as outlined in red on the accompanying plat.

BY authority of
Article - Zoning
Section(s) 4-1004(4) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a parking, open off-street area on the property known as 701 Wyman Park Drive, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1004(4) and 14-102 of the Baltimore City Code, subject to the ~~condition that~~ following conditions:

1. The Site Plan, dated July 5, 2001, is made a part of this Ordinance, and no change may be made to the Plan without the prior approval of the Planning Department.
2. The Forest Conservation Plan is subject to the approval of the Planning Department. Once the Plan is approved, no change may be made to it without the prior approval of the Planning Department.
3. Future subdivision of the property will not constitute a change in the conditional use.
4. The developer will use reasonable efforts to enter into an agreement with the City regarding the use of the lot for the Jones Falls Trail. This agreement is to be with the Director of Planning.
5. the parking, open off-street area ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved August 13, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-241
(Council Bill 01-412)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Amendment —
GS Properties, Inc.**

FOR the purpose of approving certain amendments to the Development Plan of the GS Properties, Inc.,
Planned Unit Development.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 2
Baltimore City Revised Code
(Edition 2000)

Recitals

By Ordinance 89-358, as amended by Ordinance 91-693, the Mayor and City Council approved the application of GS Properties, Inc., to have certain property located in Baltimore City bounded by Loch Raven Boulevard on the west, by Belvedere Avenue on the north, by Hillen Road on the east, and by Woodbourne

Avenue on the south, designated as a Residential Planned Unit Development and approved the Development Plan submitted by the applicant.

GS Properties, Inc., wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to construct additional housing for elderly persons, to expand and alter the existing hospital facility and support parking to be used for increased emergency patient services, maintenance support, medical offices, and structural parking, and to amend the PUD perimeter and boundaries to include the property known as 1530 Woodbourne Avenue and located at Ward 27, Section 100, Block 5256, Lot 001 A. The entire PUD consists of approximately 43.7 acres.

On March 5, 2001, representatives of GS Properties, Inc., met with the Department of Planning for a Pre-Petition Conference to explain the scope and nature of the proposed amendments to the Development Plan.

The representatives of GS Properties, Inc., have now applied to the Baltimore City Council for approval of these amendments, and they have submitted amendments to the Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 2 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the amendments to the Development Plan submitted by the Developer, as attached to and made part of this Ordinance, including "Existing Conditions (Sheet 1, dated March 26, 2001), "PUD Plan Approved April 26, 1991" (Sheet 2, dated March 26, 2001), "Proposed Site Plan - Planned Unit Development" (Sheet 3, dated March 26, 2001), and "Forest Stand Delineation" (Sheet 4, dated March 26, 2001), which accompany this Ordinance to amend its Planned Unit Development by providing for the construction of a maximum of 71 units of housing for the elderly for Woodbourne Woods, which will provide a total maximum of 165 units of housing for the elderly on the Good Samaritan Campus. The Site Plan, dated May 1, 2001, Landscaping Plan dated July 9, 2001, and the Architectural Elevations Plan for the parking lot, dated May 10, 2001, and for the Woodbourne Woods elderly housing building, dated May 8, 2000, submitted in connection with this Ordinance, are made a part of this Ordinance, and no change may be made to the plans without the prior approval of the Planning Department.

SECTION 2. AND BE IT FURTHER ORDAINED, That the application of GS Properties, Inc., to revise the Planned Unit Development by amending the PUD perimeter and boundaries to include the property known as 1530 Woodbourne Avenue, located at Ward 27, Section 100, Block 5256, Lot 001 A, is approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That the application of GS Properties, Inc., to amend the Planned Unit Development to provide for expansions and alterations of the existing hospital facility and support parking to be used for increased emergency patient services, maintenance support, medical offices, and structured parking, substantially as shown on the Development Plan, is approved.

SECTION 4. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 5. AND BE IT FURTHER ORDAINED, That after the City Council passes this Ordinance, the Planning Department shall make the determination as to what constitutes a minor or major amendment or modification to the Plan. Any changes determined to be minor shall require approval by the Planning Commission. Major amendments shall require approval by Ordinance. Design approvals shall require the approval of the Planning Commission.

SECTION 6. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying amended Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the amended Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the amended Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the

Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved September 25, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-242
(Council Bill 01-432)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Designation —
Eastern Plaza**

FOR the purpose of approving the application of MORLES, LLC, contract purchaser of certain property located at 6500 Eastern Avenue, to have that property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 5
Baltimore City Revised Code
(Edition 2000)

Recitals

MORLES, LLC, is the contract purchaser of property located at 6500 Eastern Avenue, consisting of 7.93 acres, more or less.

MORLES, LLC, proposes to redevelop the property into a community shopping center to be known as Eastern Plaza.

On January 31, 2001, representatives of MORLES, LLC, met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the property and to institute proceedings to have the property designated an Industrial Planned Unit Development.

The representatives of MORLES, LLC, have now applied to the Baltimore City Council for designation of the property as an Industrial Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of MORLES, LLC, contract purchaser of the property located at 6500 Eastern Avenue, consisting of 7.93 acres, more or less, as outlined on the accompanying Development Plan entitled "Eastern Plaza Planned Unit Development Plan", dated January 31, 2001, to designate the property an Industrial Planned Development under Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by MORLES, LLC, consisting of Sheet CS - Title Sheet; Sheet 1 - Vicinity Plan; Sheet 2 - Existing Conditions; Sheet 3 - Proposed Site Plan; Sheet 4 - Landscaping Plan; and Sheet 5 - Exterior Elevations, is approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That uses within the Planned Unit Development are all those allowed in the B-1 and B-2 Zoning Districts, excluding the following uses:

Amusement devices in combination with other uses;
 Check cashing;
 Private clubs and lodges;
 Community correction centers;
 Employment agencies (day laborers);
 Firearm sales;
 Live entertainment;
 Dance halls;
 Massage salons;
 Parole/probation field offices;
 Pool hall/billiard parlor;
 Skating rinks;
 Liquor stores/package goods;
 Pawn shops;
 Animal facilities;
 Taverns;
 Gasoline stations;
 Blood donor centers; ~~and~~
 Arcades;
Launderettes;
Laundries;
Hotels and motels;
Physical culture and health services: gymnasiums, reducing salons, and public baths;
Religious institutions as follows:
 (i) churches, temples, and synagogues; and
 (ii) convents, seminaries, and monasteries;
Rooming houses;
Second-hand stores and rummage shops;
Skating rinks;
Swimming pools; and
Vending machines for retail sale of ice or milk.

SECTION 4. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to Final Design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Planning Commission may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 6. AND BE IT FURTHER ORDAINED, That the applicant ~~agrees to reserve~~ will dedicate to the City a strip of land along Eastern Avenue, as indicated on the Development Plan, for an improved turning lane to be constructed by the City in the future.

SECTION 7. AND BE IT FURTHER ORDAINED, That the applicant agrees that if a new signal is requested by the shopping center, it will be located at the northernmost entrance along Kane Street and be installed fully at the owner's expense and subject to the approval of the Department of Public Works.

SECTION 8. AND BE IT FURTHER ORDAINED, That all pay telephones in the Planned Unit Development must be installed within the buildings.

SECTION 9. AND BE IT FURTHER ORDAINED, That the applicant agrees that there will be no median breaks in the Eastern Avenue median that is in front of the Planned Unit Development site.

SECTION 8 10. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 9 11. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved September 25, 2001

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 01-243
(Council Bill 00-307)**

AN ORDINANCE CONCERNING

Scrap Metal Processors, Scrap Collectors, and Scavengers

FOR the purpose of repealing the provisions governing the licensing and regulation of so-called "junk collectors", "scavengers", and "junk dealers"; enacting new provisions governing the licensing and regulation of scrap collectors, scavengers, and scrap metal processors; defining certain terms; imposing certain requirements and prohibiting certain activities, subject to certain penalties; conforming certain provisions and language; and generally relating to the regulation of persons dealing with scrap.

BY repealing and reordaining, with amendments

Article 2 - Consumer Protections

Section(s) 7-1 through 7-11, inclusive, to be under the amended subtitle
designation "Subtitle 7. Scrap Collectors and Scavengers"

Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 2 - Consumer Protections

Section(s) 8-1 through 8-11, inclusive, to be under the amended subtitle
designation "Subtitle 8. Scrap Metal Processors"

Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 2 - Consumer Protections

Section(s) 12-2(a), 12-9(b), and 12-14(b)

Baltimore City Code
(Edition 2000)

BY repealing

Article 15 - Licensing and Regulation
Section(s) 6-7
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic
Section(s) 31-57(d) and 31-58(b)
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 2. Consumer Protections

Subtitle 7. [Junk] SCRAP Collectors and [Haulers] SCAVENGERS

§ 7-1. Definitions.

(a) *In general.*

[For the purposes of] IN this subtitle[:], THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *PERSON.*

(1) “PERSON” MEANS, EXCEPT AS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY INDIVIDUAL, CORPORATION, PARTNERSHIP, JOINT VENTURE, FIRM, ASSOCIATION, OR OTHER ENTITY.

(2) “PERSON” DOES NOT INCLUDE, UNLESS OTHERWISE EXPRESSLY PROVIDED, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

(C) *SCRAP.*

“SCRAP” MEANS ANY SCRAP METAL, REFUSE, JUNK, WASTE, GARBAGE, RUBBISH, DEBRIS, OR SCRAP OF ANY KIND.

(D) [(b) *Itinerant independent junk*] *SCRAP collector OR SCAVENGER.*

[[“Itinerant independent junk”] “SCRAP collector” OR “SCAVENGER” [is a collector of junk] MEANS ANY PERSON WHO COLLECTS, TRANSPORTS, OR SELLS ANY SCRAP IN THE CITY [who does not have an established place of business within the City].

[(c) *Scavenger.*

“Scavenger” is defined as one whose actions within the scope of this subtitle are not controlled by any regularly licensed scrapyards, waste material dealer, junk yard, or either of them.

(d) *Vehicle.*

The term “vehicle” for the purposes of this subtitle includes any carts, drays, and other non-motor vehicles, as well as motor vehicles.]

§ 7-2. Scope of subtitle.

[(a) *Collections in City.*

This subtitle is effective only as to collections made within the limits of Baltimore City.

(b) *Certain sales excepted*].

[The provisions of this] THIS subtitle does not apply to [or affect any sale by a]:

- (1) AN INDIVIDUAL TRANSPORTING OR SELLING MATERIALS THAT WERE FORMERLY INCORPORATED INTO THE STRUCTURE OR UTILITY SYSTEM OF A DWELLING OWNED BY THAT INDIVIDUAL;
- (2) AN INDIVIDUAL TRANSPORTING OR SELLING, FOR RECYCLING PURPOSES, NEWSPAPERS OR ALUMINUM BEVERAGE CONTAINERS; OR
- (3) ANY OF THE FOLLOWING ENTITIES OR THEIR AUTHORIZED OFFICERS OR EMPLOYEES:
 - (I) A LICENSED SCRAP METAL PROCESSOR;
 - (II) [(1)] A public utility corporation;
 - (III) [(2)] A governmental agency;
 - [(3) regularly licensed junk dealer;]
 - [(4) industrial plant;]
 - (IV) [(5)] A licensed electrical or plumbing contractor;
 - (V) A LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER;
 - (VI) A LICENSED DEMOLITION CONTRACTOR;
 - (VII) AN INDUSTRIAL PLANT OR OTHER BUSINESS THAT REGULARLY GENERATES SCRAP AS A BYPRODUCT OF ITS ACTIVITIES; OR
 - (VIII) [(6)] A charitable organization[;
 - (7) church or religious organization; or
 - (8) boy scout troop or unit].

[(c) *Certain person excepted.*

The provisions of this subtitle shall not apply to:

- (1) any City department or its employees;
- (2) any person, or his employees, under contract with the City to perform such work; or

- (3) any owner or occupant of property engaged in so removing or transporting such materials from premises owned or occupied by him where such materials were formerly incorporated into the structure of or used as part of the utility system of said premises.]

[§ 7-3. Prohibited dealing in used building materials.

(a) *Removal, transport, or sale of used materials.*

It is unlawful for any person, firm, corporation, partnership, association, or other legal entity, except a licensed demolition contractor, licensed pursuant to the Baltimore City Building Code, to remove from any premises in the City, or transport or carry through any street, lane, or alley within the City, or to sell or offer for sale any second-hand heating, plumbing fixtures or supplies, electrical fixtures or wiring, gas fixtures or appliances, water faucets, pipes, locks, bathtubs, or any other second-hand or used building materials of any kind.

(b) *Purchase or receipt of used materials.*

- (1) It is unlawful for any person, firm, corporation, partnership, association, or other legal entity to buy or receive second-hand or used building material of any kind from any source other than a licensed demolition contractor.
- (2) Every purchaser or receiver of second-hand or used building material shall keep a written record which shall include:
 - (i) the date of the transaction;
 - (ii) the location of the property from which the material was removed; and
 - (iii) the license number of the seller.]

§ 7-3. RULES AND REGULATIONS.

(A) *COMMISSIONER MAY ADOPT.*

THE POLICE COMMISSIONER MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) *FILING WITH LEGISLATIVE REFERENCE.*

A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 7-4. [Scavengers and itinerant collectors — permit] PERMIT OR PHOTO ID required.

[(a) *In general.*]

[It is unlawful for any] NO [person] INDIVIDUAL [who is defined herein as a scavenger or as an itinerant independent junk collector to] MAY remove SCRAP from any premises in the City, [or to sell or offer for sale, or] transport [or carry] SCRAP through any street[, lane,] or alley [within] IN the City, OR SELL OR OFFER TO SELL any [waste, garbage, rubbish, or refuse of any kind] SCRAP IN THE CITY [without having first obtained] UNLESS THE INDIVIDUAL HAS, ON HIS OR HER PERSON:

- (1) a permit TO DO SO from the Police Commissioner [of Baltimore City to do so]; OR
- (2) A VALID DRIVER'S LICENSE OR OTHER VALID PHOTOGRAPHIC IDENTIFICATION ACCEPTABLE TO THE POLICE COMMISSIONER ISSUED BY THE MARYLAND MOTOR VEHICLE ADMINISTRATION.

[(b) *One permit covers all.*

A single permit covers any or all of the activities enumerated in this section.]

§ 7-5. [Scavengers and itinerant collectors — application;] PERMITS — APPLICATION AND issuance[; term].

(a) [*Commissioner to prepare forms, etc*] **APPLICATION.**

(1) [The Police Commissioner shall prepare the application forms, permits, and tags necessary for the administration and enforcement of the provisions of this subtitle, as said provisions relate to scavengers and itinerant junk collectors] AN APPLICATION FOR A PERMIT UNDER THIS SUBTITLE MUST:

(I) BE ON THE FORM THAT THE POLICE COMMISSIONER PROVIDES; AND

(II) CONTAIN THE INFORMATION THAT THE POLICE COMMISSIONER REQUIRES.

(2) THE APPLICATION FOR AN INITIAL LICENSE MUST BE MADE IN PERSON, AT THE PLACES THE POLICE COMMISSIONER DESIGNATES.

(3) APPLICATIONS FOR A RENEWAL LICENSE NEED NOT BE MADE IN PERSON.

(b) *Issuance [of permit and tags].*

[(1) Upon compliance with said provisions, he shall issue a permit to each applicant and in addition thereto, a tag to be affixed to each vehicle used in said work.

(2)] The Police Commissioner [shall grant every] MUST ISSUE A permit [and tag applied for, as the same shall relate to scavengers and itinerant junk collectors, when] TO THE APPLICANT IF:

(1) THE APPLICANT IS 18 YEARS OLD OR OLDER; AND

(2) in [his] THE COMMISSIONER'S discretion and judgment, the public health, safety, or security will not suffer [thereby] BY THE PERMIT'S ISSUANCE.

§ 7-6. PERMITS — TERM AND FEE.

(A) [(c)] *Term.*

[Such permits and tags] UNLESS SOONER REVOKED, EACH PERMIT [shall be issued for periods of 1 year each, beginning as of January 1 and ending as of] EXPIRES ON THE THIRD December 31 [for each year] AFTER IT IS ISSUED.

[(d) *Exception for demolition contractors.*

The issuance of licenses for demolition contractors shall be as provided in the Baltimore City Building Code, as the same may be amended from time to time.]

[§ 7-6. Scavengers and itinerant collectors — permit fee.]**(B) [(a) *In general*] FEE.**

The fee for [the] EACH permit [required by § 7-4 of] ISSUED UNDER this subtitle is [the sum of \$5] ~~is~~ \$10[, and there is no additional fee for any vehicle to be used for such removal, transporting, carrying, selling, or offering for sale].

(C) [(b)] *No transfer [or reduction]*.

[Permits and tags, which are] A PERMIT issued [by the Police Commissioner to scavengers and itinerant junk collectors,] UNDER THIS SUBTITLE [are non-transferable] IS NOT TRANSFERABLE [and there shall be no reduction in the permit fee for portions of a year].

§ 7-7. [Scavengers and itinerant collectors — permit contents] PERMITS — CONTENTS[;] AND display.**(a) [*Permit numbering and contents*] NUMBERING; IDENTIFICATION.**

Each permit [shall] ISSUED UNDER THIS SUBTITLE:

(1) MUST be numbered [by the Police Commissioner]; and

(2) [shall] MUST contain:

(i) a [picture] PHOTOGRAPH of the [applicant] SCRAP COLLECTOR OR SCAVENGER[.]; AND

(ii) [together with his] THE name, address, [finger prints,] and general physical description OF THE SCRAP COLLECTOR OR SCAVENGER.

(b) *Display of permit OR PHOTO ID.*

WHENEVER A SCRAP COLLECTOR OR SCAVENGER IS ENGAGED IN ANY ACTIVITY SUBJECT TO THIS SUBTITLE, THE SCRAP COLLECTOR OR SCAVENGER MUST HAVE [The] THE REQUIRED permit OR PHOTOGRAPHIC IDENTIFICATION [shall be kept in the possession of the permit holder at all times that he is engaged in said work, and shall be exhibited to any citizen or police officer demanding such exhibition] AVAILABLE ON HIS OR HER PERSON FOR IMMEDIATE INSPECTION BY ANY POLICE OFFICER OR BY ANY PERSON WITH WHOM THE SCRAP COLLECTOR OR SCAVENGER IS DOING BUSINESS.

[(c) *Display of tag.*

The tag for a vehicle shall be attached thereto in such manner and place as may be prescribed by the Police Commissioner from time to time.]

§ 7-8. [Scavengers and itinerant collectors — refusal] PERMITS — REFUSAL[;] OR revocation.**[(a) *In general.*]**

The Police Commissioner may refuse to issue a permit [or vehicle tag] and may revoke any permit [or tag] already issued [when, in his discretion and judgment, it appears that the public health, safety, or security will suffer by the issuance or continuance of such permit and tag, if the permittee is or has been found to be in violation of any of the provisions of this subtitle] IF:

(1) WITHIN THE PRECEDING 5 YEARS, THE SCRAP COLLECTOR OR SCAVENGER WAS CONVICTED OF LARCENY, BURGLARY, OR RECEIVING STOLEN GOODS; OR

(2) THE COMMISSIONER FINDS THAT:

(I) THE SCRAP COLLECTOR OR SCAVENGER HAS VIOLATED ANY PROVISION OF THIS SUBTITLE; AND

(II) THE PUBLIC HEALTH, SAFETY, OR SECURITY WOULD SUFFER BY THE ISSUANCE OR CONTINUANCE OF THE PERMIT.

[(b) *Conviction for certain crimes.*

- (1) The Police Commissioner may also refuse to issue a permit or tag, or may revoke a permit or tag already issued to any person who, within the preceding 5 years, has been convicted of stealing, larceny, burglary, or receiving stolen goods.
- (2) The Police Commissioner shall revoke a permit or tag already issued to any person who is convicted of the offense of removing, transporting, carrying, selling, or offering for sale second-hand or used building material of any kind.]

§ 7-9. Hours of operation OPERATIONS.(a) HOURS—*In general.*

- [(1) The permit required by this subtitle for scavengers and itinerant junk dealers is usable only during the hours from 7 a.m. to 8 p.m. during the period from May 1 to September 30, inclusive, in any year.
- (2) And during the period from October 1 to April 30, inclusive, in any year, this permit is usable only during the hours from 7 a.m. to 6 p.m.]

EXCEPT AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION, A SCRAP COLLECTOR OR SCAVENGER MAY ENGAGE IN AN ACTIVITY SUBJECT TO THIS SUBTITLE ONLY DURING THE FOLLOWING HOURS:

- (1) DURING THE MONTHS OF OCTOBER THROUGH APRIL, INCLUSIVE, FROM 7 A.M. TO 6 P.M.; AND
- (2) DURING THE MONTHS OF MAY THROUGH SEPTEMBER, INCLUSIVE, FROM 7 A.M. TO 8 P.M.

(b) HOURS—*Special permissions.*

[However, as to transporters or collectors having an established place of business within Baltimore City or an adjacent county, and upon a finding that the restrictions as to hours which are specified in this section would be a public hazard, public health menace, or unjust hardship, the Police Commissioner is authorized to issue special permission to a permittee for exercising the powers covered by the permit during a period or periods other than those specified.]

ON APPLICATION BY A SCRAP COLLECTOR OR SCAVENGER, THE POLICE COMMISSIONER MAY AUTHORIZE ADDITIONAL OR ALTERNATIVE HOURS IF:

- (1) THE SCRAP COLLECTOR OR SCAVENGER HAS AN ESTABLISHED PLACE OF BUSINESS IN THE CITY OR AN ADJACENT COUNTY; AND
- (2) THE COMMISSIONER FINDS THAT THE RESTRICTIONS IMPOSED BY THIS SECTION WOULD BE A HEALTH OR SAFETY HAZARD OR CREATE AN UNJUST HARDSHIP.

[(c) *Provisions extend to all.*

The provisions of this section apply also to persons engaged in the activities described in this subtitle but who are not required to have a permit thereunder.]

(C) TRANSPORT.

A SCRAP COLLECTOR OR SCAVENGER MAY NOT TRANSPORT SCRAP BY CART, CARRIAGE, DRAY, OR WAGON OR BY ANY OTHER TRANSPORT EXCEPT A MOTOR VEHICLE DISPLAYING CURRENT REGISTRATION MARKERS.

[§ 7-10. Vehicle loads.

(a) *Covers or bundles required.*

Every vehicle used in the activities specified in this subtitle, including all vehicles which are so used even if the operator is not required by this subtitle to have a permit thereunder, and even if the vehicle is not required by this subtitle to be tagged thereunder, shall have a cover securely fastened to it or have the paper, trash, rubbish, or other contents securely tied in bundles, in order to prevent these contents or any part of them from being scattered on the streets and public places of the City.

(b) *Commissioner may prescribe type, etc.*

The Police Commissioner has authority under this section to prescribe the type and manner of covers and of tied bundles that may be used for the purposes of this section.]

§ 7-10 [7-11]. Penalties.

(a) *[Violation a misdemeanor] IN GENERAL.*

Any SCRAP COLLECTOR, scavenger, [itinerant independent junk collector, person, firm, corporation, partnership, association, or legal entity] OR OTHER PERSON who violates any [of the provisions] PROVISION of this subtitle is guilty of a misdemeanor AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR EACH OFFENSE.

(b) *[First offense] EACH DAY A SEPARATE OFFENSE.*

[(1) Upon a 1st conviction thereof, he is subject to a fine of not more than \$200 for each violation.

(2)] Each day [the] THAT A violation continues [constitutes] IS a separate offense.

[(c) *Subsequent offense.*

(1) Upon a subsequent conviction thereof, he is subject to a fine of not more than \$500 or imprisonment for not more than 30 days for each violation, or to both fine and imprisonment in the discretion of the court.

(2) Each day the violation continues constitutes a separate offense.]

Subtitle 8. [Junk Dealers] SCRAP METAL PROCESSORS**§ 8-1. [“Junk dealer” defined] DEFINITIONS.**

[“Junk dealer” means any person, firm, or corporation selling or trading in scrapped materials including, but not limited to, glass, rags, paper, aluminum, and other recycling materials or metals that can be converted into usable stock.]

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *PERSON.*

~~(3)~~ (1) “PERSON” MEANS, EXCEPT AS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY INDIVIDUAL, CORPORATION, PARTNERSHIP, JOINT VENTURE, FIRM, ASSOCIATION, OR OTHER ENTITY.

~~(4)~~ (2) “PERSON” DOES NOT INCLUDE, UNLESS OTHERWISE EXPRESSLY PROVIDED, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.

(C) ~~SCRAP~~ REPORTABLE SCRAP METAL.

“~~SCRAP~~ REPORTABLE SCRAP METAL” MEANS:

(1) ANY USED OBJECT THAT CONSISTS IN WHOLE OR ~~IN~~ SUBSTANTIAL PART OF NON-FERROUS METAL; AND

(2) ANY OF THE FOLLOWING USED OBJECTS, WHETHER OR NOT CONTAINING NON-FERROUS METAL:

(I) STEEL GATES, RAILINGS, AND GRATES; ~~AND~~

(II) ALUMINUM STORM DOOR AND WINDOW FRAMES; ~~AND~~ AND

(III) METAL TYPICALLY ASSOCIATED WITH HEATING AND PLUMBING FIXTURES.

(D) SCRAP METAL.

“SCRAP METAL” MEANS ANY USED OBJECT THAT CONSISTS IN WHOLE OR SUBSTANTIAL PART OF FERROUS OR NON-FERROUS METAL.

~~(E)~~ (E) SCRAP METAL PROCESSOR.

(1) “SCRAP METAL PROCESSOR” MEANS ANY PERSON WHO, WHETHER AS A DEALER, A BROKER, OR OTHERWISE, BUYS, PROCESSES, SELLS, OR TRANSPORTS SCRAP METAL FOR USE AS RAW MATERIAL BY A FOUNDRY, SMELTER, REFINER, MILL, OR OTHER USER.

(2) “SCRAP METAL PROCESSOR” DOES NOT INCLUDE:

(I) A PERSON WHOSE BUSINESS IS LIMITED TO THE PURCHASE OF ALUMINUM CANS FOR RECYCLING PURPOSES; OR

~~(II)~~ (II) A LANDFILL OR SOLID-WASTE FACILITY THAT:

(A) IS LICENSED BY THE FINANCE DIRECTOR; OR

(B) IS OPERATED BY A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY; ~~OR~~

~~(H) A PERSON WHOSE BUSINESS IS LIMITED TO THE PURCHASE OF ALUMINUM CANS FOR RECYCLING PURPOSES.~~

§ 8-2. RULES AND REGULATIONS.

(A) *COMMISSIONER MAY ADOPT.*

THE POLICE COMMISSIONER MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

(B) *FILING WITH LEGISLATIVE REFERENCE.*

A COPY OF ALL RULES AND REGULATIONS MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 8-3 [8-2]. License required; fee.

(a) *In general.*

[Each] No person[, firm, or corporation dealing in junk] MAY DO BUSINESS [within the City of Baltimore] AS A SCRAP METAL PROCESSOR WITHOUT HAVING FIRST OBTAINED A LICENSE TO DO SO FROM THE ~~POLICE COMMISSIONER~~ DIRECTOR OF FINANCE.

(B) *FEE.*

[shall pay for the privilege of conducting such business by first taking out an annual license therefor and paying an] THE annual license fee [in the amount of] IS \$475 for each place of business.

[(b) *Director of Finance to issue.*

Said license shall be granted by the Director of Finance.]

(c) *Fee collections.*

The annual license fee [hereby imposed] shall be collectible pursuant to [the provisions of] Article 15, Subtitles 46 and 47 of the City Code.

[§ 8-3. Record keeping.

Every junk dealer shall keep at his place of business a book or books in which shall be legibly written, in English, at the time of each transaction in the course of his business, an accurate account of such transaction (except as to the purchase of rags, bones, old iron, and paper by junk dealers), setting forth:

- (1) an accurate description of the goods, articles, or things purchased or received on account of money paid therefor;
- (2) the name, residence, and description of the person selling or delivering the same, the said description of the person to consist of the color, sex, approximate height and age, and any distinguishing feature of such person;
- (3) the license number of the automobile, wagon, or push cart in which the goods, articles, or things are delivered; and

- (4) the permit number, if the goods offered can only be sold under a permit issued by the Police Commissioner of Baltimore City.]

§ 8-4. Transactions with minors prohibited.

[(a) *In general.*]

[No junk dealer or his agent or employee shall receive, buy, trade, exchange, or otherwise acquire an interest in any goods or thing, from any person under the age of 18 years.] A SCRAP METAL PROCESSOR MAY NOT BUY OR OTHERWISE ACQUIRE ANY ITEM IN A TRANSACTION WITH A MINOR.

[(b) *Reliance on statement no excuse.*

Any statement made to a junk dealer or his agent or employee by a person under the age of 18 years to the effect that he is over the age of 18 years shall not excuse such junk dealer, agent, or employee from any violation of this provision.]

§ 8-5. [Transferor identification — in general] IDENTIFICATION OF TRANSFEROR.

(A) *SCOPE.*

THIS SECTION DOES NOT APPLY TO PURCHASES BY A SCRAP METAL PROCESSOR FROM ANOTHER SCRAP METAL PROCESSOR THAT IS LICENSED UNDER THIS SUBTITLE.

(B) *IN GENERAL.*

[No person] ANY INDIVIDUAL who sells or otherwise [disposes of goods, wares, or merchandise] TRANSFERS REPORTABLE SCRAP METAL to a [licensee dealing in junk or to his agent or employee] SCRAP METAL PROCESSOR [shall] MAY NOT fail or refuse to [give] PROVIDE THE SCRAP METAL PROCESSOR WITH:

(3) (1) his OR HER true name, [correct age] DATE OF BIRTH, and [correct] address; AND

(4) (2) IF THE INDIVIDUAL IS ACTING AS AN AGENT FOR A PRINCIPAL, THE PRINCIPAL'S TRUE NAME AND ADDRESS.

(C) ~~PERMIT OR PHOTO IDENTIFICATION~~ IDENTIFICATION.

THE INDIVIDUAL MUST ALSO DISPLAY TO THE SCRAP METAL PROCESSOR:

(1) THE REGISTRATION OF THE MOTOR VEHICLE USED TO TRANSPORT THE SCRAP METAL; AND

(2) EITHER:

(1) (1) THE INDIVIDUAL'S PERMIT TO ACT AS A JUNK COLLECTOR OR SCAVENGER UNDER SUBTITLE 7 OF THIS ARTICLE; OR

(2) (II) A VALID DRIVER'S LICENSE OR OTHER VALID PHOTOGRAPHIC IDENTIFICATION ~~ACCEPTABLE TO THE POLICE COMMISSIONER~~ ISSUED BY THE MARYLAND MOTOR VEHICLE ADMINISTRATION.

(D) *PROCESSOR TO REQUIRE.*

NO REPORTABLE SCRAP METAL PROCESSOR MAY BUY OR OTHERWISE ACQUIRE ANY SCRAP METAL FROM AN INDIVIDUAL WHO REFUSES OR FAILS TO PROVIDE THE INFORMATION REQUIRED BY THIS SECTION.

[§ 8-6. Transferor identification — junk collectors.*(a) Scope of section.*

This section applies to any junk dealer who purchases or otherwise acquires any second-hand heating equipment, plumbing fixtures, or supplies from a junk collector, and it is in addition to the other provisions of this section and of this subtitle.

(b) Statement required.

(1) The junk dealer shall not purchase or otherwise acquire such equipment or supplies from the junk collector unless the junk collector furnishes the junk dealer a signed statement showing:

- (i) the name, address, and permit number of the junk collector;
- (ii) a description of the material being purchased or acquired;
- (iii) the location or locations from which he secured the material;
- (iv) the signature of the owner of the premises from which the material was removed; and
- (v) the name and address of the owner of the premises from which the material was removed.

(2) If the junk collector is unable to read and write, the owner of the premises from which the material was removed may complete this statement for him.

(c) Form of statement.

The Police Commissioner shall compile and furnish to junk collectors a regular form to be used for the statements required in this section.

(d) Retention of statement.

All such statements and forms given to junk dealers under the provisions of this section shall be retained by them for at least 1 year and made available to the Police Commissioner to assist the Commissioner in comparing the information on the form and statement with materials in the custody of the junk dealer.

(e) Inspections.

The Police Commissioner, at periodic intervals to be established by regulation and more often in his discretion, may conduct inspections of junk yards to assist in the enforcement of this section.

(f) Penalties.

Any person, firm, or corporation violating any provision of this section is subject to the general penalty provisions applicable to this subtitle, except that any forgery and/or fraud committed in supplying a statement or form to a junk dealer shall be punishable as such.]

§ 8-6. [8-7. Daily reports required] RECORDS GENERALLY.*(a) [In general] REQUIRED.*

[Every junk dealer] EACH SCRAP METAL PROCESSOR shall[,]:

- (1) KEEP AN ACCURATE RECORD OF EACH TRANSACTION IN WHICH ANY PERSON TRANSFERS ANY ITEMS TO THE SCRAP METAL PROCESSOR; AND
- (2) AS PROVIDED IN § 8-7 OF THIS SUBTITLE, FILE WITH THE POLICE COMMISSIONER A DAILY REPORT OF:
 - (I) ALL TRANSACTIONS INVOLVING REPORTABLE SCRAP METAL; AND
 - (II) ALL TRANSACTIONS INVOLVING ANY OTHER CATEGORY OF ITEMS THAT THE POLICE COMMISSIONER DIRECTS.

(B) *FORMS.*

THE RECORDS AND REPORTS REQUIRED BY THIS SECTION SHALL BE MADE ON FORMS PREPARED AND SUPPLIED BY THE POLICE COMMISSIONER.

(C) *RETENTION.*

A SCRAP METAL PROCESSOR SHALL RETAIN, AT ITS PLACE OF BUSINESS, ALL RECORDS OF A TRANSACTION FOR AT LEAST 1 YEAR AFTER THE DATE OF THE TRANSACTION.

§ 8-7. DAILY REPORTS.

(A) *SCOPE.*

THE DAILY REPORTS REQUIRED BY THIS SECTION DO NOT APPLY TO ITEMS TRANSFERRED TO A SCRAP METAL PROCESSOR FROM ANOTHER SCRAP METAL PROCESSOR THAT IS LICENSED UNDER THIS SUBTITLE.

(B) *FILING.*

[every day, except Sunday, before the hour of 10 a.m., deliver to the Police Commissioner, or such other person as may be designated by the Police Commissioner, on blank forms to be prescribed and furnished by the Police Commissioner of Baltimore City.]

A SCRAP METAL PROCESSOR SHALL SUBMIT EACH DAILY REPORT TO THE POLICE DEPARTMENT BY:

- (1) DELIVERING THE REPORT OR ELECTRONICALLY TRANSMITTING A FACSIMILE OF IT BEFORE 10 A.M. ON THE BUSINESS DAY IMMEDIATELY FOLLOWING THE DAY FOR WHICH THE REPORT IS MADE; OR
- (2) MAILING THE REPORT AT THE END OF THE BUSINESS DAY FOR WHICH THE REPORT IS MADE.

(C) *INFORMATION REQUIRED.*

[a legible and accurate description of:

- (1) every article or thing received by him during the business day next preceding (except as to the purchase of rags, bones, or paper by a junk dealer);
- (2) the permit number under which the goods are received by the junk dealer;
- (3) the license number of any automobile, wagon, or push cart in which the goods, articles, or things are delivered; and
- (4) a description of the person selling or delivering the same, including:

- (i) the name and address;
- (ii) Social Security number, if vendor has one; and
- (iii) color, sex, approximate height and age, and any distinguishing features of such person.

(b) *Additional information.*

Such daily report shall further include:

- (1) a description of the material being purchased or acquired;
- (2) the location or locations from which the material was secured; and
- (3) the name of the owner of the premises from which the material was secured.]

THE DAILY REPORT SHALL CONTAIN THE FOLLOWING INFORMATION:

- (1) THE DATE, TIME, AND PLACE OF EACH TRANSACTION;
- (2) A DESCRIPTION OF EACH ITEM OR GROUP OF SUBSTANTIALLY SIMILAR ITEMS TRANSFERRED IN THAT TRANSACTION, INCLUDING:
 - (I) A GOOD FAITH EFFORT TO DESCRIBE THE ITEM'S APPARENT FORMER USE;
 - (II) THE TYPE AND GRADE OF THE ITEM OR GROUP OF ITEMS;
 - (III) THE TOTAL WEIGHT OF EACH TYPE AND GRADE; AND
 - (IV) THE PRICE PAID OR OTHER CONSIDERATION GIVEN FOR THE ITEM OR GROUP OF ITEMS;
- (3) THE TRANSFEROR'S NAME, DATE OF BIRTH, AND ADDRESS, TOGETHER WITH THE TYPE AND NUMBER OF THE PERMIT, DRIVER'S LICENSE, OR OTHER FORM OF IDENTIFICATION USED TO VERIFY THIS INFORMATION;
- (4) IF THE TRANSFEROR IS ACTING AS AN AGENT FOR A PRINCIPAL, THE PRINCIPAL'S TRUE NAME AND ADDRESS;
- (5) IF THE TRANSFEROR IS AN INDIVIDUAL SELLING MATERIALS THAT WERE FORMERLY INCORPORATED INTO A DWELLING OWNED BY THAT INDIVIDUAL, THE ADDRESS OF THE PROPERTY FROM WHICH THE ITEMS WERE REMOVED;
- (6) ~~THE TYPE OF CONVEYANCE~~ A DESCRIPTION OF THE MOTOR VEHICLE USED BY THE TRANSFEROR TO TRANSPORT THE ITEM, ~~AND, IF IT IS A MOTOR VEHICLE, ITS REGISTRATION TAG NUMBER INCLUDING ITS REGISTRATION PLATE AND CERTIFICATE NUMBERS, STATE OF REGISTRATION, AND THE MAKE, MODEL, AND COLOR OF THE VEHICLE;~~ AND
- (7) THE SIGNATURE OF THE TRANSFEROR AND AN AUTHORIZED AGENT OF THE SCRAP METAL PROCESSOR.

(D) [(c) *Commissioner to maintain and make available*] *CONFIDENTIALITY.*

[The Police Commissioner of Baltimore City shall maintain all such reports for a period of not less than 60 days as public records, and shall make the same, or copies thereof, available, at a cost to be

determined by the Police Commissioner of Baltimore City, to any person requesting the same.] A DAILY REPORT SUBMITTED UNDER THIS SECTION IS CONFIDENTIAL, AS PROVIDED IN § 12-304(D) OF THE BUSINESS REGULATION ARTICLE OF THE MARYLAND CODE.

[§ 8-8. Retention requirements.

(a) *Metals, etc.*

- (1) All goods, articles or things consisting in whole or in part of aluminum, babbitt, brass, bronze, copper (light and heavy), lead, low carbon chrome, low carbon manganese, molybdenum, monel metal, pewter, nickel, tin, vanadium, and zinc, and all stoves, ranges, plumbing fixtures, or supplies, electrical fixtures, or wiring, gas fixtures or appliances, water faucets, pipes, locks, bath tubs, hot water heaters, and household furniture and furnishings of every description, purchased or received on account of money paid therefor or deposited with any junk dealer (except regular motor vehicle dealers), for the purpose of sale by such dealer, for the account of the owner or otherwise (except automobiles and parts thereof, rags, bones, old iron, and paper purchased by junk dealers and except as otherwise provided in § 8-3 of this subtitle) shall be reported to the Police Commissioner of Baltimore City, as provided by § 8-7 of this subtitle.
- (2) Such goods, articles, and merchandise so described shall be kept on the premises of the dealer as hereinafter provided and shall not be sold or otherwise disposed of for a period of at least 10 days from the date of purchase or deposit, as aforesaid, unless consent in writing is first had and obtained from the Police Commissioner of Baltimore City or his duly authorized representative.
- (3) Provided, however, that any such goods, articles, or merchandise shall not be sold or otherwise disposed of for an additional 10 days on written notice from the Police Commissioner, or duly authorized representative, that there is reasonable ground to believe that such goods, articles, or merchandise have been stolen.

(b) *Jewelry.*

- (1) Provided, further, that precious stones and articles of jewelry, composed in whole or in part of gold, silver, or platinum, when deposited with a junk dealer for the purpose of sale by such dealer, for the account of the owner or otherwise, shall be reported to the Police Commissioner of Baltimore City, as provided by § 8-7 of this subtitle.
- (2) All such items shall be kept on the premises of the dealer as hereinafter provided and shall not be sold or otherwise disposed of for a period of at least 30 days from the date of purchase or deposit, unless consent in writing is first had and obtained from the Police Commissioner of Baltimore City, or his duly authorized representative.]

[§ 8-9. Tagging and segregating property.

(a) *Tagging.*

- (1) Provided, further, that every junk dealer, except regular motor vehicle dealers, shall, in addition to any other requirement of law, legibly write in English on tags to be prescribed by the Police Commissioner of Baltimore City the date of every purchase or deposit of property made as aforesaid, and the name and address of the seller, or depositor, which tag shall be securely fastened on the property purchased or deposited (exclusive of such property as is herein excepted) and the same shall be numbered to correspond with the number of the description of said property on his book.
- (2) But no tag shall be required where the purchase price for any of the above-enumerated articles or metals is less than \$2 and the gross weight thereof is less than 50 lbs., though a tag shall be placed on all said articles or metals weighing more than 50 lbs., regardless of purchase price.

(b) *Segregating.*

And said property shall be kept separate and distinct from all other property or merchandise in his place of business, and shall not be changed in identity, or destroyed, or, in the case of any article or articles of jewelry or other things composed of, or manufactured in whole or in part of gold, silver, or platinum, shall not be melted, taken apart, or any identification mark appearing thereon obliterated, until after the expiration of the period herein provided for retaining said property without sale or other disposition.]

[§ 8-10. Exemptions from reporting and holding.(a) *Purchases from other junk dealers.*

Nothing contained in §§ 8-5, 8-7, or 8-8 of this subtitle shall apply to any merchandise purchased from other dealers having a fixed place of business nor to any merchandise deposited by one dealer with another dealer for sale, provided the former has himself complied with the provisions of the subtitle.

(b) *Other purchases.*

The provisions of § 8-6 of this subtitle shall not apply to:

- (1) purchases at judicial sales; or
- (2) second-hand material purchased from any:
 - (i) regular motor vehicle dealer;
 - (ii) public utility corporation;
 - (iii) governmental agency;
 - (iv) regularly licensed junk dealer;
 - (v) industrial plant; or
 - (vi) licensed electrical or plumbing contractor.]

§ 8-8. HOLDING REQUIREMENTS.**(A) REQUIRED HOLDING PERIODS.**

EXCEPT AS AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION, EACH SCRAP METAL PROCESSOR MUST HOLD AT ITS PLACE OF BUSINESS ALL ACQUIRED ITEMS, AS FOLLOWS:

- (1) A PRECIOUS METAL OBJECT, AS DEFINED IN STATE BUSINESS REGULATIONS ARTICLE § 12-101 MUST BE HELD FOR AT LEAST 18 DAYS AFTER THE REPORT OF ITS ACQUISITION IS MADE IN ACCORDANCE WITH THIS SUBTITLE; AND
- (2) EVERY OTHER ITEM MUST BE HELD FOR AT LEAST 5 BUSINESS DAYS AFTER THE REPORT OF ITS ACQUISITION IS MADE IN ACCORDANCE WITH THIS SUBTITLE.

(B) WAIVERS.

- (1) THE POLICE COMMISSIONER MAY ADOPT PROCEDURES FOR GRANTING WAIVERS OR PERMITTING SHORTER HOLDING PERIODS, ON AN AD HOC OR LONG-TERM BASIS, IN CASES OF HARDSHIP.
- (2) THE POLICE COMMISSIONER MAY CONDITION A WAIVER OR SHORTER HOLDING PERIOD ON THE RECORD-KEEPING OR OTHER REQUIREMENTS THAT THE COMMISSIONER CONSIDERS NECESSARY TO PRESERVE THE INTEGRITY OF THE REPORTING AND HOLDING REQUIREMENTS OF THIS SUBTITLE.

(C) ADDITIONAL HOLDING PERIOD.

- (1) AFTER THE RETENTION PERIOD SPECIFIED BY SUBSECTION (A) OF THIS SECTION, A SCRAP METAL PROCESSOR MUST CONTINUE TO HOLD ANY ITEM IF:
 - (I) A LAW ENFORCEMENT OFFICER REQUESTS THE SCRAP METAL PROCESSOR TO DO SO;
 - (II) THE LAW ENFORCEMENT OFFICER HAS REASONABLE CAUSE TO BELIEVE THE ITEM HAS BEEN STOLEN; AND
 - (III) THE ITEM HAS NOT BEEN IDENTIFIED UNDER § 8-9(A)(2) OF THIS SUBTITLE.
- (2) ANY ITEM PLACED ON ADDITIONAL POLICE HOLD UNDER THIS SUBSECTION MUST BE HELD BY THE SCRAP METAL PROCESSOR UNTIL:
 - (I) THE POLICE SEIZE THE ITEM;
 - (II) THE POLICE DEPARTMENT RELEASES THE POLICE HOLD OR DIRECTS THE ITEM TO BE RELEASED TO THE OWNER; OR
 - (III) 1 YEAR AFTER THE ADDITIONAL POLICE HOLD WAS IMPOSED.

§ 8-9. RELEASE OF STOLEN PROPERTY.(A) IN GENERAL.

A SCRAP METAL PROCESSOR MUST RELEASE TO THE POLICE DEPARTMENT ANY ITEM IN ITS POSSESSION IF:

- (1) THE ITEM IS ESTABLISHED TO BE STOLEN;
- (2) THE OWNER OF THE ITEM OR THE VICTIM OF THE THEFT HAS:
 - (I) POSITIVELY IDENTIFIED THE ITEM; AND
 - (II) PROVIDED AN AFFIDAVIT OF OWNERSHIP AND MADE A REPORT OF THE THEFT TO A LAW ENFORCEMENT AGENCY;
- (3) THE STOLEN PROPERTY REPORT DESCRIBES THE ITEM BY:
 - (I) DATE;
 - (II) INITIALS;
 - (III) AN INSURANCE RECORD;

(IV) A PHOTOGRAPH;

(V) A SALES RECEIPT;

(VI) A SERIAL NUMBER;

(VII) SPECIFIC DAMAGE;

(VIII) A STATEMENT OF FACTS THAT SHOW THE ITEM IS ONE OF A KIND; OR

(IX) A UNIQUE ENGRAVING; AND

(4) THE SCRAP METAL PROCESSOR IS GIVEN A RECEIPT FOR THE ITEM RELEASED.

(B) RETURN TO OWNER.

WHEN THE POLICE NO LONGER NEED AN ITEM FOR EVIDENCE, IT MUST BE RETURNED TO THE OWNER.

(C) REIMBURSEMENT NOT PREREQUISITE TO RELEASE.

A SCRAP METAL PROCESSOR WHO IS REQUIRED TO RELEASE AN ITEM UNDER THIS SECTION IS NOT ENTITLED TO DEMAND, OR TO CONDITION THE RELEASE ON, ANY REIMBURSEMENT FROM:

(1) THE POLICE DEPARTMENT;

(2) THE OWNER OF THE ITEM; OR

(3) THE VICTIM OF THE THEFT.

§ 8-10. LABELS.

ALL ITEMS IN THE SCRAP METAL PROCESSOR'S PLACE OF BUSINESS MUST BE CLEARLY MARKED OR LABELED TO CORRELATE WITH:

(1) THE SCRAP METAL PROCESSOR'S RECORD OF THE TRANSACTION; AND

(2) THE PURCHASE RECEIPT.

§ 8-11. INSPECTION OF RECORDS AND ITEMS.

(A) SCRAP PROCESSOR TO ALLOW INSPECTION.

A SCRAP METAL PROCESSOR MUST ALLOW A LAW ENFORCEMENT OFFICER, ACTING IN THE LINE OF DUTY, TO:

(1) ENTER THE SCRAP METAL PROCESSOR'S PLACE OF BUSINESS OR STORAGE PREMISES DURING BUSINESS HOURS; AND

(2) INSPECT ANY RECORD OF TRANSACTIONS SUBJECT TO THIS SUBTITLE AND ANY ITEMS ON THE PREMISES.

(B) PRESENCE REQUIRED.

ON REQUEST OF THE SCRAP METAL PROCESSOR, THE OFFICER MUST MAKE THE INSPECTION IN THE PRESENCE OF THE SCRAP METAL PROCESSOR.

(C) SEARCH WARRANT.

IF THE SCRAP METAL PROCESSOR REFUSES TO ALLOW ACCESS OR REFUSES TO PRODUCE A RECORD OR ITEM FOR INSPECTION, THE OFFICER MAY SEEK A SEARCH WARRANT.

§ 8-12. EXEMPTIONS FROM REPORTING AND HOLDING REQUIREMENTS.

(A) SCOPE.

THIS SECTION APPLIES TO ITEMS ACQUIRED BY A SCRAP METAL PROCESSOR FROM:

- (I) FROM ANOTHER LICENSED SCRAP METAL PROCESSOR;
- (II) FROM A PERSON LICENSED AS A PAWNBROKER; OR
- (III) FROM A PERSON LICENSED AS A SECOND-HAND PERSONAL PROPERTY, ANTIQUE, OR CONSIGNMENT DEALER; OR
- (IV) A PERSON FROM WHOM THE SCRAP METAL PROCESSOR HAS PURCHASED REPORTABLE SCRAP METAL OR OTHER ITEMS WITHIN THE PRECEDING 12 MONTHS.

(B) CONDITIONS.

ITEMS DESCRIBED IN SUBSECTION (A) OF THIS SECTION ARE NOT SUBJECT TO THE DAILY REPORTING REQUIREMENTS OF § 8-7 OF THIS SUBTITLE OR TO THE ITEM RETENTION REQUIREMENTS OF § 8-9 OF THIS SUBTITLE, AS LONG AS THE ACQUIRING SCRAP METAL PROCESSOR:

- (I) KEEPS A RECORD, SUBJECT TO INSPECTION UNDER § 8-11 OF THIS SUBTITLE, OF ALL THE INFORMATION REQUIRED BY § 8-7 OF THIS SUBTITLE; AND
- (II) COMPLIES WITH ALL OTHER REQUIREMENTS OF THIS SUBTITLE.

§ 8-8 § 8-13. PROHIBITED TRANSACTIONS.

(A) TRAFFIC, SAFETY, AND SIMILAR DEVICES.

- (1) EXCEPT AS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION, A SCRAP METAL PROCESSOR MAY NOT PURCHASE OR OTHERWISE ACQUIRE FROM ANYONE, INCLUDING A GOVERNMENT EMPLOYEE, ANY IDENTIFIABLE OBJECT OR MATERIALS USED TO CONTROL TRAFFIC OR MAINTAIN PUBLIC SAFETY, INCLUDING SUCH ITEMS AS MANHOLE COVERS, TRASH RECEPTACLES, TREE PROTECTORS, AND OTHER METAL OBJECTS USED FOR THE PUBLIC GOOD.
- (2) THIS PARAGRAPH DOES NOT APPLY IF THE INDIVIDUAL SEEKING TO SELL OR OTHERWISE TRANSFER THE OBJECT OR MATERIAL PROVIDES THE SCRAP METAL PROCESSOR WITH A WRITTEN AUTHORIZATION FROM THE RELEVANT AGENCY, SPECIFICALLY AUTHORIZING THAT INDIVIDUAL TO CONDUCT THE TRANSACTION.

(B) ~~GROCERY CARTS~~ TRANSPORT.

A SCRAP METAL PROCESSOR MAY NOT PURCHASE OR OTHERWISE ACQUIRE ANY OBJECT OR MATERIALS THAT ARE BEING TRANSPORTED ~~IN A GROCERY~~ BY CART, CARRIAGE, DRAY, OR WAGON OR BY ANY OTHER TRANSPORT EXCEPT A MOTOR VEHICLE DISPLAYING CURRENT REGISTRATION MARKERS.

§ 8-9 § 8-14 [8-11]. Penalties.

[Every] ANY SCRAP METAL PROCESSOR OR OTHER person who [shall be convicted of violating] ~~WHO~~ WILLFULLY OR KNOWINGLY VIOLATES any [of the provisions] PROVISION of this subtitle [shall forfeit and pay] IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO a fine [not exceeding] OF NOT MORE THAN \$500 FOR EACH OFFENSE.

Subtitle 12. Second-Hand Property, Antiques, and Consignment Goods**§ 12-2. Exemptions from subtitle.**

- (a) *Pawnbrokers; [junk dealers]* SCRAP METAL PROCESSORS.

This subtitle does not apply to:

- (1) any person licensed as a pawnbroker under Subtitle 11 of this article; or
- (2) any person licensed as a [junk dealer] SCRAP METAL PROCESSOR under Subtitle 8 of this article.

§ 12-9. Holding requirements.

- (b) *Waivers.*

- (1) The Police Commissioner shall adopt reasonable procedures for granting waivers or permitting shorter holding periods, on an ad hoc or long-term basis, in cases of dealer hardship, subject to such record-keeping or other reasonable requirements as may be necessary to preserve the integrity of the reporting and holding requirements of this subtitle.
- (2) These procedures shall include:
 - (i) provisions for waiving the holding period for items purchased directly from, and previously held for the required period by, another dealer, pawnbroker, or [junk dealer] SCRAP METAL PROCESSOR; and
 - (ii) a mechanism for assuring prompt decisions on requests for waivers.

§ 12-14. Exemptions from reporting and holding requirements.

- (b) *Purchases from certain regulated sources.*

- (1) This subsection applies to items acquired by a dealer:
 - (i) from another licensed dealer;
 - (ii) from a person licensed as a pawnbroker;
 - (iii) from a person licensed as a [junk dealer] SCRAP METAL PROCESSOR;
 - (iv) at a public auction conducted by a licensed auctioneer;
 - (v) from the personal representative of a decedent; or
 - (vi) at a public sale commonly known as a lawn sale, garage sale, or flea market.

- (2) Items acquired under paragraph (1) of this subsection are not subject to the daily reporting requirements of § 12-7 of this subtitle or to the item retention requirements of § 12-9 of this subtitle, as long as the acquiring dealer:
 - (i) keeps a record, subject to inspection under § 12-13 of this subtitle, of the information required by § 12-7 of this subtitle; and
 - (ii) complies with all other requirements of this subtitle.

Article 15. Licensing and Regulation

Subtitle 6. Carriages, Wagons, Boats, and Scows

[§ 6-7. Rental records — junk collectors and haulers.

(a) *Scope of section.*

The “person” referred to in subsection (b) is any person engaged in or holding himself out as engaged in the business of selling second-hand plumbing fixtures or supplies, electrical fixtures or wiring, gas fixtures or appliances, water faucets, pipes, locks, bathtubs, heating equipment or fixtures, or any other fixtures or materials of a building nature.

(b) *Proof of identity, etc.*

The owner or licensee of a vehicle which is or should be licensed under § 6-2 of this article shall not rent, lend, or give the use of the vehicle to any person covered by this section, unless he first:

- (1) requires proof of the identity of the person;
- (2) verifies that the person is over 16 years of age; and
- (3) verifies that he holds a current permit under Article 2, §§ 7-4 through 7-8 {“Scavengers and itinerant collectors”}.

(c) *Records to be kept.*

The owner or licensee shall keep a permanent record on his premises of the name and address of every person to whom he rents, lends, or gives the use of such a vehicle under these circumstances, together with the date or dates involved.]

Article 31. Transit and Traffic

Subtitle 31. Clear Streets and Impoundment

§ 31-57. Auction sales — in general.

(d) *Advertising sale.*

- (1) All auction sales shall be under the supervision of the Department of Finance and advertised in 1 or more newspapers of general circulation throughout the Baltimore Metropolitan Area.
- (2) Except as provided in § 31-58 of this subtitle, the Department may notify [junk dealers] SCRAP METAL PROCESSORS, used car dealers, and spare parts dealers so as to endeavor to have a number of competitive bidders at each sale, it being the intent that every vehicle listed for sale at a given

time shall be disposed of and removed from the auto pound, so as to prevent the storage area from becoming overcrowded.

§ 31-58. Auction sales — minibikes and off-road motorcycles.

(b) *Bidders must be licensed.*

Bidders for minibikes and off-the-road motorcycles, other than abandoned vehicles, must be licensed, bonded motorcycle dealers, licensed automotive dismantlers [or] AND recyclers, or licensed scrap METAL processors.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved September 26, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-244
(Council Bill 01-392)**

AN ORDINANCE CONCERNING

City Officers and Employees — Residence Address

FOR the purpose of requiring all officers and employees of the City to submit certain residence information at certain times; providing for the adoption of rules, regulations, and procedures; and generally relating to employment with the City.

BY adding

Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 7-7
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 7. City Officers and Employees

§ 7-7. RESIDENCE ADDRESS.**(A) ON APPOINTMENT.**

ON APPOINTMENT, EACH OFFICER OR EMPLOYEE OF THE CITY MUST SUBMIT TO THE ~~DIRECTOR OF PERSONNEL~~ DEPARTMENT OF FINANCE, PAYROLL DIVISION, THE FULL STREET ADDRESS OF HIS OR HER LEGAL RESIDENCE.

(B) ON CHANGE OF ADDRESS.

WITHIN 10 DAYS AFTER AN OFFICER OR EMPLOYEE OF THE CITY CHANGES HER OR HIS LEGAL RESIDENCE, THE OFFICER OR EMPLOYEE MUST SUBMIT TO THE ~~DIRECTOR OF PERSONNEL~~ DEPARTMENT OF FINANCE, PAYROLL DIVISION, THE FULL STREET ADDRESS OF THE NEW RESIDENCE.

(C) RULES AND REGULATIONS.

THE ~~DIRECTOR OF PERSONNEL~~ DIRECTOR OF FINANCE MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ORDAINED, That each person serving as an officer or employee on the effective date of this Ordinance must submit to the ~~Director of Personnel~~ Payroll Division, in accordance with the procedures and by the deadlines set by the Director of Finance, the full street address of that person's legal residence.

SECTION 3. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved September 26, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-245
(Council Bill 01-503)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Certain Streets or Portions of them
Lying Within the Inner Harbor Project I**

FOR the purpose of condemning and closing certain streets or portions of them, lying within the Department of Housing and Community Development's Inner Harbor Project I Urban Renewal Project, as shown on Plat 114-A-4B in the Office of the Department of Public Works; 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 Public Works shall proceed to condemn and close certain streets or portions of them lying within the Inner Harbor Project I Urban Renewal, and more particularly described as follows:

Sheet 1 of 1 comprising (1) a 15 foot wide portion of Dugan's Wharf contiguous to the west side thereof and (2) an 8 foot portion of Wood Street contiguous to the north side thereof being numbered one and two on said Sheet and described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Pratt Street, 101 feet wide, and the west side of Dugan's Wharf, varying in width, and running thence binding on the south side of said Pratt Street, North 87° 22' 45" East 15.01 feet; thence by straight lines through the bed of Dugan's Wharf, the two following courses and distances; namely, South 04° 17' 28" East 137.33 feet and South 03° 55' 10" East 384.64 feet to intersect the north side of Wood Street, 39.5 feet wide; thence binding on the north side of said Wood Street, South 86° 18' 00" West 15.00 feet to intersect the west side of said Dugan's Wharf, and thence binding on the west side of said Dugan's Wharf the two following courses and distances; namely, North 03° 55' 10" West 384.50 feet and North 04° 17' 28" West 137.75 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the east side of the former bed of O'Donnell's Wharf, as condemned and closed under Ordinance No. 1082, approved December 1, 1983 by the Mayor and City Council of Baltimore and the north side of Wood Street, 39.5 feet wide, and running thence binding on the north side of said Wood Street, North 86° 18' 00" East 147.00 feet to intersect a line drawn parallel with and distant 15.00 feet easterly measured at right angles from the west side of Dugan's Wharf, varying in width; thence binding on said line so drawn, if projected southerly, South 03° 55' 10" East 8.00 feet to intersect a line drawn parallel with and distant 8.00 feet southerly measured at right angles from the north side of said Wood Street; thence binding on last said line so drawn, South 86° 18' 00" West 147.00 feet to intersect the line of the east side of the former bed of said O'Donnell's Wharf, if projected southerly, and thence binding reversely on last said line so projected, North 03° 55' 10" West 8.00 feet to the place of beginning.

As delineated on Plat 114-A-4B, prepared by the Survey Control Section and filed on May 22, 2001, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of portions of Dugan's Wharf and Wood 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 Public Works 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 Public Works 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.

Approved October 15, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-246
(Council Bill 01-533)**

AN ORDINANCE CONCERNING

City Streets — Closing — Dallas Street

FOR the purpose of condemning and closing Dallas Street, extending from a point 20.8 feet, more or less, south of Dock Street Southerly and Southwesterly 164.3 feet, more or less, to the end thereof as shown on Plat 314-A-18 in the Office of the Department of Public Works; 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 Public Works shall proceed to condemn and close Dallas Street, extending from a point 20.8 feet, more or less, south of Dock Street Southerly and Southwesterly 164.3 feet, more or less, to the end thereof, and more particularly described as follows:

Beginning for Parcel No.1 at a point on the west side of Dallas Street, 20 feet wide, said point of beginning being distant southerly 20.8 feet, more or less, measured along the west side of said Dallas Street from the south side of Dock Street, 20 feet wide, and running thence by a straight line drawn at a right angle to the west side of said Dallas Street, Easterly 20.0 feet to intersect the east side of said Dallas Street at the south outline of the property known as No. 845/847 S. Dallas Street; thence binding on the east side of said Dallas Street, Southerly 147.8 feet, more or less, to the southeast side of Dallas Street, as now laid out, there situate; thence binding on the southeast side of last said Dallas Street, Southwesterly

25.2 feet, more or less, to the southwesternmost extremity of last said Dallas Street; thence binding on the southwesternmost extremity of last said Dallas Street and reversely on the fourth line of the parcel of land conveyed by the Mayor and City Council of Baltimore to Constellation Properties, Inc. by deed dated September 18, 1997, and recorded among the Land Records of Baltimore City in Liber P.M.B. No. 6689, Folio 424, there situate, Northwesterly 23.6 feet, more or less, to intersect the northwest side of last said Dallas Street; thence binding on the northwest side of last said Dallas Street, Northeasterly 21.0 feet, more or less, to the west side of Dallas Street, mentioned firstly herein, and thence binding on the west side of Dallas Street, mentioned firstly herein, Northerly 134.5 feet, more or less, to the place of beginning.

As delineated on Plat 314-A-18, prepared by the Survey Control Section and filed on March 14, 2001 in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of Dallas 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 Public Works 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 Public Works 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.

Approved October 15, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-247
(Council Bill 01-539)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Capital Appropriation —
Department of Housing and Community Development — \$2,852,000**

FOR the purpose of providing a Supplementary General Fund Capital Appropriation in the amount of \$2,852,000 to the Department of Housing and Community Development (Account #9910-588-053), to provide reimbursement to the Housing Authority of Baltimore City (HABC) for demolition costs; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Prior Year Special Reserve in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On August 1, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$2,852,000 shall be made available to the Department of Housing and Community Development (Account #9910-588-053) as a Supplementary General Fund Capital Appropriation for Fiscal Year 2002, to provide reimbursement to the Housing Authority of Baltimore City (HABC) for demolition costs. The source of revenue for this appropriation is the Prior Year Special Reserve in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved October 15, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-248
(Council Bill 01-540)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
Department of Housing and Community Development — \$885,834**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$885,834 to the Department of Housing and Community Development — Program 593 (Community Support Projects), to reimburse the Housing Authority of Baltimore City (HABC) for expenses related to Techtel; and providing for a special effective date.

BY authority of
Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Prior Year Special Reserve in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On August 1, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$885,834 shall be made available to the Department of Housing and Community Development — Program 593 (Community Support Projects) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to reimburse the Housing Authority of Baltimore City (HABC) for expenses related to Techtel. The source of revenue for this appropriation is funds from the Prior Year Special Reserve, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved October 15, 2001

Martin O'Malley, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-249
(Council Bill 01-541)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
MR-Miscellaneous General Expenses — \$800,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$800,000 to the MR-Miscellaneous General Expenses — Program 122 (Miscellaneous General Expenses), to provide a grant to the Baltimore City Public School System for technology improvements; and providing for a special effective date.

BY authority of

Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Prior Year Special Reserve in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On August 15, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$800,000 shall be made available to the MR-Miscellaneous General Expenses — Program 122 (Miscellaneous General Expenses) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to provide a grant to the Baltimore City Public School System for technology improvements. The source of revenue for this appropriation is funds from the Prior Year Special Reserve, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved October 15, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-250
(Council Bill 01-542)**

AN ORDINANCE CONCERNING

**Supplementary General Fund Operating Appropriation —
MR-Educational Grants — \$200,000**

FOR the purpose of providing a Supplementary General Fund Operating Appropriation in the amount of \$200,000 to the MR-Educational Grants — Program 446 (Educational Grants), to provide a grant to the Baltimore Community Foundation in support of providing musical instruments for the Baltimore City Public Schools; and providing for a special effective date.

BY authority of
Article VI - Board of Estimates
Section 8(b)(3) and (c)
Baltimore City Charter
(1996 Edition)

Recitals

The revenue appropriated by this Ordinance represents funds from the Fiscal 2001 Special Reserve in excess of the revenue relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

This additional revenue could not have been reasonably anticipated when the Ordinance of Estimates for Fiscal Year 2002 was formulated.

This appropriation is made necessary by a material change in circumstances since the Ordinance of Estimates for Fiscal Year 2002 was formulated or is for a new program that could not have been reasonably anticipated when that Ordinance of Estimates was formulated.

On August 15, 2001, the Board of Estimates recommended this appropriation to the City Council.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That \$200,000 shall be made available to the MR-Educational Grants — Program 446 (Educational Grants) as a Supplementary General Fund Operating Appropriation for Fiscal Year 2002, to provide a grant to the Baltimore Community Foundation in support of providing musical instruments for the Baltimore City Public Schools. The source of revenue for this appropriation is funds from the Fiscal 2001 Special Reserve, in excess of the amount from this source that was relied on by the Board of Estimates in determining the tax levy required to balance the budget for Fiscal Year 2002.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved October 15, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-251
(Council Bill 00-298)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Parking, Open, Off-Street Area —
3413 and , 3415, 3417, and 3419 Greenmount Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open, off-street area, other than accessory, for the parking of four or more automobiles on the properties known as 3413 ~~and ,~~ 3415, 3417, and 3419 Greenmount Avenue, as outlined in red on the accompanying amended plat.

BY authority of

Article - Zoning
Section(s) 6-309(1) and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a parking, open, off-street area, other than accessory, for the parking of four or more automobiles on the properties known as 3413 ~~and ,~~ 3415, 3417, and 3419 Greenmount Avenue, as outlined in red on the amended plat accompanying this Ordinance, in accordance with Zoning Code §§ 6-309(1) and 14-102 of the Baltimore City Code, subject to the ~~condition~~ that the following conditions:

1. Access to the alley on the eastern side of the site is prohibited.
2. The existing 10-foot high chain link fence along the alley may remain.
3. The property must be paved in accordance with the provisions of the Baltimore City Building Code.
4. The off-street parking is limited to motor vehicles. No unlicensed or derelict vehicles may be parked or stored on the site.
5. Storage of motor vehicle parts or working on cars is prohibited.
6. The Greenmount Avenue street edge must have metal picket fencing, which may be up to 6 feet high in front of 3413-3415 Greenmount Avenue. The chain link fence with slates may remain in front of 3417 and 3419 Greenmount Avenue.
7. The Site Plan for this off-street parking lot, dated October 4, 2001, is made a part of this Ordinance. No change may be made to the Site Plan without the prior approval of the Planning Department.
8. These properties need not be consolidated with other adjacent parcels owned by the applicant. However, consolidation of the lots shall not constitute a change in conditional use.
9. The parking, open, off-street area, other than accessory, for the parking of four or more automobiles ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying amended plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved October 22, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-252
(Council Bill 01-347)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use ~~Housing for the Elderly~~ Convalescent,
Nursing, and Rest Home (Senior Assisted Living) —
6508 Park Heights Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of housing for the elderly a convalescent, nursing, and rest home (senior assisted living) on the property known as 6508 Park Heights Avenue, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-804 and 14-102
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of housing for the elderly a convalescent, nursing, and rest home (senior assisted living) on the property known as 6508 Park Heights Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-804 and 14-102 of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The maximum number of residents is 90, some of which may be resident managers.
2. There may be no more than 2 persons per sleeping room.
3. The minimum age for resident-clients is 50 years.
4. 24-hour supervision must be provided.
5. A minimum of 34 parking spaces must be provided, and the dumpster must be screened with a masonry wall that matches the building.
6. Vehicular access to Williamson Avenue from this site is prohibited.

7. The Planning Department must approve the addition, the fencing plan, and the monumental sign. The fencing, including in the front yard, may be up to 6 feet high.
8. The Preliminary Plans, dated July 24, 2001, submitted with this Ordinance, are made a part of this Ordinance, and no change may be made to the Plans without the prior approval of the Planning Department.
9. The ~~housing for the elderly~~ convalescent, nursing, and rest home (senior assisted living) ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved October 22, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-253
(Council Bill 01-469)**

AN ORDINANCE CONCERNING

**Zoning — Conditional Use Convalescent, Nursing, and
Rest Home (Assisted Living) — 3007 Belair Road**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of convalescent, nursing, and rest home (assisted living) on the property known as 3007 Belair Road, as outlined in red on the accompanying plat.

BY authority of

Article - Zoning
Section(s) 4-1104 and 14-102(2)
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 3007 Belair Road, as outlined in red on the plat accompanying this Ordinance, in accordance with Zoning Code §§ 4-1104 and 14-102(2) of the Baltimore City Code, subject to the ~~condition that the~~ following conditions:

1. The maximum number of residents is 6.
2. There may be no more than 2 persons per sleeping room.

3. Sleeping rooms for clients may not be in the basement.
4. There may be no exterior sign on the facility other than a nameplate no larger than 6 inches wide by 6 inches high.
5. 24-hour supervision must be provided.
6. The minimum age for resident-clients is 50 years. One current resident under that age may remain.
7. The convalescent, nursing, and rest home (assisted living) ~~complies~~ must comply with all applicable federal, state, and local licensing and certification requirements.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved October 22, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-254
(Council Bill 01-473)**

AN ORDINANCE CONCERNING

**Urban Renewal — Reisterstown Plaza Transit Station —
Amendment 6**

FOR the purpose of amending the Urban Renewal Plan for Reisterstown Plaza Transit Station to revise the land use classification of a certain property; providing for Planned Unit Development standards and controls; revising an exhibit to reflect the changes in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of

Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Reisterstown Plaza Transit Station was originally approved by the Mayor and City Council of Baltimore by Ordinance 81-392 and last amended by Ordinance 98-375.

An amendment to the Urban Renewal Plan for Reisterstown Plaza Transit Station is necessary in order to revise the land use classification for certain property, provide for Planned Unit Development standards and controls, and revise an exhibit to reflect the changes in the Plan.

Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in any approved renewal plan unless the change is approved in the same manner as that required for the approval of a renewal plan.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Reisterstown Plaza Transit Station are approved:

On page 13 of the Plan, amend paragraph B.3.c. to read as follows:

c. PUD Standards and Controls

To the extent there exists any conflict between the provisions of [subsection B.3 of] this Renewal Plan and the standards and controls of any [PUD, or] PLANNED UNIT DEVELOPMENT LEGISLATION APPROVED BY THE MAYOR AND CITY COUNCIL (“PUD”), WHERE there are standards and controls contained in [any] THE PUD that are not contained in the Renewal Plan, the standards and controls of the PUD [shall be controlling], INCLUDING, WITHOUT LIMITATION, THOSE AFFECTING USE, PARKING, ACCESS, AESTHETIC AND SPECIFIC LOT CONTROLS, AND BULK REGULATIONS, CONTROL.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Reisterstown Plaza Transit Station Area, as amended by this Ordinance and identified as “Urban Renewal Plan, Reisterstown Plaza Transit Station, revised to include Amendment 6, dated _____”, is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

SECTION 3. AND BE IT FURTHER ORDAINED, That revised Exhibit 1, “Land Use Plan, to the amended Urban Renewal Plan is approved.

SECTION 4. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived and the amended Urban Renewal Plan approved by this Ordinance is exempted from them.

SECTION 5. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 6. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions shall be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Ordinance is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

SECTION 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved October 22, 2001

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-255
(Council Bill 01-502)**

AN ORDINANCE CONCERNING

Sale of Property — the Former Bed of Cider Alley

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as the former bed of Cider Alley, extending from Penn Street, westerly 219.5 feet, more or less, and lying within the Market Center West Urban Renewal Project, and no longer needed for highway or other public use; and providing for a special effective date.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the City Comptroller may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the parcel of land known as the former bed of Cider Alley, extending from Penn Street, westerly 219.5 feet, more or less, and lying within the Market Center West Urban Renewal Project, and more particularly described as follows:

Beginning for the same at the point formed by the intersection of the south side of the former bed of Cider Alley, 25 feet wide, as condemned and closed, and the west side of Penn Street, varying in width, said point of beginning being distant Northerly 154.0 feet, more or less, measured along the west side of said Penn Street from the north side of Lombard Street, 66 feet wide, and running thence binding on the south side of the former bed said Cider Alley, Westerly 219.0 feet, more or less, to the westernmost extremity of the former bed of said Cider Alley; thence binding on the westernmost extremity of the former bed of said Cider Alley, Northerly 25.0 feet, more or less, to intersect the north side of the former bed of said Cider Alley; thence binding on the north side of the former bed of said Cider Alley, Easterly 220.0 feet, more or less, to intersect the west side of said Penn Street, and thence binding on the west side of said Penn Street, Southerly 25.0 feet, more or less, to the place of beginning,

subject to a full width Perpetual Easement for all Municipal Utilities and Services, not to be abandoned, over the entire above described parcel of land, this property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved October 22, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-256
(Council Bill 01-416)**

AN ORDINANCE CONCERNING

Sale of Property — 401 East West North Avenue

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain property that is located at 401 East West North Avenue (Ward 13, Section 1, Block 386, Lot 9) and is no longer needed for public use; and providing for a special effective date.

BY authority of

Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the Comptroller of Baltimore City may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the property located at 401 East West North Avenue (Ward 13, Section 1, Block 386, Lot 9), containing 0.122 acres (12,620 gross square feet, more or less), this property being no longer needed for public use.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 9, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-257
(Council Bill 01-474)**

AN ORDINANCE CONCERNING

**Planned Unit Development — Amendment 1 —
Reisterstown Road Plaza Shopping Center**

FOR the purpose of approving an amendment to the Development Plan of the Business Planned Unit Development for Reisterstown Road Plaza Shopping Center by repealing the previous approvals of the designation of the Business Planned Unit Development and Development Plan; approving the application of Reisterstown Plaza Associates, owner of certain property located in Baltimore City at the northwest corner of the intersection of Reisterstown Road and Patterson Avenue and known as ~~6511~~ 6512 Reisterstown Road consisting of 13.4 acres, more or less, to have that property designated a Business Planned Unit Development; approving the Development Plan submitted by Reisterstown Plaza Associates; waiving certain requirements; and providing for a special effective date.

BY authority of
 Article - Zoning
 Title 9, Subtitles 1 and 4
 Baltimore City Revised Code
 (Edition 2000)

Recitals

By Ordinance 85-498, the Mayor and City Council approved the application of the Hecht Company, Continental Realty, Inc., and the Hechinger Company to have a portion of the property located at the northwest corner of the intersection of Reisterstown Road and Patterson Avenue, consisting of 6.87 acres, more or less, (the "Hechinger parcel") designated as a Business Planned Unit Development and approved the Development Plan submitted by the applicants.

Reisterstown Plaza Associates is the current owner of a portion of the Hechinger parcel and RPP-Hecht Building Limited Partnership is the current owner of the remaining portion of the Hechinger parcel and both wish to amend the Development Plan, as previously approved by the Mayor and City Council, by repealing the designation of the Hechinger parcel as a Business Planned Unit Development and repealing the Development Plan previously approved for the Hechinger parcel.

Reisterstown Plaza Associates is the owner of the Reisterstown Road Plaza Shopping Center located at 6512 Reisterstown Road, consisting of 50.0563 acres and wishes to have a certain portion of the property known as 6512 Reisterstown Road consisting of 13.4 acres, more or less, (the "Reisterstown Plaza parcel") designated a Business Planned Unit Development and submits a Development Plan for the Reisterstown Plaza parcel for approval.

On April 6, 2001, representatives of Reisterstown Plaza Associates met with the Department of Planning for a preliminary conference to explain the scope and nature of a proposed amendment to the Development Plan and new Development Plan for the Reisterstown Plaza parcel.

The representatives of Reisterstown Plaza Associates have now applied to the Baltimore City Council for approval of this amendment, and they have submitted an amendment to the Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council repeals Ordinance 85-498, approved July 2, 1985, thus repealing the designation of the Hechinger parcel at the northwest corner of the intersection of Reisterstown Road and Patterson Avenue, consisting of 6.87 acres, more or less, as a Business Planned Unit Development, and repealing the Development Plan submitted jointly by the Hecht Company, Continental Realty, Inc., and the Hechinger Company for the Hechinger parcel.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Mayor and City Council approves the application of Reisterstown Plaza Associates to designate as a Business Planned Unit Development a portion of the property known as ~~6511~~ 6512 Reisterstown Road, consisting of 13.4 acres, more or less, (The "Reisterstown Plaza parcel") as outlined on the accompanying Development Plan.

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitles 1 and 4, the following uses are permitted within the Planned Unit Development for the Reisterstown Plaza parcel:

- (a) all permitted, accessory, and conditional uses allowed in the B-2 Zoning District, except the following uses shall be prohibited: automobile accessory shops — including repair and installation services, and garages for storage, repairing, and servicing of motor vehicles;
- (b) ~~drug stores and pharmacies; drive-in;~~

- ~~(e) dry cleaning establishments: drive-in;~~
- ~~(d) restaurants: drive-in—including pickup drives with window service;~~
- ~~(e) restaurants: drive-in—not including pickup drives with window service;~~
- ~~(f) photographic printing and development establishments: drive-in;~~
- (b) a maximum of 3 drive-in or thru uses are permitted on Reisterstown Road as shown in 3 building locations on Reisterstown Road on Exhibit B “Master Plan”. These drive-in or thru uses include banks: drive-in; drug stores and pharmacies: drive-in; dry cleaning establishment: drive-in; and restaurants: drive-in—including pick-up drives with window service;
- ~~(g) (c) motor vehicles: rental; and~~
- ~~(h) gasoline service stations as an accessory use.~~
- (d) one gasoline or service station as an accessory use to a grocery store, with a minimum of 40,000 square feet of floor area.

SECTION 4. AND BE IT FURTHER ORDAINED, That the Mayor and City Council approves the accompanying Development Plan consisting of:

- (a) Exhibit A “Existing Conditions Plan”, dated May 22, 2001;
- (b) Exhibit B “Master Plan”, dated May 22, 2001, as revised October 3, 2001; and
- (c) Exhibit C “Landscape Plan”, dated May 22, 2001.

SECTION 5. AND BE IT FURTHER ORDAINED, That the following signs are permitted within the Planned Unit Development for the Reisterstown Plaza parcel:

- (a) 3 existing pylon signs along Reisterstown Road, with locations and dimensions as shown on Exhibit B “Master Plan”;
- (b) 1 existing pylon sign on Patterson Avenue, with location and dimensions as shown on Exhibit B “Master Plan”, which sign may be relocated on Patterson Avenue; and
- (c) a new monumental sign along Patterson Avenue, with location and dimensions as shown on Exhibit B “Master Plan”.

SECTION 5 6. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 6 7. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to Final Design Approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 7 8. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying amended Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the amended Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the amended Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the

Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 8 9. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 9, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-258
(Council Bill 01-546)**

AN ORDINANCE CONCERNING

Franchise — Bridgeway over Lovegrove Alley

FOR the purpose of granting a franchise to Kendall Baltimore, LLC, to use and maintain an existing enclosed one-story bridgeway above and across Lovegrove Alley, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

Recitals

Ordinance 71-1224, approved December 6, 1971, granted a franchise to Commercial Credit of Maryland, Inc., to erect, construct, maintain, and operate an enclosed one-story bridgeway above and across Lovegrove Alley, north of Saratoga Street, for a total term of 25 years. The duration of that Ordinance has now expired.

Kendall Baltimore, LLC, successor in title to Commercial Credit of Maryland, Inc., desires to be granted a new franchise Ordinance for the maintenance and operation of the structure.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to Kendall Baltimore, LLC, its tenants, successors, and assigns (collectively, the "Grantee") to use and maintain, at Grantee's own cost and expense, and subject to the terms and conditions of this Ordinance, an enclosed one-story bridgeway above and across Lovegrove Alley, north of Saratoga Street, which bridgeway connects the second floor of the rear of the premises, known as 301-307 North Charles Street located on the west side of Lovegrove Alley, between St. Elizabeth's Court and Saratoga Street, with the fourth floor of the rear of the premises of the Grantee, known as 300 St. Paul Place, located on the east side of Lovegrove Alley between St. Elizabeth's Court and Saratoga Street. The center line of the bridgeway is located approximately 51 feet north of the north building line of Saratoga Street. The one-story enclosed bridgeway is approximately 8 feet 2 inches wide and 15 feet high, and extends above and across Lovegrove Alley for a distance of approximately 19 feet 6 inches. All outside measurements and no part of the bridgeway is less than 14 feet above the surface of the bed of Lovegrove Alley.

SECTION 2. AND BE IT FURTHER ORDAINED, That to become effective, the franchise or right granted by this Ordinance (the "Franchise") must be executed and enjoyed by the Grantee within 6 months after the effective date of this Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That as compensation for the Franchise, the Grantee shall pay to the Mayor and City Council of Baltimore a franchise charge of \$1,612.47 a year, subject to increase or decrease as provided in Section 5 of this Ordinance. The franchise charge must be paid annually, at least 30 days before the initial and each renewal term of the Franchise.

SECTION 4. AND BE IT FURTHER ORDAINED, That:

(a) The initial term of the Franchise is 1 year, commencing on the effective date of this Ordinance. Unless sooner terminated as provided in this Ordinance, the Franchise will automatically renew, without any action by either the Mayor and City Council of Baltimore or the Grantee, for 24 consecutive 1-year renewal terms. Except as otherwise provided in this Ordinance, each renewal term will be on the same terms and conditions as the initial term. The maximum duration for which the Franchise may operate, including the initial and all renewal terms, is 25 years.

(b) Either the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, or the Grantee may cancel the Franchise as at the end of the initial or any renewal term by giving written notice of cancellation to the other at least 90 days before the end of that term.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the annual franchise charge by giving written notice of the increase or decrease to the Grantee at least 150 days before the end of the original or renewal term immediately preceding the renewal term to which the increase or decrease will first apply. The new franchise charge will apply to all subsequent annual renewal terms, unless again increased or decreased in accordance with this section.

SECTION 6. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the interest of the public, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 7. AND BE IT FURTHER ORDAINED, That the Grantee, at its own cost and expense, shall maintain in good condition and in compliance with all applicable laws and regulations of Baltimore City, all structures for which the Franchise is granted. The maintenance of these structures shall be at all times subject to the regulation and control of the Commissioner of Housing and Community Development and the Director of Public Works. If any structure for which the Franchise is granted must be readjusted, relocated, protected, or supported to accommodate a public improvement, the Grantee shall pay all costs and expenses in connection with the readjustment, relocation, protection, or support.

SECTION 8. AND BE IT FURTHER ORDAINED, That at the option of the Mayor and City Council of Baltimore, acting by and through the Director of Public Works, the Grantee's failure to comply with any term or condition of this Ordinance constitutes a forfeiture of the Franchise. Immediately on written notice to the Grantee of the exercise of this option, the Franchise terminates. Once so terminated, only an ordinance of the Mayor and City Council of Baltimore may waive the forfeiture or otherwise reinstate the Franchise.

SECTION 9. AND BE IT FURTHER ORDAINED, That at any time and without prior notice, the Mayor of Baltimore City may revoke the Franchise if, in the Mayor's judgment, the public interest, welfare, safety, or convenience so requires. Immediately on written notice to the Grantee of the exercise of this right, the Franchise terminates.

SECTION 10. AND BE IT FURTHER ORDAINED, That on cancellation, expiration, forfeiture, revocation, or other termination of the Franchise for any reason, the Grantee shall remove all structures for which the Franchise is granted. The removal of these structures shall be (i) undertaken at the cost and expense of the Grantee, without any compensation from the Mayor and City Council of Baltimore, (ii) made in a manner satisfactory to the Commissioner of Housing and Community Development and the Director of Public Works, and (iii) completed within the time specified in writing by the Director of Public Works.

SECTION 11. AND BE IT FURTHER ORDAINED, That the Grantee is liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore against all suits, losses, costs, claims, damages, or expenses to which the Mayor and City Council of Baltimore is at any time subjected on account of, or in any way resulting from, (i) the presence, use, operation, maintenance, alteration, repair, location, relocation, or removal of any of the structures for which the Franchise is granted, or (ii) any failure of the Grantee, its officers, employees, or agents, to perform promptly and properly any duty or obligation imposed on the Grantee by this Ordinance.

SECTION 12. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 15, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-259
(Council Bill 01-577)**

AN ORDINANCE CONCERNING

Bioterrorism — Reporting Requirements

FOR the purpose of requiring certain reports to be made to the Commissioner of Health; defining certain terms; providing for the method of reporting; establishing certain penalties; correcting an error in nomenclature; providing for a special effective date; and generally relating to reports of matters possibly indicative of a biological terrorist attack.

BY repealing and reenacting, without amendment

Article - Health
Section(s) 4-101
Baltimore City Revised Code
(Edition 2000)

BY adding

Article - Health
Section(s) 4-701 through 4-708, to be under the new subtitle
“Subtitle 7. Biological Terrorism Reporting”
Baltimore City Revised Code
(Edition 2000)

BY repealing and reenacting, with amendments

Article - Health
Section(s) 4-902
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article — Health

Title 4. Disease Control**Subtitle 1. General Provisions****§ 4-101. Nature of reports.**

- (a) *Reporting does not breach confidentiality.*

The making of a report as required or permitted by this title is not a breach of a patient's confidentiality.

- (b) *Confidentiality of reports.*

Except as otherwise required by law, all reports made under this title are confidential and not open to public inspection.

SUBTITLE 7. BIOLOGICAL TERRORISM REPORTING**§ 4-701. DEFINITIONS.**

- (A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

- (B) *SUSPECT SYMPTOMS.*

"SUSPECT SYMPTOMS" MEANS THOSE SYMPTOMS THAT THE COMMISSIONER DESIGNATES BY RULE OR REGULATION AS BEING INDICATIVE OF A POSSIBLE BIOLOGICAL TERRORIST ATTACK.

§ 4-702. IN GENERAL.

- (A) *WHEN REPORTS TO BE MADE.*

UNLESS THE COMMISSIONER'S RULES OR REGULATIONS SPECIFY OTHERWISE, EACH REPORT REQUIRED BY THIS SUBTITLE MUST BE MADE DAILY FOR ALL EVENTS OCCURRING WITHIN THE PRECEDING 24 HOURS.

- (B) *HOW REPORTS TO BE MADE.*

EACH REPORT REQUIRED BY THIS SUBTITLE MUST BE MADE ELECTRONICALLY, BY A METHOD AND IN THE FORM THE COMMISSIONER'S RULES OR REGULATIONS SPECIFY.

- (C) *CONTENTS OF REPORTS.*

EACH REPORT REQUIRED BY THIS SUBTITLE MUST CONTAIN:

- (1) ALL OF THE INFORMATION SPECIFIED IN THIS SUBTITLE FOR THAT REPORT; AND
- (2) ALL OTHER INFORMATION THAT THE COMMISSIONER REQUIRES BY RULE OR REGULATION.

§ 4-703. EMS CALLS.

- (A) *DUTY TO REPORT.*

THE EMERGENCY MEDICAL SYSTEM OF THE BALTIMORE CITY FIRE DEPARTMENT MUST REPORT TO THE COMMISSIONER ON ALL CALLS MADE TO ASSIST INDIVIDUALS WHO EVIDENCE SUSPECT SYMPTOMS.

(B) *CONTENTS OF REPORT.*

IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY RULE OR REGULATION, THE REPORT MUST SPECIFY FOR EACH REPORTING PERIOD:

- (1) THE AGGREGATE NUMBER OF CALLS SUBJECT TO THE REPORT; AND
- (2) FOR EACH OF THESE CALLS, THE SPECIFIC SUSPECT SYMPTOM OR SYMPTOMS IDENTIFIED .

§ 4-704. ANIMAL CARCASSES.

(A) *DUTY TO REPORT.*

THE DEPARTMENT OF PUBLIC WORKS AND THE HEALTH DEPARTMENT'S BUREAU OF ANIMAL CONTROL MUST REPORT TO THE COMMISSIONER ON ANIMAL CARCASSES THAT THE COMMISSIONER SPECIFIES BY RULE OR REGULATION.

(B) *CONTENTS OF REPORT.*

IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY RULE OR REGULATION, THE REPORT MUST SPECIFY FOR EACH REPORTING PERIOD:

- (1) THE AGGREGATE NUMBER OF CARCASSES SUBJECT TO THE REPORT; AND
- (2) THE NUMBER OF CARCASSES FOR EACH SPECIES.

§ 4-705. SCHOOL ABSENCES.

(A) *DUTY TO REPORT.*

THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM MUST REPORT TO THE COMMISSIONER ON ALL ELEMENTARY SCHOOL ABSENCES.

(B) *CONTENTS OF REPORT.*

IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY RULE OR REGULATION, THE REPORT MUST SPECIFY FOR EACH REPORTING PERIOD:

- (1) THE AGGREGATE PERCENTAGE OF ABSENCES CITYWIDE; AND
- (2) THE PERCENTAGE OF ABSENCES BY GRADE.

§ 4-706. HEALTH CENTER TREATMENTS.

(A) *DUTY TO REPORT.*

THE BALTIMORE CITY COMMUNITY HEALTH CENTERS MUST REPORT TO THE COMMISSIONER ON ALL PATIENTS WHO EVIDENCE SUSPECT SYMPTOMS.

(B) *CONTENTS OF REPORT.*

IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY RULE OR REGULATION, THE REPORT MUST SPECIFY FOR EACH REPORTING PERIOD:

- (1) THE AGGREGATE NUMBER OF PATIENTS SUBJECT TO THE REPORT; AND

- (2) FOR EACH OF THESE PATIENTS, THE SPECIFIC SUSPECT SYMPTOM OR SYMPTOMS IDENTIFIED .

§ 4-707. EMERGENCY DEPARTMENT VISITS.

(A) *DUTY TO REPORT.*

THE REPORTING OFFICER OF EACH HOSPITAL, RELATED INSTITUTION, CLINIC, OR OTHER HEALTH CARE FACILITY, AS APPOINTED UNDER § 4-202 OF THIS TITLE, MUST REPORT TO THE COMMISSIONER ON ALL EMERGENCY DEPARTMENT VISITS BY INDIVIDUALS WHO EVIDENCE SUSPECT SYMPTOMS.

(B) *CONTENTS OF REPORT.*

IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY RULE OR REGULATION, THE REPORT MUST SPECIFY FOR EACH REPORTING PERIOD:

- (1) THE AGGREGATE NUMBER OF PATIENTS SUBJECT TO THE REPORT; AND
- (2) FOR EACH OF THESE PATIENTS, THE SPECIFIC SUSPECT SYMPTOM OR SYMPTOMS IDENTIFIED .

§ 4-708. MEDICATIONS.

(A) *DUTY TO REPORT.*

THE INDIVIDUAL IN CHARGE OF ANY PUBLIC OR PRIVATE PHARMACY MUST REPORT TO THE COMMISSIONER ON ALL SALES OF ANY OVER-THE-COUNTER MEDICATION THAT THE COMMISSIONER DESIGNATES BY RULE OR REGULATION AS BEING A MEDICATION USED FOR THE TREATMENT OF SUSPECT SYMPTOMS.

(B) *CONTENTS OF REPORT.*

IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY RULE OR REGULATION, THE REPORT MUST SPECIFY, FOR EACH MEDICATION SOLD DURING A REPORTING PERIOD:

- (1) THE TYPE AND STRENGTH OF THAT INDEX MEDICATION; AND
- (2) THE AGGREGATE NUMBER OF UNITS SOLD DURING THE REPORTING PERIOD.

Subtitle 9. Penalties

§ 4-902. Basic penalty: \$1,000 and 12 months.

Except as otherwise specified in this title, the penalty for a violation of this [subtitle] TITLE is a fine of not more than \$1,000 or imprisonment for not more than 12 months or both fine and imprisonment for each offense.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 15, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-260
(Council Bill 01-521)**

AN ORDINANCE CONCERNING

Franchise — Harbor Link, Inc.

FOR the purpose of granting a franchise to Harbor Link, Inc., to construct, use, and maintain an infrastructure system for utilities, telecommunications, and other services, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of

Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to Harbor Link, Inc. (the “Grantee”) to construct, operate, and maintain an infrastructure system for utilities, telecommunications, and other services, subject to the terms and conditions of this Ordinance and of the attached Franchise Agreement between the Mayor and City Council of Baltimore and the Grantee.

SECTION 2. AND BE IT FURTHER ORDAINED, That, for the franchise or right granted by this Ordinance (the “Franchise”) to become effective, the Grantee must notify the Board of Estimates, within 30 days of the effective date of this Ordinance, that the Grantee accepts the Franchise. The Grantee’s failure to so notify the Board of Estimates constitutes a refusal to accept the Franchise, and, in that event, this Ordinance and the Franchise granted by it will be abrogated and of no further effect.

SECTION 3. AND BE IT FURTHER ORDAINED, That, also for the Franchise to become effective, the Franchise must be executed and enjoyed by the Grantee within 6 months after the effective date of this Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That the term of the Franchise is 25 years, beginning on the effective date of this Ordinance, subject to termination as provided in the Franchise Agreement.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the public interest, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

FRANCHISE AGREEMENT

**MAYOR AND CITY COUNCIL OF BALTIMORE
AND
HARBOR LINK, INC.**

THIS FRANCHISE AGREEMENT (the “Agreement”) is made and entered into this 31 day of October, 2001 (the “Effective Date”), by and between HARBOR LINK, INC. (the “Company”), a Maryland corporation ~~that~~ which maintains its principal place of business at 10540 York Road, Suite L, Cockeysville, Maryland 21030, and the MAYOR AND CITY COUNCIL OF BALTIMORE (the “City”), a body politic and corporate and political

subdivision of the State of Maryland which maintains its principal offices at 100 N. Holliday Street, Baltimore, Maryland 21202.

RECITALS

WHEREAS, the City is obligated to manage the Public Rights-of-Way (defined in Section 1) in a safe and efficient manner and in a manner that promotes the public health, safety and welfare, including the economic development of the City; and

WHEREAS, it is necessary and appropriate to plan and manage comprehensively the structures and facilities in the Public Rights-of-Way to promote efficiency, lessen the public inconvenience of construction, installation, maintenance, repair, operation and removal of Facilities in the Public Rights-of-Way and promote public safety; and

WHEREAS, the City has the right, consistent with its Charter, State law and the Telecommunications Act of 1996, to exercise regulatory authority with respect to the construction, installation, maintenance, repair and removal of Facilities and other utilities in, under and over any and all Public Rights-of-Way; and to manage the Public Rights-of-Way and require fair and reasonable compensation for the use of the Public Rights-of-Way; and

WHEREAS, the City desires to promote the availability of a wide range of utilities, telecommunications, and other services, including the rapid deployment of new technologies and innovative services to City businesses and residents; and

WHEREAS, the City desires to provide for a coordinated development of the infrastructure necessary to accommodate the construction, maintenance, repair, operation and removal of Facilities and other utilities in the Public Rights-of-Way in order to promote the public health, safety and welfare and to assure open access to all potential users of the same; and

WHEREAS, prior to the Effective Date of this Agreement, the Company was authorized to construct, install, maintain, repair, and operate Conduits in the Public Rights-of-Way pursuant to an Interim Public Right of Way Use Agreement dated May 9, 2001 ("Interim Right of Way Agreement"), which agreement is hereby terminated, and is hereby superceded by this Agreement upon the Effective Date.

WHEREAS, pursuant to Article VIII of the Charter of Baltimore City (1996 Edition), the Mayor and the City Council of Baltimore has the authority to grant franchises involving the use of its public property and the Public Rights-of-Way.

NOW, THEREFORE, in consideration of the premises and the mutual promises and undertakings herein, the parties, intending to be legally bound, hereby agree as follows:

1. Definitions. The following definitions shall apply:

1.1 "Affiliated Person" means each Person who falls into one or more of the following categories: (i) each Person having, directly or indirectly, a Controlling Interest in the Company; (ii) each Person in which the Company has, directly or indirectly, a Controlling Interest; and (iii) each Person, directly or indirectly, Controlling, Controlled by or under common Control with the Company. "Affiliated Person" shall in no event mean: (i) the City; (ii) any Person holding outstanding equity securities of the Company of any class not entitled to elect a majority of the directors of the Company; (iii) any Person holding no more than twenty percent (20%) of the outstanding equity securities of the Company of any class having the right to elect a majority of the directors of the Company; or (iv) any creditor of the Company solely by virtue of its status as a creditor and which is not otherwise an Affiliated Person.

1.2 "Backbone" means a conduit backbone structure consisting of no less than nine (9) and no more than fifteen (15) Conduits.

1.3 "Board" means the Board of Estimates of the Mayor and City Council of Baltimore as described in the Baltimore City Charter (1996 Edition).

1.4 "Cable" means any media through which Telecommunications can be transmitted, including (without limitation) fiber optic or other form of cable, whether bundled or unbundled.

1.5 "Cable Service" means the one-way transmission to subscribers of video or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video or other programming service, or as such term is otherwise defined or interpreted by the Communications Act of 1934.

1.6 "City" means the Mayor and City Council of Baltimore.

1.7 "City-Owned Conduits" means those three (3) Conduits installed by the Company as part of the Backbone and that are owned by the City, plus any other Conduit to be owned by the City as provided in Section 3.3 hereof.

1.8 "Company" means Harbor Link, Inc., a corporation duly organized and existing under the laws of the State of Maryland.

1.9 "Conduit" means one cylindrical housing fabricated of Schedule 40 PVC pipe not less than five (5) inches but not more than six (6) inches in diameter.

1.10 "Control" or "Controlling Interest" in a Person means actual working control over the management of the Person by contract or by the ownership of 20% or more of the equity securities of any class having the right to elect a majority of the directors of such Person. "Control" or "Controlling Interest" as used herein may be held simultaneously by more than one Person or group of Persons.

1.11 "Department" means the Department of Public Works of the City.

1.12 "Effective Date" means the date on which the Company and the City enter into this Agreement, which date is the date first set forth above.

1.13 "Facilities" means all Conduit, Backbone, Additional Conduit, Manhole Interconnections, duct banks, connection points, lateral connections, entrance points, pole connections and all related facilities and such other fixtures and structures to be installed ~~or constructed~~ or which become installed or constructed by the Company in the Public Rights-of-Way of the City pursuant to this Agreement.

1.14 "Fee" means any amount owed by the Company under the terms of this Agreement.

1.15 "Force Majeure Events" means that the time of performance of any duty or obligation of either party hereunder (except with respect to the payment of Fees, charges and other amounts payable by the Company to the City hereunder) shall be extended for the period during which performance was delayed or impeded by reason of strikes, failure of power, riots, insurrections, war, fire, earthquake, acts of God, or other reasons of a like nature beyond the control of the party performing such duty or obligation; provided, however, that in order to avail itself of an excuse from delay or failure to perform, the party must act diligently to remedy the cause of such delay or failure. Any performance mandated by this Agreement excused by reason of a Force Majeure Event shall only be excused during the pendency of the particular event.

1.16 "Franchise" means the Franchise granted to the Company pursuant to this Agreement for the installation, operation, repair, maintenance and removal of Facilities.

1.17 "Franchise Area" means the geographical area within the City of Baltimore designated on the plat attached hereto as Exhibit A, and bounded: (a) to the North - by North Avenue beginning at Monroe Street and continuing east to Belair Road; Belair Road north to Sinclair Lane; Sinclair Lane east to Erdman Avenue; (b) to the East - by Erdman Avenue south to I-895; (c) to the South - by I-95 west to Washington

Boulevard; and (d) to the West - by Washington Boulevard north to Monroe Street; Monroe Street north to North Avenue.

1.18 "Franchise Route" means the route within the Public Rights-of-Way generally designated on the plat attached hereto as Exhibit B.

1.19 "Gross Revenues" means, for the period of determination and applying Generally Accepted Accounting Procedures ("GAAP"), all revenues which are generated, directly or indirectly, by the Company from or in connection with the Facilities, including (without limitation): (i) the fair market value of any non-monetary transactions (but not less than the customary prices paid in connection with equivalent or similar transactions between unaffiliated parties); (ii) any revenue generated from the sale, lease, exchange or use of the Facilities; and (iii) any revenue generated through any means which is intended to have the effect of avoiding the payment of compensation that would otherwise be paid to the City for the Franchise granted by this Agreement. If revenues generated from any transaction which is not an arms-length transaction (because the parties are related, or have other contracts or business relationships, or for any other reason that would affect the arms-length nature of the transaction) are less than the revenues which would have been generated if such transaction had been arms-length, then the gross revenues from such transaction shall, for purposes of this Agreement, be deemed to be the revenues which would have been generated had the transaction been arms-length. The foregoing sentence is not intended to provide an exception to the Company obligations set forth in Section 5.1.

1.20 "Guaranteed Trench Fee" means an annual fee equal to (A) Four Dollars (\$4.00) multiplied by (B) the Trench Footage, payable in semi-annual installments, all as further described in Section 10 hereof.

1.21 "Guarantor" means LAI Construction Services, Inc., a Maryland corporation.

1.22 "Laws" means any and all statutes, constitutions, ordinances, resolutions, regulations, judicial decisions, rules, tariffs, administrative orders, certificates, orders, writs, decrees, judgments or other requirements of the City, the State, the Federal Government and any other governmental agency having jurisdiction over the parties to this Agreement, including (without limitation) those of the PSC and the FCC, and all rules, regulations, orders, or other directives of the City, the Department, and the Director issued pursuant to and in accordance with this Agreement or otherwise.

1.23 "Lease" means the lease or other grant of a right to use all or any portion of a Conduit.

1.24 "Linear Trench Foot" means each one-dimensional, one foot length of each surface cut in the Public Right-of-Way under which Facilities have been actually installed pursuant to this Agreement.

1.25 "Operating Year" means, generally, a full calendar year except that: (i) the first Operating year of the initial term of this Agreement shall commence on the Effective Date and end on December 31st next following; and (ii) the final Operating Year of this Agreement shall conclude on the twenty fifth anniversary of the Effective Date and begin on the preceding January 1.

1.26 "Person" means any individual, limited liability company, corporation, unincorporated association, business trust, estate, partnership, trust, nation, political subdivision or agency thereof or any other entity.

1.27 "Public Rights-of-Way" means the surface, the air space above the surface and the area below the surface of the particular public streets, roads, sidewalks, alleys, and the ways, including without limitation, appurtenant public utility and public service easements as the same may now or hereafter exist, that are owned by or are under the jurisdiction and/or control of the City. This term shall not include any property exclusively owned by any Person or agency other than the City, except as provided by applicable law or pursuant to an agreement between the City and any Person permitting the City to authorize third parties to use such property.

1.28 "Royalty Fee" means an amount equal to five percent (5%) multiplied by Gross Revenues with respect to an applicable period.

1.29 “Telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

1.30 “Telecommunications Provider” means any provider of telecommunications services, except that such term does not include aggregators of telecommunications services.

1.31 “Telecommunications Services” means the offering of Telecommunications via Cable for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

1.32 “Tier One City” means New York City, Philadelphia or Boston.

1.33 “Trench Footage” means the total Linear Trench Footage as of the dates on which the semi-annual installment payments of the Fees are due and payable, i.e., June 30 and December 31, of each Operating Year (and the last day of the final Operating Year).

2. Grant of Franchise for Construction of Facilities.

2.1 *Grant.* For the term of this Agreement, the City hereby grants to the Company, in the public interest, authorization to construct, install, maintain, repair, operate and remove Facilities in the Public Rights-of-Way within the Franchise Area subject to the terms of this Agreement, the City’s rules, regulations and control, and all applicable Laws.

2.2 *Limitation on Grant.* This Agreement is intended to convey limited rights and interest only as to those Public Rights-of-Way in which the City has an actual interest. It is not a warranty of title or interest in any right-of-way, it does not provide the Company any interest in any particular location within the Public Right-of-Way, and it does not confer any rights other than as expressly provided in the grant hereof. This Agreement does not deprive the City of any powers, rights, or privileges it now has, or may acquire in the future, to use, perform work on, or regulate the use and control of the Public Rights-of-Way covered by this Agreement, including (without limitation) the right to perform work on its roadways, rights-of-way, or appurtenant drainage facilities, including construction, altering, paving, widening, grading, or excavating thereof.

2.3 *Grant Subject to Laws and Permitting.* The Company shall comply with: (a) all applicable Laws, rules, regulations, orders, writs, decrees and judgments (including, but not limited to, those of the PSC and the FCC and any other federal or state agency or authority of competent jurisdiction) affecting this Agreement, the Franchise, and the Facilities; and (b) all local laws and all rules, regulations, orders, or other directives of the City, the Department, and the Director issued pursuant to and in accordance with this Agreement or otherwise. The Company shall have the sole responsibility for obtaining or causing to be obtained all permits, licenses and other forms of approval or authorization necessary to construct, operate, maintain, upgrade, repair or remove the Facilities, or any part thereof. The Company will, prior to any construction, operation, maintenance, upgrade, repair or removal of the Facilities, secure all necessary permits, licenses and authorizations in connection with the construction, operation, maintenance, upgrade, repair or removal of the Facilities, or any part thereof, and will file all required registrations, applications, reports and other documents with, the entities exercising jurisdiction over the Facilities, except those which cannot be obtained prior to the date hereof, which the Company will promptly seek to obtain. The Company will promptly seek to obtain all leases, easements and equipment rental or other agreements necessary for the maintenance and operation of the Facilities. The Company shall not permit to occur, or shall promptly take corrective action if there shall occur, any event which (a) could result in the revocation or termination of any such license or authorization, (b) could materially and adversely affect any rights of the Company, or (c) permits or, after notice or lapse of time or both, would permit, revocation or termination of any such license or which materially and adversely affects or reasonably can be expected to materially and adversely affect the Facilities or any part thereof.

2.4 Reservation of Rights. The City shall at all times have and retain the power and right to reasonably regulate in the public interest the exercise of the rights granted to the Company herein. Nothing in this Agreement shall abrogate the right of the City to perform any public works or public improvements of any description. Any and all rights expressly granted to the Company under this Agreement shall be subject to the prior and continuing right of the City under applicable Laws to use any and all parts of the Public Rights-of-Way exclusively or concurrently with any other Person, except as otherwise expressly set forth in this Agreement. Any and all rights expressly granted to the Company under this Agreement shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect the Public Rights-of-Way. No right or franchise shall pass by implication pursuant to this Agreement, and nothing in this Agreement shall affect the right of the City to grant to any Person a franchise, minor privilege, consent or right to occupy and use the Public Rights-of-Way, or any part thereof for any purpose, except as otherwise expressly set forth in this Agreement. Nothing in this Agreement shall be deemed to grant, convey, create, or vest in the Company a real property interest in land, including any fee, leasehold interest, or easement. Any work performed pursuant to the rights granted under this Agreement shall be subject to the reasonable prior review and approval of the City.

2.5 No Release. Nothing in this Agreement shall be construed as a waiver or release of the rights of the City in and to the Public Rights-of-Way. In the event that all or part of the Public Rights-of-Way within the Franchise Route is eliminated, discontinued, closed or demapped, all rights and privileges granted pursuant to this Agreement with respect to said Public Rights-of-Way, or any part thereof so eliminated, discontinued, closed or demapped, shall cease upon the effective date of such elimination, discontinuance, closing or demapping. If said elimination, discontinuance, closing or demapping is undertaken for the benefit of any private Person, the City shall make reasonable efforts to condition its consent to said elimination, discontinuance, closing or demapping on the agreement of said private Person to (i) grant the Company the right to continue to occupy and use said Public Rights-of-Way or (ii) reimburse the Company for the reasonable costs of relocating the affected part of the Facilities.

2.6 Certain Actions by the Company Before Execution. Prior to the execution of this Agreement, the Company shall have satisfied certain conditions to the City's execution of this Agreement by delivering to the Department the following: (a) the bond required pursuant to Section 17 hereof; (b) the Security Fund required pursuant to Section 18 hereof; (c) certificates of liability insurance, pursuant to Section 12; (d) an opinion of the Company's and the Guarantor's counsel dated as of the Effective Date, with a copy to the City Solicitor, opining that this Agreement has been duly authorized, executed and delivered by the Company and is a binding obligation of the Company and opining as to such other matters as the City has requested; (e) certified copies of the Company's organizational and governing documents; and (f) a guaranty agreement in the form attached hereto as Exhibit C authorized and executed by the Guarantor

3. Construction of Facilities. The Company will construct, or cause to be constructed, Facilities within the Franchise Area, pursuant to the grant of the Franchise and in accordance with any construction permits issued by the City. Construction or installation of Facilities within the Franchise Area shall proceed in accordance with the plans for design, timing, location and direction as set forth in this Section 3.

3.1 Conduit Backbone Structure. The Company shall construct the Backbone generally along the Franchise Route. Title to the City-Owned Conduits shall be automatically transferred to the City in accordance with Section 7 of this Agreement. The Company may request that the City consent to modification of the Franchise Route, the number of Conduits contained in the Backbone, the size of the Conduits contained in the Backbone, and any other feature or aspect of the Backbone, which consent shall not be unreasonably withheld or delayed by the City. The Franchise Route may be altered or modified by the City in the exercise of its reasonable discretion to meet overriding concerns raised as a result of its obligations of managing the Public Rights-of-Way. In determining the precise routes on which the Company constructs the Facilities, the City and the Company shall make every effort to promote efficiency, lessen the public inconvenience of construction, installation, maintenance, repair, operation, or removal of the Facilities, lessen the impact on the City's repair or upgrade of structures in the Public Rights-of-Way, and promote public safety.

3.2 Construction of the Backbone. The Company agrees to commence installation of the Facilities constituting the Backbone as soon as feasible after the Effective Date and in any event no later than six (6)

months after the approval by the Board of the Interim Right of Way Agreement, subject to the timely issuance of necessary permits and licenses, which will be diligently pursued by the Company. The Company agrees to complete the installation of the Backbone within twenty-four (24) months after the date of commencement of installation of the Facilities, subject to the timely issuance of necessary permits and licenses, which will be diligently pursued by the Company. The Company understands that failure to complete construction within twenty-four (24) months may result in termination of this Agreement. In the case of any Force Majeure Event that may delay construction during such time period, the Company shall use commercially reasonable best efforts to avoid or remove such causes for delay and shall proceed to perform with reasonable dispatch whenever such Force Majeure Events are removed, cease or are avoidable. The City, in its reasonable discretion, may extend the twenty-four (24) month period by the number of days the City finds it was reasonable for the Company to be delayed as a result of a Force Majeure Event, taking into account the Company's obligation under this Section 3.2 to avoid or remove such causes and proceed to perform with reasonable dispatch.

3.3 Additional Conduit. Subject to all applicable terms of this Agreement, including (without limitation) those relating to permitting and notice, the Company shall have the right to construct additional Conduit ("Additional Conduit") in the Franchise Area during the term of this Agreement. Additional Conduit shall consist of no less than four (4) Conduits and no more than fifteen (15) Conduits. If the total number of Conduits in an Additional Conduit duct bank installed pursuant to this Section 3.3 is eight (8) or more, then ownership of two (2) of the Conduits shall be transferred to the City in accordance with Section 7; if the number of Conduits is seven (7) or less, then ownership of one (1) of the Conduits shall be transferred to the City in accordance with Section 7. The Company may request that the City consent to modification in the location of Additional Conduit, the number of Conduits contained in Additional Conduit, the size of the Conduits contained in the Additional Conduit, and any other feature or aspect of the Additional Conduit, which consent shall not be unreasonably withheld or delayed by the City.

3.3.1 Subject to all applicable terms of this Agreement, including (without limitation) those related to permitting and notice, the Company shall have the right to construct Manhole Interconnections in the Franchise Area during the term of this Agreement. For the purposes of this Agreement, "Manhole Interconnections" shall mean Conduit constructed by the Company which connects Facilities to the City's conduit system. Any Manhole Interconnections constructed pursuant to the terms of this Section shall be considered Additional Conduit, except that Manhole Interconnections shall consist of no less than two (2) Conduits and no more than fifteen (15) Conduits. If a Manhole Interconnection is constructed between the Backbone and the City's conduit system, then ownership of three (3) of the Conduits shall be transferred to the City in accordance with Section 7. If a Manhole Interconnection is constructed between Additional Conduit constructed by the Company pursuant to Section 3.3 and the City's conduit system, then: (a) if the total number of Conduits in such a Manhole Interconnection is eight (8) or more, then ownership of two (2) of the Conduits shall be transferred to the City in accordance with Section 7; or (b) if the number of Conduits in such a Manhole Interconnection is seven (7) or less, then ownership of one (1) of the Conduits shall be transferred to the City in accordance with Section 7. The Company may request that the City consent to modification in the location of Manhole Interconnections, the number of Conduits contained in Manhole Interconnections, the size of the Conduits contained in the Manhole Interconnections, and any other feature or aspect of the Manhole Interconnections, which consent shall not be unreasonably withheld or delayed by the City.

3.4 Construction of Additional Conduit. Prior to the installation of any Additional Conduit installed pursuant to Section 3.3, the Company and the City shall agree on a schedule for completion of installation of such Additional Conduit, subject to the timely issuance of necessary permits and licenses, which will be diligently pursued by the Company. The Company understands that failure to complete construction within the time period established by the City and the Company may result in termination of this Agreement. In the case of any event beyond the reasonable control of the Company to prevent or foresee that may delay construction during such time period, the Company shall use commercially reasonable best efforts to avoid or remove such causes for delay and shall proceed to perform with reasonable dispatch whenever such causes are removed, cease or are avoidable. The City, in its reasonable discretion, may extend any such period by the number of days the City finds it was reasonable for the Company to be delayed as a result of such causes, taking into account the Company's obligation under this Section 3.4 to avoid or remove such causes and

proceed to perform with reasonable dispatch. All activities related to Additional Conduit, including (without limitation) installation, construction, repair, operation, removal and ownership, shall be subject to the terms and conditions of this Agreement, including (without limitation) the obligation to pay Fees pursuant to Section 10 hereof.

3.5 *Permits; etc.* The Company shall obtain all construction, building or other permits or approvals (including, without limitation, approval of engineering drawings) necessary before installing, attaching, operating, maintaining, or locating any Facilities pursuant to this Section 3, provided that no fee or charge may be imposed upon the Company for any such permit or authorization, other than the standard fees or charges generally applicable to all Persons for such permits or authorizations, and shall perform all work in accordance with such permits and approvals. Any such standard fee or charge shall not be an offset against the compensation the Company is required to pay to the City pursuant to this Agreement. The Company shall provide copies of any such permits and approvals to the City upon request. The Company shall have the sole responsibility for diligently obtaining, at its own cost and expense, any necessary approvals from Persons to use private property, easements, poles and conduits. The installation, construction, maintenance, repair, operation and removal of the Facilities shall be without cost or expense to the City, and shall be accomplished in such manner as not to endanger persons or property, or unreasonably obstruct access to, travel upon or other use of the specified Public Rights-of-Way. The Company shall, at its own cost and expense, undertake all necessary and appropriate efforts to prevent accidents and injuries at work sites, including (without limitation) the placing and maintenance of proper guards, fences, barriers, security personnel and suitable and sufficient lighting.

3.6 *Cooperation of the City; Expenses.* The City agrees that it shall cooperate with the Company in facilitating the construction of the Facilities by designating an individual or individuals within the Department who shall be the liaison between the City and the Company for the purposes of efficiently and expeditiously processing permit applications made by the Company and inspecting work performed by the Company pursuant to this Agreement. The Company agrees to pay the City on an hourly basis for the amount of time spent by Department personnel in connection with both: (a) liaison and permitting activities; and (b) inspections of Facilities, including Facilities construction and maintenance. In connection with each Department employee whose activities are chargeable pursuant to the foregoing sentence, the City shall calculate an hourly rate based upon such employee's combined salary and benefits. The Company shall pay the foregoing amounts on a monthly basis no later than thirty (30) days after receipt of an invoice from the City.

3.7 *No Interference.* Except as permitted by applicable Laws or this Agreement, the Company in the performance and exercise of its rights and obligations under this Agreement shall not interfere in any manner with the existence and operation of any and all public and private rights of way, sanitary sewers, water mains, storm drains, gas mains, poles, aerial and underground electrical and telephone wires, electroliers, cable television, and other telecommunications, utility, or municipal property, without the express written approval of the owner or owners of the affected property or properties.

3.8 *Notice.* Prior to the commencement of construction of any segment of Conduit and in conjunction with the approval of engineering drawings and the issuance of permits, the Company shall issue, with cooperation of the City and other applicable franchisees, notice to all Persons in the Public Rights of Way. If Level 3 Communications, LLC ("Level 3") has been granted franchise rights within the Franchise Area by the City, Level 3 shall cooperate and participate with the Company, at the sole cost and expense of Level 3, in the construction of such Facilities as may be approved by the City for the sole and exclusive use by Level 3, but in all circumstances only upon such terms and conditions as may be agreed to by the City and the Company such that any cooperation or participation by Level 3 shall not impair, hinder, or impede any rights granted to the Company under this Agreement. Under no circumstances shall this provision be deemed as providing Level 3 any rights or interest in any Facilities constructed by the Company pursuant to the terms of this Agreement.

3.9 MBE and WBE Utilization.

3.9.1 In connection with the construction of Facilities, the Company covenants and agrees to comply with the City's policy regarding participation by minority business enterprises ("MBEs") and women's business enterprises ("WBEs"). The Company covenants and agrees to use all reasonable, good faith efforts to meet a goal for participation of minority and women's business enterprises that equals or exceeds 25% for MBEs and 5% for WBEs. The percentage goals shall apply to the total amount of the project.

3.9.2 Prior to the commencement of construction, or any phase or portion of construction, the Company shall submit to the City written documentation, including executed contracts, service agreements, or utilization commitment forms which shall identify the particular minority and women's business enterprises (i) contracting directly with the Company, or (ii) subcontracting with prime contractors who have contracted directly with the Company. The executed contracts, service agreements, or utilization commitment forms submitted to the City shall specify the dollar value of the participation, the type of work to be performed, and such other information as may be reasonably required by the City.

3.9.3 In the event that after use of reasonable, good faith efforts to meet the goals of 25% for MBE participation and 5% for WBE participation, the Company is able to demonstrate to the satisfaction of the City that sufficient qualified and willing MBE's and WBE's are unavailable in the market area of the project, then the Company may request a waiver or reduction of the MBE or WBE goals.

3.9.4 The City's Minority and Women's Business Opportunity Office ("MWBOO") or its successor is designated to administer the provisions of this section on behalf of the City. Company shall comply with the rules and regulations of the MWBOO or its successor in meeting the requirements of this section.

4. Maintenance and Repair of Facilities. Following completion of construction or installation of Facilities within a Public Right-of-Way, the Company shall maintain and repair, or cause to be maintained and repaired, the Facilities in good working order. All such maintenance and repair shall be performed at no cost or expense to the City and in accord with such construction and other standards as the City may from time-to-time apply generally to all users of the Public Rights-of-Way, and shall be accomplished in such manner as not to endanger persons or property, or unreasonably obstruct access to, travel upon or other use of the Public Rights-of-Way. Notwithstanding the foregoing and except as otherwise set forth in this Agreement, if any Facility or any improvement located within a Facility is damaged or destroyed by the gross negligence or willful misconduct of the City (or its agents, servants, licensees or invitees), then the City shall be liable to recompense the Company for the direct costs incurred by the Company to repair the Facility as a result of such damage. Nothing in this Section 4 shall be interpreted to make the City responsible for any other damage that may result, including, but not limited to, special, incidental, or indirect damages or for any economic consequential damages (including lost profits or savings), and third-party claims against the Company for damages.

5. Use of Facilities.

5.1 *Use of Facilities by Third Parties.* Recognizing that the purpose of this Agreement is to encourage the lease of space in the Conduits by third parties, subject to the provisions of this Agreement and during the term of this Agreement, the Company shall have the obligation to lease the Facilities on a nondiscriminatory basis to third parties who are not Affiliated Persons and to levy any and all fees, rents, charges, and any or all other monetary exactions with respect to the use thereof upon nondiscriminatory, competitively neutral and commercially reasonable terms and conditions. Nothing in this Section 5.1 shall be interpreted to prohibit the Company from taking into account differences in requests from potential lessees (e.g., differences in number of Conduits leased or feet of Conduit leased) or differences in the characteristics of lessees (e.g., differences in creditworthiness) in establishing terms and conditions, provided that similarly situated lessees are treated on a nondiscriminatory, competitively neutral basis. Lease terms and conditions may include the right of third parties to install, repair and maintain any fiber or other equipment installed within a Conduit, provided that nothing in this Agreement shall be interpreted to prohibit the Company and a

third party from agreeing to permit the Company to install, repair and maintain such fiber. The Company shall be responsible and liable for any and all activities of third parties in connection with such third parties' access to the Facilities, as if such activities had been undertaken directly by the Company. For purposes of this Section 5, the determination of "commercially reasonable" shall include, but shall not be limited to, a review of the rates, terms and conditions that are competitive with the rates, terms and conditions offered by other commercial lessors (not including the City) of similar conduit in the City or in other Tier One Cities, as well as other relevant factors. Except to the extent permitted by Section 5.7, the Company shall not Lease Facilities to Affiliated Persons without the prior consent of the City. The Company shall not lease all or substantially all of the Facilities or Conduit capacity to any one Person.

5.2 Third Party Right of Action. The City and the Company agree that any Persons who seek access to the Facilities in accordance with the terms set forth in Section 5.1 and who would be injured by a breach of the Company's failure to give such nondiscriminatory, competitively neutral and commercially reasonable access under the terms and conditions required by Section 5.1 are intended beneficiaries of the provisions of Section 5.1 of this Agreement between the City and the Company and accordingly may seek to enforce the provisions of Section 5.1 against the Company, and are entitled to exercise any right or remedy available to it at law or in equity against the Company. Nothing in this Agreement shall impose any obligation on the City to enforce this Section 5.1 on behalf of such Persons. In the event any such Person attempts to enforce Section 5.1, such Person shall provide notice to the City Solicitor at least ten (10) days prior to commencing such an enforcement action, and the City shall promptly provide a copy of such notice to the Company. Nothing in this Section 5.2 shall be interpreted to grant any such Person any right to enforce any provisions of this Agreement against the City, nor shall be interpreted to permit shorter notice to the City before commencing an action than is required under applicable law.

5.3 No Third Party Authorization. Notwithstanding Sections 5.1 and 5.2 and any other provisions in this Agreement, a Person seeking to lease or use the Facilities must first obtain a permit from the Department prior to such use, except that, if such a Person is a Cable Service provider or open video system provider, or otherwise desires to use the Facilities for non-Telecommunications Services that otherwise require a franchise, then such Person shall first obtain a franchise from the City. The Company has not prepaid any franchise, permit, or Public Rights-of-Way fees that the City may require of a Cable Service provider or an open video system provider, and such providers shall be subject to any such fees, restrictions and other limitations that the City may lawfully impose. The City may require customary permit fees in connection with the issuance of the permit described in this Section 5.3.

5.4 Conduit Lease Terms and Conditions. Leases shall include provisions that (a) automatically transfer the rights of the Company under a Lease to the City upon termination of this Agreement; (b) make the Company solely responsible for any claims against, or liabilities of, the Company that arise from any activities, actions or inactions by the Company prior to the date of termination of this Agreement, or for any claims or liabilities arising from any activities related to the construction, installation, maintenance, removal, or operation of the Facilities after the date of termination, if the Company's construction, installation, maintenance or operation of the Facilities prior to termination gave rise to such claims or liabilities; (c) limit the term of a Lease to a period not exceeding twenty-five years.

5.5 List of Lessees. Within ten (10) days of entering into a Lease with any Person for use of the Facilities, the Company shall notify the City in writing of the identity of any such Person and provide a copy of the lease with such Person. During each year of the term of this Agreement, the Company shall provide on the anniversary date of the Effective Date a complete written list of all Persons leasing or using the Facilities.

5.6 No Authorization To Provide Cable or Telecommunications Services by the Company. This Agreement does not authorize the Company to provide Telecommunications Services or Cable Services by means of the Facilities or otherwise to, from, across or within the City. The Company shall not provide Telecommunications Services or Cable Services to, from, across or within the City by means of the Facilities or otherwise without first obtaining any franchise or other authorization that may be required by the City.

5.7 Exception. Notwithstanding the foregoing Section 5.6, nothing herein shall prohibit an officer, director or stockholder of the Company who is not an Affiliated Person from having an ownership interest in a

Telecommunications Provider that does not provide Cable Service or open video system service, and such Telecommunications Provider shall be authorized to lease Conduit capacity in accordance with Sections 5.1, 5.2, 5.3 and 5.4 of this Agreement.

6. *Removal; Relocation and Restoration of Facilities.*

6.1 *City Authority to Move Facilities.* The City may, at any time, in case of fire, disaster or other emergency, as determined by the City in its reasonable discretion, cut or move any Facilities in the Public Rights-of-Way, in which event the City shall not be liable therefor to the Company. The City shall notify the Company in writing prior to, if practicable, but in any event as soon as possible and in no case later than the next business day following any action taken under this Section 6.1.

6.2 *Request By the City.* Upon reasonable request by the City made during the term of this Agreement, the Company shall protect, alter, remove or relocate the Facilities it installs under this Agreement at no cost to the City. Said protection, alteration, removal or relocation shall be completed within sixty (60) days following receipt by the Company of a request from the City for protection, alteration, relocation or removal or such shorter period as may be reasonably directed by the City, provided that if the City has failed to issue a permit within such sixty (60) day or shorter period in response to a complete and proper application filed by the Company for any permit necessary for such protection, alteration, removal or relocation, the time period for completion of the requested action shall be extended for a reasonable time period after issuance of the permit. If the Company fails to protect, alter, remove or relocate any of the Facilities within such period required by the City, the City may cause the same to be done, in which case the City shall not be liable to the Company and the Company shall fully reimburse the City for the cost of such removal and/or relocation.

6.3 *Request By Third Parties.* Upon a bona fide request invoking a material public interest by any other Person made during the term of this Agreement, the Company may be required by the City to protect, alter, remove or relocate the Facilities it installs under this Agreement.

6.4 *Cost of Removal or Relocation.* It is the intention of the parties that the Person requesting removal or relocation pursuant to Section 6.3 shall be liable to the Company for any costs or expenses incurred by the Company to remove or relocate the Facilities, including any costs or expenses incurred pursuant to Section 6.5, if any, directly resulting from such Person's request, which amounts shall be prepaid prior to the commencement of any removal or relocation by the Company.

6.5 *Restoration/Repairing.* The Company shall be responsible for the restoration, repaving, reclamation and repair of all portions of the Public Rights-of-Way which shall be disturbed in connection with any work involved in the construction, installation, operation, maintenance, and repair of the Facilities, to good condition. The Company shall be responsible for the restoration, reclamation, repaving and repair of all excavations made by the Company for a period of at least two (2) years after said restoration, reclamation, repaving and repair is completed. In the event the City determines as part of its obligations to manage the Public Rights-of-Way, during the two (2) year period referred to in the preceding sentence, that additional work is necessary with respect to any restoration, reclamation, repaving or repair by the Company, the City shall notify the Company in writing of such additional work. Notwithstanding the foregoing, in the event that the need for any restoration, reclamation, repaving or repair of any excavation is related to the Company's gross negligence or willful misconduct, the above-referenced two (2) year period shall commence when the City first learns of such gross negligence or willful misconduct. In the event the Company is unwilling or unable to undertake completion of this additional work within any time period the City may reasonably require, the City may undertake such additional work and the total cost thereof shall be paid by the Company, as directed by the City. Notwithstanding the foregoing, the Company shall have no responsibility for any such restoration or repair if, after the Company shall have repaired, repaved or restored the Public Rights-of-Way, the City, for purposes unrelated to completing, improving or repairing any restoration, repaving or repaving by the Company, or any other Person shall perform any construction in the same portion of the Public Rights-of-Way which damages the Public Rights-of-Way.

7. Title to Facilities.

7.1 Company Title to Facilities. Except as provided in this Section, during the term of this Agreement, the Company shall have and retain title to all Facilities which it constructs or installs within the Public Rights-of-Way, subject to the requirement that the Company transfer title to the City-Owned Conduits to the City as provided in Sections 3 and 7.2 hereof.

7.2 Title to City-Owned Conduits. Title in any City-Owned Conduits shall automatically vest in the City upon their completion, at no cost to the City. City-Owned Conduits shall be for use by the City at the sole and absolute discretion of the City. Such Conduits shall be located at the top of any duct bank, unless otherwise agreed to by the Department and the Company, installed pursuant to this Agreement. Nothing in this Agreement shall prohibit the City from leasing capacity in the City-Owned Conduits to any Person for any purpose.

7.2.1 Upon reasonable notice by the City to the Company, the Company shall provide the City or its agents access to the City-Owned Conduits present in any Facilities.

7.3 Transfer of Title upon Termination. Upon expiration or termination of this Agreement, title to all Facilities shall automatically vest in the City and the Company shall promptly execute all documentation necessary to deed or otherwise to transfer to the City, free of any and all liabilities and except to the extent that the City has requested the same to have been removed in accordance with the terms of this Agreement, the title to all Facilities and all components thereof necessary to operate and maintain the Facilities pursuant to the terms and conditions of this Agreement, as well as all contracts, leases (including, but not limited to, leases for Conduit capacity), licenses, permits, rights-of-way, and any other rights, contracts or understandings necessary to maintain the Facilities and the lease of the Facilities. The City shall acquire such Facilities, leases for Conduit, title and rights at no cost, and the City may lease, sell, operate, or otherwise dispose of all or any part of the Facilities in any manner. In the event of any transfer to the City pursuant to this Section 7.3, the Company shall promptly supply the City with all necessary records to reflect the City's ownership of the Facilities and to operate and maintain the Facilities, including, without limitation, all plant and equipment layout documents.

7.4 Post-Transfer of Title. Upon transfer of title to any Facilities as provided in this Section, the Company shall promptly: (a) execute all documentation necessary to evidence that the title to the Facilities and all components thereof have automatically vested in the City, free of any and all liabilities and other encumbrances; and (b) supply the City with all records necessary to reflect the City's ownership of the Facilities and to operate, maintain and repair the Facilities, including (without limitation), all plant and equipment layout documents, engineering plans, blueprints, specifications, drawings, and other documentation, as well as all contracts, licenses, permits, rights-of-way, and any other rights, contracts or understandings necessary to maintain the Facilities. The City shall acquire such Facilities, title and rights at no cost and without restriction.

7.4 Continued Obligations. Upon expiration or termination of this Agreement, for a period of up to six months, the Company shall cooperate with the City in maintaining continuous and uninterrupted maintenance and operation of the Facilities, and the City may direct the Company to operate the Facilities on behalf of the City pursuant to the provisions of this Agreement and upon such additional terms and conditions as agreed to by the City and Company and which are equitable to the City and the Company, provided that the City requested the Company in writing to operate the Facilities. The Company shall be entitled to equitable compensation for such operation of the Facilities.

8. Term. The initial term of this Agreement shall commence on the Effective Date and shall end on the twenty-fifth anniversary of the Effective Date, unless it is earlier terminated in accordance with the provisions herein. The termination of this Agreement and the Franchise granted hereunder shall not, for any reason, operate as a waiver or release of any obligation of the Company for any liability pursuant to this Agreement which arose or arises out of any act or failure to act required hereunder prior to the termination. Nothing herein shall be deemed to prohibit the Company from seeking renewal of this Agreement on terms mutually

acceptable to the Company and the City in accordance with Article VIII of the Baltimore City Charter, provided, however, that nothing herein shall be deemed to provide the Company with a preference over any other Person with respect to the Franchise following termination of this Agreement.

9. Scope of Agreement.

9.1 *City's Reserved Rights Not Impaired.* Any and all rights expressly granted to the Company under this Agreement shall be subject to the prior and continuing right of the City under applicable Laws to use any and all parts of the Public Rights-of-Way exclusively or concurrently with any other Person and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect the Public Rights-of-Way. Nothing in this Agreement shall affect the right of the City to grant to any Person a franchise, minor privilege, consent or right to occupy and use the Public Rights-of-Way, or any part thereof for any purpose. Nothing in this Agreement shall be deemed to grant, convey, create, or vest in the Company a real property interest in land, including any fee, leasehold interest, or easement. Any work performed pursuant to the rights granted under this Agreement shall be subject to the reasonable prior review and approval of the City.

9.2 *Compliance with Laws.* The Company shall comply with all applicable Laws in the exercise and performance of its rights and obligations under this Agreement.

10. Fees. In order to compensate the City for the Company's entry upon and deployment within the Public Rights-of-Way, the Company shall pay the City all Fees in connection with the Company's performance under this Agreement, including, but not limited to, those set forth below:

10.1 *Annually Recurring Fees.* For each Operating Year during the term of this Agreement, but payable on a semi-annual basis as set forth in Section 10.2 below, the Company shall pay the City (A) the Guaranteed Trench Fee and (B) the Royalty Fee.

10.2 *Payment of Annually Recurring Fees.* The Fees due to the City pursuant to this Section shall be paid in two installments due and payable on August 31 and March 31 of each Operating Year. The Guaranteed Trench Fee shall be based upon the Trench Footage of Facilities in the Public Rights-of-Way as of the immediately preceding June 30 and December 31, respectively. The Royalty Fee shall be based upon Gross Revenues for the immediately preceding January-June 30 and July-December 31 periods, respectively. The Guaranteed Trench Fee for the final Operating Year shall be based upon the Trench Footage of Facilities in the Public Rights-of-Way as of the last day of such final Operating Year, and shall be due and payable on a pro rata basis no later than ninety (90) days after the last day of such final Operating Year. The Royalty Fee for the final Operating Year shall be based upon Gross Revenues for the period between the immediately preceding January and the last day of such final Operating Year, and shall be due and payable no later than ninety (90) days after the last day of such final Operating Year. Each such payment shall be accompanied by a statement, executed by an authorized officer of the Company, stating the Trench Footage of Facilities in the Public Rights-of-Way and Gross Revenues as of the applicable measurement date or period described in the preceding sentence. Such statement shall be in a format, and contain such detailed information, as the City may reasonably request.

10.3 *Adjustments to Fees.* If the Company or the City discovers any error in the amount of compensation due pursuant to this Section, the City shall be paid within thirty (30) days of discovery of the error or determination of the correct amount. Any overpayment to the City through error or otherwise shall be refunded or offset against the next payment due, if there is any such payment due. Acceptance by the City of any payment due under this Section shall not be deemed to be a waiver by the City of any breach of this Agreement occurring prior thereto, nor shall the acceptance by the City of any such payment preclude the City from later establishing that a larger amount was actually due or from collecting any balance due to the City.

10.4 *City Right of Inspection.* In order for the City to verify the Fees due hereunder, the City shall have the right to conduct a reasonable review of the Company's records relating to Gross Revenues and the

total Linear Trench Footage of Facilities with respect to any given Operating Year. The City shall exercise its right upon not less than fifteen (15) days' prior written notice, given at any time within three (3) years following the City's receipt of any statement described in Section 10.2 hereof. Any such review shall be conducted by the City or by an independent certified public accountant of the City's choosing. Any such review shall be conducted at the Company's Baltimore office or at such other location as the City may reasonably designate. The Company will provide the City with reasonable accommodation for the review and reasonable use of available office equipment. The City shall deliver to the Company a copy of the results of any such review and, to the extent permitted by applicable law, will maintain in strict confidence any and all information obtained in connection with the review and will not disclose the fact of the review or any results of it to any person or entity (except with respect to that information the disclosure of which would permit the City to avail itself of a safe harbor under the Telecommunications Act). The Company shall pay the City the cost of any audit, including the cost of any attorneys and consultants, if the City determines that the amount the Company underpaid the City is five percent (5%) or more of the amount actually paid by the Company. Complete and accurate documents shall be retained by the Company for five (5) years following termination of this Agreement.

10.5 Other Payments. The Company has, on or before the effective date of the Interim Right of Way Agreement, paid the City's invoice for the costs incurred by the City for the services of third parties (including, without limitation, attorneys and other consultants) in connection with the negotiation and execution of the Interim Right of Way Agreement, and, within ten (10) days after receipt of an itemized invoice for any remaining services rendered in connection with the Interim Right of Way Agreement, the Company paid to the City Law Department, or at the direction of the City Law Department or the Director of Finance, to a third party all remaining reasonable costs and expenses incurred by the City in connection with the negotiation and execution of the Interim Right of Way Agreement. Thereafter, the Company shall pay the costs incurred by the City for the services of third parties for services rendered in connection with the award of the Franchise and negotiation of this Agreement within ten (10) days after receipt of an itemized invoice. The Company expressly agrees that the payments referred to in this Section 10.5 are in addition to and not in lieu of, and shall not be offset against, the compensation and Fees to be paid to the City by the Company pursuant to Section 10.1 hereof.

10.6 Future Costs. The Company shall pay to the City or to third parties, at the direction of the City Law Department, an amount equal to the reasonable costs and expenses which the City incurs for the services of third parties (including but not limited to attorneys and other consultants) in connection with any renewal or the Company-initiated renegotiation, transfer, amendment or other modification of this Agreement or the Franchise. The Company expressly agrees that the payments made pursuant to this Section 10.6 are in addition to and not in lieu of, and shall not be offset against, the compensation to be paid to the City by the Company pursuant to Section 10.1 hereof.

10.7 No Credits or Deductions. The Company expressly acknowledges and agrees that: (i) the compensation and other payments to be made pursuant to this Section 10 shall not be deemed to be in the nature of a tax, and shall be in addition to any and all taxes or other fees or charges which the Company or any Affiliated Person shall be required to pay to the City or to any state or federal agency or authority, all of which shall be separate and distinct obligations of the Company; and (ii) the Company shall not, and shall not cooperate with, encourage or otherwise support any attempt by an Affiliated Person to make any claim for any deduction or other credit of all or any part of the amount of the compensation, Fees or other payments to be made or services to be provided pursuant to this Agreement from or against any City or other governmental taxes of general applicability or other fees or charges which the Company or any Affiliated Person is required to pay to the City or other governmental agency; (iii) the Company shall not, and shall not cooperate with, encourage or otherwise support any attempt by an Affiliated Person to apply or seek to apply all or any part of the amount of the compensation, Fees or other payments to be made or services to be provided pursuant to this Agreement as a deduction or other credit from or against any City or other governmental taxes of general applicability (other than income taxes) or other fees or charges, each of which shall be deemed to be separate and distinct obligations of the Company and the Affiliated Persons; and (iv) the Company shall not, and shall not cooperate with, encourage or otherwise support any attempt by an Affiliated Person to apply or seek to apply all or any part of the amount of any City or other governmental taxes or other fees or charges of general

applicability as a deduction or other credit from or against any of the compensation, Fees or other payments to be made or services to be provided pursuant to this Agreement, each of which shall be deemed to be separate and distinct obligations of the Company and the Affiliated Persons. In any situation where the Company believes the effect of this Section 10.7 is unlawful, in a manner inconsistent with the intent of this Section 10.7, an Affiliated Person of the Company, the Company may petition the City for relief.

10.8 *Interest on Late Payments.* In the event that any payment required by this Agreement is not actually received by the City on or before the applicable date fixed in this Agreement, interest thereon shall accrue from such date until received at a rate equal to the rate of interest then in effect charged by the City for late payments of real estate taxes.

10.9 *Security Interest.* The Company hereby grants to the City a security interest in any and all Gross Revenues for the purpose of securing its rights to Fees hereunder. Such security interest shall be primary to any and all other interests, pledges, leases, subleases, mortgages and other like instruments in the Gross Revenues, except that any security interest in Gross Revenues granted by the Company to its senior secured lender as permitted by Section 16.2 hereof shall be senior to the security interest granted herein to the City if required by such senior secured lender. The Company agrees to execute the financing statement attached hereto as Exhibit E D. To further assure the City's rights under this Section 10.9, the Company agrees within ten (10) business days of demand by the City to do any act or execute any additional documents as may be reasonably required by the City to confirm the rights or benefits conferred on the City by this Section 10.9 (including, without limitation, continuation statements). The City agrees within ten (10) business days of demand by the Company to do any act or execute any additional documents as may be reasonably required by the Company to confirm the priority of the rights or benefits conferred of any security interest in receivables granted by the Company to its senior secured lender.

11. Liability and Indemnity.

11.1 *Company.* The Company shall be liable for, and the Company and the Guarantor shall indemnify, defend and hold the City, its officers, agents, servants, employees, attorneys, consultants and independent contractors (the "Indemnitees") harmless from, any and all liabilities, suits, judgments, obligations, fines, damages, penalties, claims, costs, charges and expenses (including, without limitation, reasonable attorneys' fees and disbursements), that may be imposed upon or incurred by or asserted against any of the Indemnitees by a party other than the City arising out of the installation, operation, maintenance, upgrade, repair or removal of the Facilities by the Company or any of its contractors or agents; provided, however, that the foregoing liability and indemnity obligation of the Company pursuant to this Section 11.1 shall not apply to the extent of any willful misconduct or gross negligence of the City, its officers, employees, servants, agents, attorneys, consultants or independent contractors.

11.2 *No Liability for Public Work, etc.* The Company shall provide the City with any and all tools and information necessary to enable the City to access the Facilities, including (without limitation) manhole keys. None of the City, its officers, agents, servants, employees, attorneys, consultants or independent contractors shall have any liability to the Company for any damage as a result of or in connection with the protection, breaking through, movement, removal, alteration, or relocation of any part of the Facilities by or on behalf of the Company or the City in connection with any emergency, public work, public improvement, alteration of any municipal structure, any change in the grade or line of any Public Rights-of-Way, or the elimination, discontinuation, closing or demapping of any Public Rights-of-Way. When reasonably possible, the Company shall be consulted prior to any such activity and shall be given the opportunity to perform such work itself. All costs to repair or replace the Facilities, or parts thereof, damaged or removed as a result of such activity, shall be borne by the Company; provided, however, that the foregoing obligations of the Company pursuant to this Section 11.2 shall not apply to any willful misconduct or gross negligence of the City, its officers, employees, servants, agents, attorneys, consultants or independent contractors.

11.3 *No Liability for Damages.* None of the City, its officers, agents, servants, employees, attorneys, consultants and independent contractors shall have any liability to the Company for any special, incidental, consequential, punitive, or other damages as a result of the proper and lawful exercise of any right of the City

pursuant to this Agreement or applicable Law, including, without limitation, the rights of the City to terminate, amend, or otherwise modify all or any part of this Agreement or the Franchise granted herein; provided, however, that the foregoing limitation on liability pursuant to this Section 11.3 shall not apply to any willful misconduct of the City, its officers, employees, servants, agents or independent contractors.

11.4 *Defense of Claim, etc.* If any claim, action or proceeding is made or brought against any of the Indemnitees by reason of any event to which reference is made in Section 11.1 hereof, then upon demand by the City, the Company shall either resist, defend or satisfy such claim, action or proceeding in such Indemnitee's name, by the attorneys for, or approved by, the Company's insurance carrier (if such claim, action or proceeding is covered by insurance) or by the Company's attorneys. The foregoing notwithstanding, upon a showing that the Indemnitee reasonably requires additional representation, such Indemnitee, at its own cost, may engage its own attorneys to defend such Indemnitee, or to assist such Indemnitee in such Indemnitee's defense of such claim, action or proceeding, as the case may be.

12. Insurance. The Company shall obtain and maintain at all times during the term of this Agreement the following coverage:

12.1 *Commercial Liability Insurance.*

12.1.1 Commercial General Liability insurance protecting the Company in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence/aggregate (combined single limit). The policy shall include coverage for bodily injury, property damage, personal injury and products-completed operations.

12.1.2 Commercial Automobile Liability insurance in an amount of not less than One Million Dollars (\$1,000,000) combined single limit each accident.

12.1.3 Umbrella or Excess Liability insurance applying excess of Commercial General Liability and Commercial Automobile Liability in an amount not less than Ten Million Dollars (\$10,000,000) each occurrence/aggregate

12.2 *Additional Insureds; etc.* The insurance provided pursuant to this Section shall name the City, its council members, officers, agents and employees as additional insureds as respects any covered liability arising out of the Company's obligations under this Agreement. Coverage shall be in an occurrence form and in accordance with the limits and provisions specified herein. Claims-made policies are not acceptable. Such insurance shall not be canceled, nor shall the occurrence or aggregate limits set forth above be reduced, until the City has received at least thirty (30) days' advance written notice of such cancellation or change. The Company shall be responsible for notifying the City of such change or cancellation. Cancellation shall be considered a material default if the Company fails to obtain alternative insurance pursuant to this Section.

12.3 *Filing of Certificates and Endorsements.* Prior to the commencement of any work pursuant to this Agreement, the Company shall file with the City the required original certificate(s) of insurance, which shall state the following:

(a) the policy number; name of insurance company; name and address of the agent or authorized representative; name and address of insured and all additional insureds; project name; policy expiration date; and specific coverage amounts;

(b) that the City shall receive thirty (30) days' prior notice of cancellation;

(c) that the Company's Commercial General Liability insurance policy is primary with respect to any other valid or collectible insurance that the City may possess, including any self-insured retentions the City may have; and any other insurance the City does possess shall be considered excess insurance only and shall not be required to contribute with this insurance; and

(d) that the Company's Commercial General Liability insurance policy waives any right of recovery the insurance company may have against the City.

The certificate(s) of insurance with endorsements and notice shall be mailed to the City at the address specified in Section 13 below.

12.4 Workers' Compensation Insurance. The Company shall obtain and maintain at all times during the term of this Agreement statutory workers' compensation and employer's liability insurance in an amount not less than the amount required by Maryland law and shall furnish the City with a certificate showing proof of such coverage.

12.5 Insurer Criteria. Any insurance provider of the Company shall be admitted and authorized to do business in the State of Maryland and shall carry a minimum rating assigned by *A.M. Best & Company's Key Rating Guide* of "A" Overall and a Financial Size Category of "X" (i.e., a size of \$500,000,000.00 to \$750,000,000.00 based on capital, surplus, and conditional reserves). Insurance policies and certificates issued by non-admitted insurance companies are not acceptable, except that the Injured Workers Insurance Fund shall be deemed an admitted and authorized carrier and is acceptable to the City for the purposes of this Agreement

12.6 Severability of Interest. Any deductibles or self-insured retentions must be stated on the certificate(s) of insurance, which shall be sent to and subject to the approval by the City. "Severability of interest" or "separation of insureds" clauses shall be made a part of the Commercial General Liability and Commercial Automobile Liability policies.

12.7 Liability Not Limited. The liability of the Company and the Guarantor to the City or any Person for any of the matters which are the subject of the liability insurance policy or policies required by this Section 12 shall not be limited by said insurance policy or policies nor by the recovery of any amounts thereunder; provided, however, that the City shall in no case be entitled to duplicative recoveries from different sources.

13. Notices. All notices which shall be or may be given pursuant to this Agreement shall be in writing and delivered personally or transmitted (a) through the United States mail, by registered or certified mail, postage prepaid; (b) by means of prepaid overnight delivery service; or (c) by facsimile or email transmission, if a hard copy of the same is followed by delivery through the U.S. mail or by overnight delivery service as just described, addressed as follows:

if to the City, then to it at:

Mayor and City Council of Baltimore
c/o City Solicitors Office
100 N. Holliday Street
Baltimore, Maryland 21202

with a copy to:

Director
Department of Public Works
200 N. Holliday Street
Baltimore, Maryland 21202

if to the Company, then to it at:

Harbor Link, Inc.
10540 York Road
Suite L
Cockeysville, Maryland 21030
Attn: John L. Grundey, President

with a copy to:

Jeffrey P. Reilly, Esquire
Miles & Stockbridge, P.C.
600 Washington Avenue, Suite 300
Towson, Maryland 21204
410-823-8123 (telecopier)
jreilly@milesstockbridge.com (e-mail)

13.1 *Date of Notices, Changing Notice Address.* Notices shall be deemed given upon receipt in the case of personal delivery, three (3) days after deposit in the mail, or the next business day in the case of facsimile, email, or overnight delivery. Either party may from time to time designate any other address for this purpose by written notice to the other party delivered in the manner set forth above.

14. Termination.

14.1 *Termination Upon Default.* This Agreement may be terminated by either party upon an "Event of Default" which shall mean a default of any material covenant or term hereof by the other party, which default is not cured within thirty (30) days of receipt of written notice of default (or, if such default is, by its nature, not curable within thirty (30) days and the defaulting party has provided written notice of such non-curable nature, if the defaulting party fails to commence such cure within thirty (30) days or fails thereafter diligently to prosecute such cure to completion).

14.2 *Validity of Agreements.* Upon termination of this Agreement and subject to the limitations in Section 5.4 and payment of all amounts due and payable to the City pursuant to Section 10, the Company shall be entitled to all amounts due and payable for any Lease for the period prior to termination of this Agreement. Thereafter, unless otherwise agreed in writing by the parties, the City shall be entitled to any Lease payments pursuant to any such Leases.

15. Remedies

15.1 *Remedies of City.* Upon an Event of Default by the Company, the City shall have as its remedies the right to: (i) terminate this Agreement and retain the full amount of any fees in accordance with provisions of Section 10 hereof; or (ii) in the case of an Event of Default by the Company consisting of the Company's unexcused failure or refusal to perform its obligations hereunder, to seek specific performance of this Agreement; or (iii) cause a claim to be made against the Bond; or (iv) cause a withdrawal from the Security Fund for any specified amount due the City under this Agreement; or (v) exercise any other right or remedy available to it at law or in equity. The exercise of any one of the foregoing remedies shall not be deemed to preclude the exercise of any other remedy.

15.2. *Remedies of Company.* Upon an Event of Default by the City, the Company shall have as its remedies hereunder the right to: (i) terminate this Agreement; or (ii) in the case of an Event of Default by the City consisting of the City's unexcused failure or refusal to perform its obligations hereunder, to seek specific performance of this Agreement; or (iii) exercise any other right or remedy available to it at law or in equity. The exercise of any one of the foregoing remedies shall not be deemed to preclude the exercise of any other remedy.

16. Transfer or Assignment. Neither the Franchise granted herein nor any rights or obligations of the Company in the Facilities or pursuant to this Agreement shall be encumbered, assigned, sold, transferred, pledged, leased, sublet, or mortgaged in any manner, in whole or in part, to any Person, nor shall title therein, either legal or equitable, or any right or interest therein, pass to or vest in any Person, either by act of the Company, by act of any Person holding Control of or any interest in the Company or the Franchise granted herein, by operation of law, or otherwise, without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed. Notwithstanding the foregoing, nothing in this Section 16 shall prohibit,

or require the City's consent for, the creation by the Company of any encumbrance or security interest in, or collateral assignment of, the rights of the Company to receive Gross Revenues as collateral for the indebtedness of the Company to its senior secured lender, and no such encumbrances, security interest or collateral assignment granted to such senior secured lender shall be deemed to constitute Control of the Company. No change in Control of the Company, the Facilities or the Franchise granted herein shall occur, by act of the Company, by act of any Person holding Control of the Company, the Facilities or the Franchise granted herein, by operation of law, or otherwise, without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed. Nothing in this Section 16 shall be deemed to prohibit, or require the consent of the City for, any assignment, pledge, lease, sublease, mortgage, or other transfer of all or any part of the Franchise or Facilities, or any right or interest therein, by the Company to its senior secured lender, provided that such assignment, pledge, lease, sublease, mortgage, or other transfer shall be subject to and subordinate to the rights of the City pursuant to this Agreement and applicable law and no change of Control of the Company has occurred in connection with such assignment, pledge, lease, sublease, mortgage, or other transfer. Any purchaser, assignee or other transferee (other than the senior secured lender or any affiliate thereof) pursuant to the foreclosure or other enforcement of the senior secured lender's rights under such assignment, pledge, lease, sublease, mortgage or other transfer, shall be subject to the prior written consent of the City, which consent shall not be unreasonably withheld or delayed. If the senior secured lender or its affiliate is such purchaser, assignee or other transferee, the senior secured lender or its affiliate shall not further assign or otherwise transfer an or all of its rights to any other Person without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed.

17. Restoration Bond.

17.1 *General Requirement.* Prior to the execution of this Agreement, the Company shall have filed with the City a surety bond in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) which constitutes the Company's Restoration Bond. The Restoration Bond required by this Section 17.1 shall be in a form which is approved by the City Law Department.

17.2 *Scope of Bond.* The Restoration Bond shall indemnify the City, the Mayor and the City Council up to the penalty amount of the Restoration Bond, for the cost to restore, repave, reclaim and repair any portion of the Facilities or the Public Rights-of-Way as provided in Section 6.5 hereof.

17.3 *Not a Limit on Liability.* The obligation to perform and the liability of the Company pursuant to this Agreement shall not be limited by the acceptance of the bond required by this Section 17.

17.4 *Term.* The Company shall obtain and maintain the Restoration Bond as provided in this Section 17 for such time as the Company shall have any obligation to perform restoration of any portion of the Facilities or the Public Rights-of-Way. Notwithstanding the foregoing, the Company may not cancel, fail to renew, or reduce the amount of the Restoration Bond required by this Section 17 without the consent of the City, which consent shall not be unreasonably withheld or delayed.

17.5 *Form.* The Restoration Bond shall, and any replacement bond shall, contain the following endorsement: "It is hereby understood and agreed that this bond may not be cancelled or not renewed by the surety nor the intention to cancel or not to renew be stated by the surety until at least sixty (60) days' written notice is given to the City of surety's intention to cancel or not renew this bond."

18. Security Fund

18.1 *General Requirement.* Prior to the execution of this Agreement, the Company shall have deposited with the City an irrevocable, unconditional letter of credit in the amount of Two Hundred Fifty Thousand Dollars (\$250,000). Such letter of credit constitutes the Company's Security Fund. Throughout the term of this Agreement, and for one hundred twenty (120) days thereafter, unless the City notifies the Company that a reasonable longer period shall apply, the Company shall maintain the Security Fund in the amount specified in this Section 18.1. At any time during the term of this Agreement, the City may, acting reasonably, require the Company to increase the amount of the Security Fund if it finds that new risk factors

exist which reasonably necessitate an increase in the amount of the Security Fund. The letter of credit required by this Section 18.1 shall be in a form which is approved by the City Law Department.

18.2 *Scope of Security Fund Indemnification.* The Security Fund shall indemnify the City, the Mayor and the City Council up to the full face amount of the Security Fund, for (a) any costs, or loss or damage actually incurred by the City as a result of the Company's failure to perform its obligations pursuant to this Agreement; (b) the cost to continue any construction of the portion of the Facilities, or restoration of the Public Rights-of-Way being constructed for the City; (c) any loss or damage to any municipal structure or other Public Rights-of-Way during the course of any construction, installation, maintenance, repair, operation, or upgrade of the Facilities; (d) any other costs, loss or damage actually incurred by the City as a result of the Company's construction, installation, maintenance, repair, operation, or upgrade of the Facilities, or failure to perform construction, installation, maintenance, repair, operation, or upgrade of the Facilities; and (e) any and all Fees and other compensation required to be paid by the Company to the City.

18.3 *Other Purposes.* The Security Fund shall also serve as security for: (a) the faithful performance by the Company of all terms, conditions and obligations of this Agreement; (b) any expenditure, damage, or loss incurred by the City occasioned by the Company's failure to comply with all terms and conditions of this Agreement and all rules, regulations, orders, permits and other directives of the City issued pursuant to this Agreement; (c) the payment of premiums for the liability insurance required pursuant to this Agreement; (d) the payment to the City of any amounts for which the Company is liable pursuant to this Agreement hereof which are not paid by the Company's insurance; (e) the payment of any other amounts which become due to the City pursuant to this Agreement or law; and (f) any costs, losses or damages incurred by the City as a result of a default of the Company's obligations under this Agreement.

18.4 *Withdrawals from the Security Fund.* The City may make withdrawals from the Security Fund without the approval of the Company and pay to the City such amounts for the satisfaction of the obligation under Section 18.2 hereof, or for the purposes specified in Section 18.3 hereof. Withdrawals from the Security Fund shall not be deemed a cure of the default(s) that led to such withdrawals.

18.5 *Replenishment.* Within thirty (30) days after receipt of notice from the City that any amount has been withdrawn from the Security Fund letter of credit, as provided in Section 18 hereof, the Company shall restore the Security Fund to the amount specified in Section 18.1 hereof. If the Company has not made the required restoration to the Security Fund within such thirty (30) day period, interest on said amount shall accrue at the rate specified in Section 10.9 hereof, to commence at the completion of such thirty (30) day period.

18.6 *Not a Limit on Liability.* The obligation to perform and the liability of the Company pursuant to this Agreement shall not be limited by the acceptance of the Security Fund required by this Section 18.

18.7 *Form.* The Security Fund shall, and any replacement security fund shall, contain the following endorsement: "It is hereby understood and agreed that this letter of credit may not be cancelled or not renewed by the issuer nor the intention to cancel or not to renew be stated by the issuer until at least sixty (60) days' written notice is given to the City of the issuer's intention to cancel or not renew this letter of credit."

18.8 *Security Fund Primary.* Where applicable, the Security Fund shall be primary to the Restoration Bond provided in Section 17 of this Agreement.

19. *Miscellaneous Provisions.* The provisions which follow shall apply generally to the obligations of the parties under this Agreement.

19.1 *Nonexclusive Use.* The Company understands that this Agreement does not provide the Company with exclusive use of the Public Rights-of-Way and that the City shall have the right to permit other Persons to use the Public Rights-of-Way for any purpose.

19.2 *City to Provide Notice.* The City agrees to use its good faith reasonable efforts to advise providers of Telecommunications or Cable Services who seek to use or construct any conduits in the Franchise Area of the presence or planned development of the Facilities in the Public Rights-of-Way within the Franchise Area.

19.3 *Waiver of Breach.* The waiver by either party of any breach or violation of any provision of this Agreement shall not be deemed to be a waiver or a continuing waiver of any subsequent breach or violation of the same or any other provision of this Agreement.

19.4 *Subsequent Invalidity.*

19.4.1 *Declaration of Invalidity or Injunction.* In the event that, after the Effective Date, any court, agency, commission, legislative body, or other authority of competent jurisdiction: (a) declares this Agreement invalid, in whole or in part, or (b) requires the City or the Company either to: (i) perform any act which is inconsistent with any provision of this Agreement or (ii) cease performing any act required by any provision of this Agreement, then the Company or the City, as the case may be, shall promptly notify the other party in writing of such fact.

19.4.2 *Continued Compliance.* After the occurrence of the events described in Section 19.4.1 hereof, the Company and the City shall continue to comply with all provisions of this Agreement, including the affected provision, until the validity of the declaration or requirement has been finally adjudicated or a court orders the Company or the City to comply with such declaration or order, provided that either party may comply with any court order which is not stayed during the pendency of any appeal leading to said final adjudication.

19.4.3 *Negotiations to Amend Agreement.* To the extent that any statute, rule, regulation, ordinance or any other law is enacted, adopted, repealed, amended, modified, changed or interpreted in any way during the Term of this Agreement so as to (a) declare the Agreement invalid, in whole or in part, or (b) require the Company or the City either to: (i) perform any act which is inconsistent with any provision of this Agreement, or (ii) cease performing any act required by any provision of this Agreement, the Company and City shall enter into good faith negotiations so as to modify this Agreement and/or regulate the Facilities, as applicable, to reflect such enactment, adoption, repeal, amendment, modification, change or interpretation and the Company agrees to comply with any such modifications or regulations arising out of such negotiations. In the event that either party fails to negotiate in good faith to produce an agreement which is reasonably acceptable to both parties and consistent with applicable Law within a reasonable period, then either party shall have the right, by notice to the other, to terminate this Agreement and the Franchise granted hereunder.

19.5 *Contacting the Company.* The Company shall be available to the staff employees of any City department having jurisdiction over the Company's activities twenty-four (24) hours a day, seven (7) days a week, regarding problems or complaints. Among other ways, the City may contact by telephone the network control center operator at telephone number 410-404-6719 regarding such problems or complaints.

19.6 *Construction.* If any provision of this Agreement shall be deemed by a court of competent jurisdiction to be legally invalid or unenforceable in any respect, the validity, legality and enforceability of the remainder of this Agreement shall not be affected and such provision shall be deemed modified to the minimum extent necessary to make such provision consistent with applicable law and, in its modified form, such provision shall then be enforceable and enforced. The following provisions shall survive termination of this Agreement for any reason: 6.5, 7.3, 7.4, 10.4, 10.7, 10.8, 11 and 19.

19.7 *Governing Law, Jurisdiction.* This Agreement shall be governed and construed by and in accordance with the laws of the State of Maryland, without reference to its conflicts of law principles. Prior to filing any litigation arising from an interpretation, or alleged breach, of this Agreement, the parties shall submit to mediation before a mediator experienced in public Franchises, and make good faith efforts to resolve such dispute in the mediation proceeding, except that the damaged party need not submit to mediation where

it, in good faith, seeks temporary or preliminary injunctive relief to mitigate an irreparable harm. If suit is brought by a party to this Agreement after good faith efforts to mediate the dispute have been exhausted, the parties agree that trial of such action shall be vested exclusively in the state courts of Maryland, City of Baltimore, or in the United States District Court for the District of Maryland.

19.8 *Representations and Warranties.* The Company represents and warrants that it has the full right, power, legal capacity, and authority to enter into and perform its obligations hereunder and that such obligations shall be binding upon the Company without the requirement of the approval or consent of any other person or entity in connection herewith, except as otherwise provided in this Agreement.

19.9 *Waiver.* The Company shall at all times comply with all provisions in this Agreement and all amendments and modifications hereto, and, by execution of this Agreement, the Company and the Guarantor agree that neither shall challenge, in any judicial proceeding or any administrative proceeding involving this Agreement, the validity, reasonableness or enforceability of said provisions herein and all proceedings in connection with the negotiation or approval hereof, nor the City's power or authority to make the terms and conditions herein. By execution of this Agreement, the Company and the Guarantor hereby waive and relinquish, to the maximum extent permitted by applicable law, any and all rights it (or they) has (have) or may have had at any time and may have or may at any time or in any manner subsequently acquire, in law or in equity, to assert in any manner at any time or in any forum that this Agreement, the Franchise granted pursuant to this Agreement, or the processes and procedures pursuant to which this Agreement was entered into and the Franchise was granted are not consistent with applicable Laws as they existed on the Effective Date. The Company agrees that it shall not oppose the intervention by the City in any suit action, or proceeding involving the Company with respect to the Facilities or their installation, operation, maintenance, repair or removal, or to any provision of this Agreement. The parties acknowledge that this Agreement constitutes a document that was negotiated at arm's length and that both parties were represented by counsel with respect to such negotiation; therefore, in the event of any ambiguity herein, interpretation of this Agreement shall not be construed for or against the party who drafted this Agreement.

19.10 *Oversight.* The City shall have the right to oversee, regulate and inspect periodically the construction, installation, maintenance, operation, upgrade and removal of the Facilities and any part thereof, in accordance with the provisions of this Agreement and applicable Law.

19.11 *Regulation by the City.* To the full extent permitted by applicable Law either now or in the future, the City reserves the right to adopt or issue such rules, regulations, orders, or other directives governing users of its Public Rights-of-Way that are consistent with the terms of this Agreement and that it finds necessary or appropriate in the lawful exercise of its police powers, and the Company expressly agrees to comply with all such lawful rules, regulations, orders, or other directives.

19.12 *Books and Reports.* Throughout the term of this Agreement, the Company shall maintain complete and accurate books of account and records of the business, ownership, and operations of the Company with respect to the Facilities in a manner that allows the City at all times to determine whether the Company is in compliance with this Agreement. The Company shall also maintain and provide such additional books and records as the Department deems reasonably necessary to ensure proper accounting of all payments due the City.

19.13 *No Agency.* The Company shall conduct the work to be performed pursuant to this Agreement as an independent contractor and not as an agent of the City. Nothing in this Agreement is designed to create, nor shall create between them, a partnership, joint venture, agency or employment relationship.

19.14 *Equal Employment Opportunity.* The Company and its subcontractors shall comply with all applicable federal, state and local Laws regarding equal employment opportunity and non-discrimination.

19.15 *Entire Agreement.* This Agreement contains the entire understanding between the parties with respect to the subject matter herein, including (without limitation) confidentiality. There are no representations, agreements, or understandings (whether oral or written) between or among the parties relating

to the subject matter of this Agreement which are not fully expressed herein. This Agreement may not be amended except pursuant to a written instrument signed by both parties.

19.16 *Guarantor Joinder.* Pursuant to the terms of the Guaranty Agreement, the Guarantor joins in this Agreement to evidence its unconditional guaranty of all payments to be made by the Company and each and every item to be performed by the Company and each and every term and condition of this Agreement to be performed.

IN WITNESS WHEREOF, and in order to bind themselves legally to the terms and conditions of this Agreement, the duly authorized representatives of the parties have executed this Agreement as of the Effective Date.

ATTEST:

MAYOR AND CITY COUNCIL OF BALTIMORE

By: _____

By: _____
(name typed)

Its: _____

Date: _____

ATTEST:

COMPANY - HARBOR LINK, INC.

By: _____

By: _____
John L. Grundey
Its: President

Date: _____

ATTEST:

GUARANTOR - LAI CONSTRUCTION SERVICES, INC.

By: _____

By: _____
John L. Grundey
Its: President

Date: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
City Solicitor

Date: _____

APPROVED BY THE BOARD OF ESTIMATES

By: _____
Clerk

Date: _____

ATTEST:

MAYOR AND CITY COUNCIL OF BALTIMORE

By: _____

(name typed)

Its: _____

Date: _____

ATTEST:

HARBOR LINK, INC.

By: _____

John L. Grundey

Its: President

Date: _____

ATTEST:

GUARANTOR - LAI CONSTRUCTION SERVICES, INC.

By: _____

John L. Grundey

Its: President

Date: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____

City Solicitor

Date: _____

APPROVED BY THE BOARD OF ESTIMATES

By: _____

Clerk

Date: _____

INDEX OF EXHIBITS

Exhibit A: Plat Designating the Franchise Area

Exhibit B: Plat Designating the Franchise Route

Exhibit C: Form of Guaranty Agreement with Guarantor
Exhibit D: Form of the Financing Statement

Approved November 20, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-261
(Council Bill 01-534)**

AN ORDINANCE CONCERNING

**City Property — Naming the Bridges at
1500 North Charles Street the H. Mebane Turner Bridges**

FOR the purpose of naming the bridges located in and around the 1500 block of North Charles Street the H. Mebane Turner Bridges.

BY authority of

Article 5 - Finance, Property, and Procurement
Section 20-2
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the bridges located in and around the 1500 block of North Charles Street, and known by Baltimore City bridge inventory numbers BC 1101, BC 1210, and BC 1206, are named the H. Mebane Turner Bridges.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Approved November 20, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-262
(Council Bill 01-544)**

AN ORDINANCE CONCERNING

**City Streets — Opening —
Certain Streets and Alleys Lying Within the
Market Center West Project**

FOR the purpose of condemning and opening certain streets and alleys lying within the Department of Housing and Community Development's Market Center West Project, as shown on Plat 305-B-12 in the Office of the Department of Public Works; and providing for a special effective date.

BY authority of

Article I - General Provisions

Section 4

and

Article II - General Powers

Sections 2, 34, and 35

Baltimore City Charter

(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Department of Public Works shall proceed to condemn and open certain streets and alleys lying within the Department of Housing and Community Development's Market Center West Project, and more particularly described as follows:

Sheet 1 of 1 comprising (1) a 16-foot alley laid out in the rear of No. 2/8 N. Eutaw Street, (2) a 16-foot alley laid out in the rear of Nos. 412 and 414 W. Baltimore Street, (3) a 20-foot alley laid out in the rear of No. 12 N. Eutaw Street, and (4) Fairmount Avenue, extending from the west side of Eutaw Street, Westerly 161.0 feet, more or less; said street and alleys being numbered one through four on said Sheet and described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Baltimore Street, 66 feet wide, and the east side of a 16-foot alley laid out in the rear of the property known as No. 2/8 N. Eutaw Street, distant Westerly 110.3 feet, more or less, measured along the north side of said Baltimore Street from the west side of Eutaw Street, 82.5 feet wide, and running thence binding on the north side of said Baltimore Street, Westerly 16.0 feet to intersect the west side of said 16-foot alley; thence binding on the west side of said 16-foot alley, Northerly 76.0 feet, more or less, to intersect the south outline of the property known as No. 12 N. Eutaw Street; thence binding on the south outline of said property, Easterly 16.0 feet to intersect the east side of said 16-foot alley, and thence binding on the east side of said 16-foot alley, Southerly 76.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of a 16-foot alley, laid out in the rear of the property known as No. 2/8 N. Eutaw Street, and the south side of a 16-foot alley, laid out in the rear of the properties known as Nos. 412 through 426 W. Baltimore Street, said point of beginning being distant Northerly 60.0 feet, more or less, measured along the west side of the 16-foot alley, mentioned firstly herein, from the north side of Baltimore Street, 66 feet wide, and running thence binding on the south side of said 16-foot alley, laid out in the rear of the properties known as Nos. 412 through 426 W. Baltimore Street, Westerly 34.7 feet, more or less, to intersect the line of the west side of a 20-foot alley, laid out in the rear of the property known as No. 12 N. Eutaw Street, if projected southerly; thence binding reversely on said line, so projected, Northerly 16.0 feet to intersect the north side of last said 16-foot alley; thence binding on the north side of last said 16-foot alley, Easterly 34.7 feet, more or less, to intersect the line of the west side of the 16-foot alley, mentioned firstly herein, and thence binding on the west side of the 16-foot alley, mentioned firstly herein, Southerly 16.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Fairmount Avenue, 16 feet wide, and the east side of a 20-foot alley, laid out in the rear of the property known as No. 12 N. Eutaw Street, distant Westerly 141.0 feet, more or less, measured along the south side of said Fairmount Avenue from the west side of Eutaw Street, 82.5 feet wide, and running thence binding on the east side of said 20-foot alley, Southerly 109.0 feet, more or less, to intersect the north side of a 16-foot alley laid out in the rear of the properties known as Nos. 412 through 426 W. Baltimore Street; thence binding on the north side of said 16-foot alley, Westerly 20.0 feet to intersect the west side of said 20-foot alley; thence binding on the west side of said 20-foot alley, Northerly 109.0 feet, more or less, to intersect the south side of said Fairmount Avenue, and thence binding on the south side of said Fairmount Avenue, Easterly 20.0 feet to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the west side of Eutaw Street, 82.5 feet wide, and the south side of Fairmount Avenue, 16 feet wide, and running thence binding on the south side of said Fairmount Avenue, Westerly 161.0 feet, more or less, to the westernmost extremity thereof; thence binding on the westernmost extremity of said Fairmount Avenue, Northerly 16.0 feet to intersect the north side of said Fairmount Avenue; thence binding on the north side of said Fairmount Avenue, Easterly 161.0 feet, more or less, to intersect the west side of said Eutaw Street, and thence binding on the west side of said Eutaw Street, Southerly 16.0 feet to the place of beginning.

As delineated on Plat 305-B-12, prepared by the Survey Control Section and filed on January 5, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and opening of certain streets and alleys lying within the Department of Housing and Community Development's Market Center West Project 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 Public Works and filed with the Department of Legislative Reference.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 20, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-263
(Council Bill 01-545)**

AN ORDINANCE CONCERNING

**City Streets — Closing —
Certain Streets and Alleys Lying Within the
Market Center West Project**

FOR the purpose of condemning and closing certain streets and alleys lying with the Department of Housing and Community Development's Market Center West Project, as shown on Plat 305-B-12A in the Office of the Department of Public Works; 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 Public Works shall proceed to condemn and close certain streets and alleys lying within the Department of Housing and Community Development's Market Center West Project, and more particularly described as follows:

Sheet 1 of 1 comprising (1) a 16 foot alley laid out in the rear of No. 2/8 N. Eutaw Street, (2) a 16 foot alley laid out in the rear of Nos. 412 and 414 W. Baltimore Street, (3) a 20 foot alley laid out in the rear of No. 12 N. Eutaw Street, and (4) Fairmount Avenue, extending from the west side of Eutaw Street, Westerly 161.0 feet, more or less; said street and alleys being numbered one through four on said Sheet and described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Baltimore Street, 66 feet wide, and the east side of a 16- foot alley laid out in the rear of the property known as No. 2/8 N. Eutaw Street, distant Westerly 110.3 feet, more or less, measured along the north side of said Baltimore Street from the west side of Eutaw Street, 82.5 feet wide, and running thence binding on the north side of said Baltimore Street, Westerly 16.0 feet to intersect the west side of said 16-foot alley; thence binding on the west side of said 16-foot alley, Northerly 76.0 feet, more or less, to intersect the south outline of the property known as No. 12 N. Eutaw Street; thence binding on the south outline of said property, Easterly 16.0 feet to intersect the east side of said 16-foot alley, and thence binding on the east side of said 16-foot alley, Southerly 76.0 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the west side of a 16-foot alley, laid out in the rear of the property known as No. 2/8 N. Eutaw Street, and the south side of a 16-foot alley, laid out in the rear of the properties known as Nos. 412 through 426 W. Baltimore Street, said point of beginning being distant Northerly 60.0 feet, more or less, measured along the west side of the 16-foot alley, mentioned firstly herein, from the north side of Baltimore Street, 66 feet wide, and running thence binding on the south side of said 16-foot alley, laid out in the rear of the properties known as Nos. 412 through 426 W. Baltimore Street, Westerly 34.7 feet, more or less, to intersect the line of the west side of a 20-foot alley, laid out in the rear of the property known as No. 12 N. Eutaw Street, if projected Southerly; thence binding reversely on said line, so projected, Northerly 16.0 feet to intersect the north side of last said 16- foot alley; thence binding on the north side of last said 16-foot alley, Easterly 34.7 feet, more or less, to intersect the line of the west side of the 16-foot alley, mentioned firstly herein, and thence binding on the west side of the 16-foot alley, mentioned firstly herein, Southerly 16.0 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Fairmount Avenue, 16 feet wide, and the east side of a 20-foot alley, laid out in the rear of the property known as No. 12 N. Eutaw Street, distant Westerly 141.0 feet, more or less, measured along the south side of said Fairmount Avenue from the west side of Eutaw Street, 82.5 feet wide, and running thence binding on the east side of said 20-foot alley, Southerly 109.0 feet, more or less, to intersect the north side of a 16- foot alley laid out in the rear of the properties known as Nos. 412 through 426 W. Baltimore Street; thence binding on the north side of said 16-foot alley, Westerly 20.0 feet to intersect the west side of said 20-foot alley; thence binding on the west side of said 20-foot alley, Northerly 109.0 feet, more or less, to intersect the south side of said Fairmount Avenue, and thence binding on the south side of said Fairmount Avenue, Easterly 20.0 feet to the place of beginning.

Beginning for Parcel No. 4 at the point formed by the intersection of the west side of Eutaw Street, 82.5 feet wide, and the south side of Fairmount Avenue, 16 feet wide, and running thence binding on the south side of said Fairmount Avenue, Westerly 161.0 feet, more or less, to the westernmost extremity thereof; thence binding on the westernmost extremity of said Fairmount Avenue, Northerly 16.0 feet to intersect the north side of said Fairmount Avenue; thence binding on the north side of said Fairmount Avenue, Easterly 161.0 feet, more or less, to intersect the west side of said Eutaw Street, and thence binding on the west side of said Eutaw Street, Southerly 16.0 feet to the place of beginning.

As delineated on Plat 305-B-12A, prepared by the Survey Control Section and filed on January 5, 2000, in the Office of the Department of Public Works.

SECTION 2. AND BE IT FURTHER ORDAINED, That the proceedings for the condemnation and closing of certain streets and alleys lying within the Department of Housing and Community Development's Market Center West Project 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 Public Works 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 Public Works 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.

Approved November 20, 2001

MARTIN O'MALLEY, Mayor

ENROLLED

**CITY OF BALTIMORE
ORDINANCE 01-264
(Council Bill 01-518)**

AN ORDINANCE CONCERNING

**Sale of Properties —~~1634~~ 1600 Guilford Avenue
(Mildred Monroe Elementary School #32), 200 North Central Avenue
(Charles Carroll of Carrollton Elementary/Middle School #139),
1731 East Chase Street (Luther Craven Mitchell Primary School #135),
1101 North Eden Street (also known as 1401 East Biddle Street),
Madison Square Elementary School #26),
2810 Shirley Avenue (Malcolm X Primary School #38), and
4910 Park Heights Avenue (Park Heights Elementary School #14)**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain properties that are located at ~~1634~~ 1600 Guilford Avenue (Mildred Monroe

Elementary School #32), 200 North Central Avenue (Charles Carroll of Carrollton Elementary/Middle School #139), 1731 East Chase Street (Luther Craven Mitchell Primary School #135), 1101 North Eden Street (also known as 1401 East Biddle Street, Madison Square Elementary School #26), 2810 Shirley Avenue (Malcolm X Primary School #38), and 4910 Park Heights Avenue (Park Heights Elementary School #14) and are no longer needed for public use; and providing for a special effective date.

BY authority of

Article V - Comptroller
Section 5(b)
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, in accordance with Article V, § 5(b) of the City Charter, the Comptroller of Baltimore City may sell, at either public or private sale, all the interest of the Mayor and City Council of Baltimore in the properties located at ~~1634~~ 1600 Guilford Avenue (Mildred Monroe Elementary School #32), 200 North Central Avenue (Charles Carroll of Carrollton Elementary/Middle School #139), 1731 East Chase Street (Luther Craven Mitchell Primary School #135), 1101 North Eden Street (also known as 1401 East Biddle Street, Madison Square Elementary School #26), 2810 Shirley Avenue (Malcolm X Primary School #38), and 4910 Park Heights Avenue (Park Heights Elementary School #14), these properties being no longer needed for public use, and more particularly described as follows:

~~1634~~ 1600 Guilford Avenue, the subject parcel more particularly described as Block 0429, Lot 023, improved lot. The site is located near Penn Station, the Jones Falls Expressway, Mount Royal Avenue, and North Avenue. Containing 1.71 acres.

200 North Central Avenue, the subject parcel more particularly described as Block 1320, Lot 001, improved lot. The site is located on the west side of Central Avenue and south of Orleans Street. Containing ~~3.49~~ 2.73 acres.

1731 East Chase Street, the subject parcel more particularly described as Block 1565, Lot 039, improved lot. The site is located on the south side of Chase Street, between Rutland Avenue and McDonogh Street. Containing .4 acres.

1101 North Eden Street (also known as 1401 East Biddle Street), the subject parcel more particularly described as Block 1190, Lot 001, improved lot. The site is bounded by East Biddle, Chase Streets, North Eden and Caroline Streets. Containing ~~2.67~~ 2.65 acres.

2810 Shirley Avenue, the subject parcel more particularly described as Block 3176A, Lot 012, improved lot. The site is located on the north side of Shirley Avenue, west of Reisterstown Road. Containing ~~2.78~~ approximately 1.64 acres. A 22-inch sanitary sewer and a 90-inch storm drain run roughly parallel to the western property line, within the property, requiring that a utility easement be recorded in the deed. No structure may be built within the designated easement and over these utilities.

4910 Park Heights Avenue, the subject parcel more particularly described as Block 4605, Lot ~~021~~ 21/31, improved lot. The site is located on the west side of Park Heights Avenue, south of West Garrison Avenue. Containing 3.01 acres.

SECTION 2. AND BE IT FURTHER ORDAINED, That no deed may pass under this Ordinance unless the deed has been approved by the City Solicitor.

SECTION 3. AND BE IT FURTHER ORDAINED, *That prior to the disposition of any property authorized to be sold pursuant to this Ordinance, the administration shall notify the City Council, for informational purposes only, of the name of the entity or person to which the property is to be transferred.*

SECTION 3.4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Approved November 26, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
ORDINANCE 01-265
(Council Bill 01-566)**

AN ORDINANCE CONCERNING

**Franchise — District Chilled Water General Partnership
and Urbanpipe Baltimore, LLC**

FOR the purpose of granting a franchise to District Chilled Water General Partnership and Urbanpipe Baltimore, LLC, to install, use, and maintain an infrastructure system for utilities, telecommunications, and other services, subject to certain terms, conditions, and reservations; and providing for a special effective date.

BY authority of
Article VIII - Franchises
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That a franchise or right is granted to District Chilled Water General Partnership ("Comfort Link") and Urbanpipe Baltimore, LLC, (collectively, the "Grantee") to install, use, and maintain an infrastructure system for utilities, telecommunications, and other services, subject to the terms and conditions of this Ordinance and of the attached Franchise Agreement between the Mayor and City Council of Baltimore and the Grantee.

SECTION 2. AND BE IT FURTHER ORDAINED, That, for the franchise or right granted by this Ordinance (the "Franchise") to become effective, the Grantee must notify the Board of Estimates, within 30 days of the effective date of this Ordinance, that the Grantee accepts the Franchise. The Grantee's failure to so notify the Board of Estimates constitutes a refusal to accept the Franchise, and, in that event, this Ordinance and the Franchise granted by it will be abrogated and of no further effect.

SECTION 3. AND BE IT FURTHER ORDAINED, That, also for the Franchise to become effective, the Franchise must be executed and enjoyed by the Grantee within 6 months after the effective date of this Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That the term of the Franchise is 25 years, beginning on the effective date of this Ordinance, subject to termination as provided in the Franchise Agreement.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore expressly reserves the right at all times to exercise, in the public interest, full municipal superintendence, regulation, and control over and in respect to all matters connected with the Franchise and not inconsistent with the terms of this Ordinance.

SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

FRANCHISE AGREEMENT

**MAYOR AND CITY COUNCIL OF BALTIMORE
AND
DISTRICT CHILLED WATER GENERAL PARTNERSHIP
AND
URBANPIPE BALTIMORE, LLC**

This FRANCHISE AGREEMENT (the "Agreement") is made and entered into this ____ day of _____, 2001 (the "Effective Date"), by and between DISTRICT CHILLED WATER GENERAL PARTNERSHIP, t/a Comfort Link, a Maryland General Partnership that maintains its principal place of business at 4530 Hollins Ferry Road, Baltimore, Maryland 21227 ("Comfort Link") and URBANPIPE BALTIMORE, LLC, a Delaware Limited Liability Corporation that maintains its principal place of business at 711 South Howard Avenue, Suite 200, Tampa, Florida 33606 ("UrbanpIpe")(hereinafter Comfort Link and UrbanpIpe are collectively known as the "Company" or the "Grantee") and the MAYOR AND CITY COUNCIL OF BALTIMORE (the "City"), a body politic and corporate and a political subdivision of the State of Maryland, which maintains its principal offices at 100 North Holliday Street, Baltimore, Maryland 21202.

RECITALS

WHEREAS, the City is obligated to manage the Public Rights-of-Way (defined in Section 1) in a safe and efficient manner and in a manner which promotes the public health, safety and welfare, including the economic development of the City; and

WHEREAS, it is necessary and appropriate to plan and manage comprehensively the structures and facilities in the Public Rights-of-Way to promote efficiency, lessen the public inconvenience of installation, maintenance, repair, operation, and removal of telecommunications utilities in the Public Rights-of-Way and promote public safety; and

WHEREAS, the City has the right, consistent with its Charter, State law and the Telecommunications Act of 1996, to exercise regulatory authority with respect to the installation, maintenance, repair, operation, and removal of telecommunications facilities and other utilities, under and over any and all Public Rights-of-Way; and to manage the Public Rights-of-Way and require fair and reasonable compensation for the use of the Public Rights-of-Way; and

WHEREAS, the City desires to promote the availability of a wide range of utilities, telecommunications, and other services, including the rapid deployment of new technologies and innovative services to City businesses and residents; and

WHEREAS, the City desires to provide for a coordinated development of the infrastructure necessary to accommodate the installation, maintenance, repair, operation, and removal of telecommunications facilities and other utilities in the Public Rights-of-Way and to promote the public health, safety and welfare and to assure open access to all potential users of the same; and

WHEREAS, prior to the Effective Date of this Agreement, the Company was authorized to perform certain activities pursuant to the terms and conditions of an Interim Public Right of Way Use Agreement dated August 22, 2001 ("Interim Right of Way Agreement"), which agreement is hereby terminated, and is hereby superseded by this Agreement upon the Effective Date.

WHEREAS, pursuant to Article VIII of the Charter of Baltimore City (1996 Edition), the Mayor and the City Council of Baltimore has the authority to grant franchises involving the use of its public property and the Public Rights-of-Way; and

WHEREAS, pursuant to the Chilled Water Franchise, Comfort Link has installed within the Public Rights-of-Way certain underground conduit facilities designed to distribute chilled water; and

WHEREAS, Comfort Link and UrbanIPe intend to cooperate with each other to convert a portion of such facilities in a manner that permits a portion of such facilities to be used for Telecommunications use in compliance with this Agreement; and

WHEREAS, Comfort Link and UrbanIPe wish to obtain from the City, under the terms and conditions set forth herein, the franchise described herein to permit the foregoing activities within the Public Rights-of-Way; and

NOW, THEREFORE, in consideration of the premises and the mutual promises and undertakings herein, the parties, intending to be legally bound, hereby agree as follows:

1. Definitions. The following definitions shall apply:

1.1 “Affiliated Person” or “Affiliate” means each Person who falls into one or more of the following categories: (i) each Person having, directly or indirectly, a Controlling Interest in the Company; (ii) each Person in which the Company has, directly or indirectly, a Controlling Interest; (iii) each officer, director, general partner, limited partner holding an interest of twenty percent (20%) or more, joint venture or joint venture partner of the Company; and (iv) each Person, directly or indirectly, controlling, controlled by or under common Control with the Company. “Affiliated Person” shall in no event mean the City, any limited partner holding an interest of less than twenty percent (20%) of the Company or any creditor of the Company solely by virtue of its status as a creditor and which is not otherwise an Affiliated Person.

1.2 “Board” means the Board of Estimates of the Mayor and City Council of Baltimore as described in the Baltimore City Charter (1996 Edition).

1.3 “Cable” means any media through which Telecommunications can be transmitted, including (without limitation) fiber optic or other form of cable.

1.4 “Cable Service” means the one-way transmission to subscribers of video or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video or other programming service, or as such term is otherwise defined or interpreted by The Communications Act of 1934.

1.5 “Chilled Water Franchise” means that certain Franchise Agreement between the City and Comfort Link dated April 7, 1999 authorized by Ordinance 99-410.

1.6 “City” means the Mayor and City Council of Baltimore.

1.7 “Company” means collectively, Comfort Link and UrbanIPe.

1.8 “Conduit(s)” means the five inch diameter PVC pipes (two such pipes along some routes and one pipe along other routes) installed or to be installed by Comfort Link under its Chilled Water Franchise. The word “conduit” when not capitalized refers to any cylindrical pipe of PVC, metal or other suitable durable substance.

1.9 “Conduit Footage” means the total length of Occupied Conduit measured by the Linear Conduit Foot, plus any upward adjustment applicable pursuant to Section 2.7.

1.10 “Control” or “Controlling Interest” in a Person means actual working control in whatever manner exercised, including, without limitation, working control through ownership, management, debt instruments or negative control, as the case may be, of such Person. A rebuttable presumption of the existence of Control of or a Controlling Interest in a Person shall arise from the beneficial ownership, directly or

indirectly, by any Person (which Person or group of Persons is hereinafter referred to as “Controlling Person”) of more than twenty percent (20%) of the voting securities of a Controlled Person. “Control” or “Controlling Interest” as used herein may be held simultaneously by more than one Person or group of Persons.

1.11 “Department” means the Department of Public Works of the City.

1.12 “Director “ means the Director of the Department of Public Works of the City.

1.13 “Effective Date” means the date on which the Company and the City enter into this Agreement, which date is the date first set forth above.

1.14 “Facilities” means the Conduits, and any Innerduct, Service Connections, Cables, conduits, connection points, entrance points and such other fixtures and structures to be installed or which become installed by the Company in the Public Rights-of-Way of the City for Telecommunications purposes as specifically authorized by this Agreement.

1.15 “Fee” means any amount owed by the Company under the terms of this Agreement.

1.16 “Force Majeure Event” means that the time of performance of any duty or obligation of either party hereunder (except with respect to the payment of fees, charges and other amounts payable by the Company to the City hereunder) shall be extended for the period during which performance was delayed or impeded by reason of strikes, lock outs, failure of power, riots, insurrections, war, fire, earthquake, acts of God, or other reasons of a like nature beyond the control of the party performing such duty or obligation; provided, however, that in order to avail itself of an excuse from delay or failure to perform, the party must act diligently to remedy the cause of such delay or failure. Any performance mandated by this Agreement excused by reason of a Force Majeure Event shall only be excused during the pendency of the particular event.

1.17 “Franchise” means the franchise granted to the Company pursuant to this Agreement for the installation, operation, repair, maintenance and removal of the Facilities.

1.18 “Franchise Fee” means the amount that is the greater of (a) the Gross Revenue Fee and (b) the Guaranteed Franchise Fee.

1.19 “Franchise Route” means the location of the Conduits installed by Comfort Link within the Public Rights-of-Way pursuant to the Chilled Water Franchise plus the route of the conduits installed by the Company pursuant to Section 2.7 below. The initial Franchise Route is designated on the map attached hereto as Exhibit A.

1.20 “Grantee” means Comfort Link and UrbanIPe, collectively.

1.21 “Gross Revenues” means, for the period of determination and applying Generally Accepted Accounting Procedures (“GAAP”), all revenues which are generated, directly or indirectly, by the Company from or in connection with the Facilities, including (without limitation): (i) the fair market value of any non-monetary transactions (but not less than the customary prices paid in connection with equivalent or similar transactions between unaffiliated parties); (ii) any revenue generated from the sale, lease, exchange or use of the Facilities; and (iii) any revenue generated through any means which is intended to have the effect of avoiding the payment of compensation that would otherwise be paid to the City for the Franchise granted by this Agreement. If revenues generated from any transaction which is not an arms-length transaction (because the parties are related, or have other contracts or business relationships, or for any other reason that would affect the arms-length nature of the transaction) are less than the revenues which would have been generated if such transaction had been arms-length, then the gross revenues from such transaction shall, for purposes of this Agreement, be deemed to be the revenues which would have been generated had the transaction been arms-length. Gross Revenues shall not include taxes collected and remitted to a taxing authority. If Company accounts for its operations on an accrual basis, Gross Revenues shall be adjusted downward for bad debts and upward for bad debt reductions subsequently collected, in compliance with GAAP.

1.22 “Gross Revenue Fee” means the amount payable by the Company to the City equal to four percent (4%) of Gross Revenues.

1.23 “Guaranteed Franchise Fee” means an annual fee equal to the product of Nine Dollars (\$9.00) (as adjusted for inflation as described below) multiplied by the Conduit Footage, subject to the minimum amount specified below in Section 9.2.

1.24 “Index” means the Consumer Price Index for all urban consumers (CPI-U) – U.S. City Average, All Items (1982-84 equals 100), published by the Bureau of Labor Statistics of the U.S. Department of Labor. If such Index is no longer published, the “Index” shall mean the index of consumer prices in the United States reasonably determined by the City to be most closely comparable to the discontinued index after making such adjustments in items included or method of compensation as may be prescribed by the agency publishing the same or as otherwise may be reasonably determined by the City as being required to compensate for changes subsequent to the date of this Agreement.

1.25 “Innerduct” means a protective sleeve or pipe inserted within the Conduit or within a Service Connection for the purpose of containing one or more Cables.

1.26 “Laws” means any and all statutes, constitutions, ordinances, resolutions, regulations, judicial decisions, rules, tariffs, administrative orders, certificates, orders, writs, decrees, judgments or other requirements of the City, the State, the Federal Government and any other governmental agency having jurisdiction over the parties to this Agreement, including (without limitation) those of the PSC and the FCC, and all rules, regulations, orders, or other directives of the City, the Department, and the Director of the Department issued pursuant to and in accordance with this Agreement or otherwise.

1.27 “Linear Conduit Foot” means each one-dimensional, one foot length of the Conduit that is located within Public Rights-of-Way.

1.28 “Occupied Conduit” means each Conduit, or portion thereof, that contains one or more Cables installed pursuant to this Agreement.

1.29 “Open Video System” or “OVS” means a quasi cable television service established in compliance with 47 U.S.C. 573 and the applicable regulations of the Federal Communications Commission.

1.30 “Operating Year” means, generally, a full calendar year except that: (i) the first Operating year of the initial term of this Agreement shall commence on the Effective Date and end on December 31st next following; and (ii) the final Operating Year of this Agreement shall conclude on an anniversary of the Effective Date and begin on the preceding January 1.

1.31 “Person” means any individual, limited liability company, corporation, unincorporated association, business trust, estate, partnership, trust, nation, political subdivision or agency thereof or any other entity.

1.32 “Public Rights-of-Way” means the surface, the air space above the surface and the area below the surface of the particular public streets, roads, sidewalks, alleys, and the ways, including without limitation, appurtenant public utility and public service easements as the same may now or hereafter exist, that are owned by or are under the jurisdiction and/or control of the City. The term shall not include any property exclusively owned by any Person or agency other than the City, except as provided by applicable law or pursuant to an agreement between the City and any Person permitting the City to authorize third parties to use such property.

1.33 “Service Connection” means a conduit containing a Cable that provides a service connection between the primary Telecommunications loop Cables of the Company’s network and a building in which the Company makes available Telecommunications Services provided over the Company’s network. As of the

Effective Date conduits suitable for use as Service Connections have been installed to certain buildings under the Chilled Water Franchise. Installation of additional conduits to be used as Service Connections by the Company is not authorized under this Agreement, but the Company may obtain the required authorization from the Board under the Minor Privilege process, or the Company may utilize any suitable conduits installed by Comfort Link in compliance with the Chilled Water Franchise.

1.34 “Telecommunications” means the transmission of information between or among specified points, including but not limited to voice, data, video conferencing and internet services. Telecommunications shall not include Cable Service or Open Video System services.

1.35 “Telecommunications Provider” means any provider of telecommunications services.

1.36 “Telecommunications Services” means the offering of Telecommunications via Cable for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, or to other Telecommunications Providers. Telecommunications Services shall also include the leasing of dark fiber optic strands to end user customers and other lawfully authorized Telecommunications Providers, subject to the provisions set forth below prohibiting such lessees from performing construction or maintenance activities within the Public Rights-of-Way.

2. Grant of Franchise.

2.1 *Grant.* For the term of this Agreement and at the Company’s sole cost and expense, the City hereby grants to the Company in the public interest a nonexclusive and revocable authorization to install, maintain, repair, operate and remove Facilities in the Public Rights-of-Way within the Franchise Route for the sole and exclusive purpose of providing Telecommunications Services, subject to the terms and conditions of this Agreement and the City’s rules, regulations and control. Should the Company provide services other than those authorized herein, this Agreement shall not be interpreted to prevent the City from seeking remedies available at law and in equity, including (without limitation) termination of this Agreement and/or the imposition of reasonable lawful additional conditions, including additional compensation, for the use of the Public Rights-of-Way. Comfort Link and UrbanPIPe shall be jointly and severally responsible for the obligations of Company under this Agreement, although they may between themselves allocate financial, operational and other responsibilities as they agree between themselves.

2.2 *Limitation on Grant.* This Agreement is intended to convey limited rights and interest only as to those Public Rights-of-Way in which the City has an actual interest. It is not a warranty of title or interest in any right-of-way, it does not provide the Company any interest in any particular location within the Public Rights-of-Way, and it does not confer rights other than as expressly provided in the grant hereof. This Agreement does not deprive the City of any powers, rights, or privileges it now has, or may acquire in the future, to use, perform work on, or regulate the use and control of the Public Rights-of-Way covered by this Agreement, including without limitation, the right to perform work on its roadways, rights-of-way, or appurtenant drainage facilities, including constructing, altering, paving, widening, grading, or excavating thereof.

2.3 *Grant Subject to Laws and Permitting.* The Company and its subcontractors shall comply with all applicable Laws in the exercise and performance of its rights and obligations under this Agreement, including (without limitation) all Laws regarding equal employment opportunity and non-discrimination. Nothing in this Agreement shall be construed as a waiver of any codes, ordinances or regulations of the City, whether now existing or hereafter enacted by the City. This Agreement is subject to the general lawful police power of the City affecting matters of local government concerns and not merely existing contractual rights of the Company. The Company shall comply with all applicable codes, laws, ordinances, regulations and procedures now in effect or enacted hereafter, and must: (a) obtain any and all necessary permits, licenses and other forms of approval or authorization necessary, if any, from, and pay any standard and customary permit fees to, the appropriate agencies of the City, the State or the Federal Government prior to commencing any installation, operation, maintenance activities and prior to entering onto the Franchise Route; and (b) file all required registrations, applications, reports and other documents with the entities exercising jurisdiction over the

Facilities. The Company will promptly seek to obtain all leases, easements and equipment rental or other agreements, if any, necessary for the maintenance and operation of the Facilities. In the event that the Company becomes aware of or is made aware of any event which (a) could result in the revocation or termination of any such license or authorization, (b) could materially and adversely affect any rights of the Company, or (c) permits or, after notice or lapse of time or both, would permit, revocation or termination of any such license or which materially and adversely affects or reasonably can be expected to materially and adversely affect the Facilities or any part thereof, the Company shall take prompt preventive or corrective action.

2.4 Reservation of Rights. The City shall at all times have and retain the power and right to regulate in the public interest, to the extent permitted by law, the exercise of the rights granted to the Company herein. Nothing in this Agreement shall abrogate the right of the City to perform any public works or public improvements of any description. Any and all rights expressly granted to the Company under this Agreement shall be subject to the prior and continuing right of the City under applicable Laws to use any and all parts of the Public Rights-of-Way exclusively or concurrently with any other Person, except as otherwise expressly set forth in this Agreement. Any and all rights expressly granted to the Company under this Agreement shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record, which may affect the Public Rights-of-Way. No right or franchise shall pass by implication pursuant to this Agreement, and nothing in this Agreement shall affect the right of the City to grant to any Person a franchise, minor privilege, consent or right to occupy and use the Public Rights-of-Way, or any part thereof for any purpose, except as otherwise expressly set forth in this Agreement. Nothing in this Agreement shall be deemed to grant, convey, create, or vest in the Company a real property interest in land, including any fee, leasehold interest, or easement. Any work performed pursuant to the rights granted under this Agreement shall be subject to the prior review and approval of the City.

2.5 Certain Actions by the Company Before Execution. Prior to the execution of this Agreement, the Company shall have satisfied certain conditions to the City's execution of this Agreement by delivering to the Department the following: (a) the Restoration Bond required pursuant to Section 16 hereof; (b) the Security Fund required pursuant to Section 17 hereof; (c) certificates of insurance, pursuant to Section 11; (d) an opinion of the Comfort Link's, and UrbanIPe's, counsel dated as of the Effective Date, with a copy to the City Solicitor, opining that this Agreement has been duly authorized, executed and delivered by Comfort Link, and UrbanIPe, and is a binding obligation of Comfort Link and UrbanIPe and opining as to such other matters as the City has requested; and (e) certified copies of the Comfort Link's and UrbanIPe's organizational and governing documents.

2.6 Forfeiture By Company of Rights Hereunder. All rights granted to the Company pursuant to this Agreement may be forfeited, at the City's election to do so, in the event of an uncured Event of Default by the Company as further provided below in Sections 13 and 14.

2.7 The Franchise Route. With the consent of the Department, which consent shall not be unreasonably withheld, the Company may elect to install a conduit suitable for use in the same manner as an Occupied Conduit in one or more places along the Franchise Route where such installation will join two points along existing Conduit and thus enable the installation of Telecommunications Cables in a loop configuration. The Company shall use commercially reasonable efforts to minimize the amount of such conduit installation by obtaining the use of existing conduit available from any source for all or a portion of such installations if available on acceptable terms and conditions. In the event that the Company is legally or contractually restricted from utilizing the Conduit where it is located within any private property adjacent to the Franchise Route, the Company may, with the consent of the Department, which consent shall not be unreasonably withheld, install a segment of conduit to bypass the private property. The Company shall use commercially reasonable attempts to minimize the length of Public Rights-of-Way utilized for such bypasses. Upon the installation of Cable within any conduits installed by Company pursuant to this Section 2.7, the length of such conduit containing Cable located within the Public Rights-of-Way shall be added to the length of Occupied Conduit in calculating the Conduit Footage used to calculate the Guaranteed Franchise Fee.

3. Use of Public Rights-of Way.

3.1 *Facilities Structure.* The Company agrees to commence installation of the portion of the Facilities required for Company to commence operation of a Telecommunications network within the Conduit no later than that date which is six (6) months after the Effective Date, subject to the timely issuance of necessary permits and licenses, which shall be diligently pursued by the Company. The Company agrees to complete the installation of the aforesaid portion of the Facilities not later than the date that is two hundred forty (240) days after the date of commencement of installation of such portion, subject to the timely issuance of necessary permits and licenses, which shall be diligently pursued by the Company.

3.1.1 *Service Connections.* The Company may install Service Connections and other Facilities along the Franchise Route from time to time throughout the term of this Franchise as warranted by the Company's business, and subject to obtaining all required permits, including but not limited to Minor Privileges required for installation of Service Connections within the Public Rights-of-Way.

3.1.2 *Connection to City's Conduit System.* If the Grantee requests that its Conduit connect in any manner to the City's conduit system, such connection shall be made only in the specific manner directed by, and in the sole and absolute discretion of the Director.

3.1.3 *Alterations to Conduit.* If the Grantee requests to make any changes or alterations to any conduits located within the Public Rights-of-Way, such changes or alterations shall be made only after submittal of plans and drawings to the Department and with approval of the Director.

3.2 *Disruptive Activity.* Any installation of Facilities that involves obstructing traffic, cutting the surface of a roadway or sidewalk, or boring beneath the Public Rights-of-Way shall be performed by the Company in compliance with the directives of the Department. The Department may require that restoration of surface penetrations be completed in compliance with City standards in one or more project sections before additional surface penetrations may be commenced in other project sections.

3.3 [intentionally deleted]

3.4 *Permits; Etc.* The Company shall obtain all permits or approvals (including, without limitation, approval of engineering drawings) necessary before installing any Facilities pursuant to this Section 3, provided no fee or charge may be imposed upon the Company for any such permit or approvals other than the standard fees or charges applicable to all Persons for such permits or approvals and shall perform all work in accordance with such permits and approvals to the satisfaction of the Department. Any such standard fees or charges paid by the Company for such approvals or permits shall not be an offset against the compensation the Company is required to pay to the City pursuant to this Agreement. The installation, maintenance, repair, operation, and removal of the Facilities shall be accomplished in such manner as not to endanger persons or property, or unreasonably obstruct access to, travel upon or other use of the specified Public Rights-of-Way. The Company shall, at its own cost and expense, undertake all necessary and appropriate efforts to prevent accidents and injuries to workers and the public in general at work sites, including (without limitation) the placing and maintenance of proper guards, fences, barriers, security personnel and suitable and sufficient lighting.

3.5 *Permitting and Inspection Expenses.* The Company agrees to pay the City on an hourly basis for the amount of time spent by Department personnel in connection with both: (a) permitting activities; and (b) inspections of Facilities, including Facilities installation and maintenance. In connection with each Department employee whose activities are chargeable pursuant to the foregoing sentence, the City shall calculate an hourly rate based upon such employee's combined salary and benefits. The Company shall pay the foregoing amounts on a monthly basis no later than thirty (30) days after receipt of an invoice from the City.

3.6 *No Interference.* Except as permitted by applicable Laws or this Agreement, the Company in the performance and exercise of its rights and obligations under this Agreement shall not interfere in any manner

with the existence and operation of any and all public and private rights of way, sanitary sewers, water mains, storm drains, gas mains, poles, aerial and underground electrical and telephone wires, electroliers, cable television, and other telecommunications, utility, or municipal property, without the express written approval of the owner or owners of the affected property or properties.

3.7 MBE and WBE Utilization.

3.7.1 In connection with the grant of the Franchise, the Company covenants and agrees to comply with the City's policy regarding participation by minority business enterprises ("MBEs") and women's business enterprises ("WBEs"). The Company covenants and agrees to use all reasonable, good faith efforts to meet a goal for participation of minority and women's business enterprises that equals or exceeds 25% for MBEs and 5% for WBEs. The percentage goals shall apply to the total amount of the project.

3.7.2 Prior to the commencement of any work under the Franchise phase or portion of any work, the Company shall submit to the City written documentation, including executed contracts, service agreements, or utilization commitment forms which shall identify the particular minority and women's business enterprises (i) contracting directly with the Company, or (ii) subcontracting with prime contractors who have contracted directly with the Company. The executed contracts, service agreements, or utilization commitment forms submitted to the City shall specify the dollar value of the participation, the type of work to be performed, and such other information as may be reasonably required by the City.

3.7.3 In the event that after use of reasonable, good faith efforts to meet the goals of 25% for MBE participation and 5% for WBE participation, the Company is able to demonstrate to the satisfaction of the City that sufficient qualified and willing MBE's and WBE's are unavailable in the market area of the project, then the Company may request a waiver or reduction of the MBE or WBE goals.

3.7.4 The City's Minority and Women's Business Opportunity Office (MWBOO) or its successor is designated to administer the provisions of this section on behalf of the City. Company shall comply with the rules and regulations of the MWBOO or its successor in meeting the requirements of this section.

4. Maintenance and Repair of Facilities. The Company shall maintain and repair, or cause to be maintained and repaired, the Facilities in good working order. All maintenance and repair shall be performed at no cost or expense to the City and in accord with such standards as the City may from time-to-time apply generally to all users of the Public Rights-of-Way. Notwithstanding the foregoing, if any Facility or any improvement located within a Facility is damaged or destroyed by the gross negligence or willful misconduct of the City (or its agents, servants, licensees or invitees), then the City shall be liable to recompense the Company for the direct costs incurred by the Company to repair the Facility as a result of such damage.

5. Use of Facilities.

5.1 *Use of Facilities by Third Parties.* During the term of this Agreement, the Company shall have no right to lease, license or otherwise permit the use of the Facilities or any portion thereof by any third party, except to the extent authorized pursuant to Section 15 below. The foregoing prohibition shall not be deemed to prevent the Company from providing Telecommunications Services via any of the Facilities, even if the entire capacity of one or more Cables, Cable strands or Inner Ducts is effectively utilized by a single customer; *provided, however*, that in no event shall any such Person be permitted to construct, install, repair, maintain, remove or access the Facilities within the Public Rights-of-Way. In no event may the Company grant rights of entry or other construction, installation, repair, maintenance, removal or access rights to any other Person for which that Person would otherwise be required to obtain a franchise or other authorization from the City.

5.2 *No Authorization for Services other than Telecommunications Services.* This Agreement does not include any grant from the City of a right to use the Public Rights-of-Way to provide services other than Telecommunications Services. By way of example, the Company has not prepaid, and the fees described herein do not include, any franchise fees or Public Rights-of-Way fees that the City may require of a Cable

Service provider or an Open Video System provider, and such providers shall be subject to any such fees, restrictions and other limitations that the City may lawfully impose.

6. Relocation and Restoration of Facilities; Elimination of Rights of Way.

6.1 *City Authority to Move Facilities.* The City may, at any time, in case of fire, disaster or other emergency, as determined by the City in its reasonable discretion, cut or move any Facilities in the Public Rights-of-Way, in which event the City shall not be liable therefor to the Company. The City shall notify the Company in writing prior to, if practicable, but in any event as soon as possible and in no case later than the next business day following any action taken under this Section 6.1.

6.2 *Request By the City.* Upon reasonable request by the City made during the term of this Agreement, the Company shall protect, alter, remove or relocate the Facilities it installs under this Agreement at no cost to the City. Said protection, alteration, removal or relocation shall be completed within sixty (60) days following receipt by the Company of a request from the City for protection, alteration, relocation or removal or such shorter period as may be reasonably directed by the City, provided that if the City has failed to issue a permit within such sixty (60) day or shorter period in response to a complete and proper application filed by the Company for any permit necessary for such protection, alteration, removal or relocation, the time period for completion of the requested action shall be extended for a reasonable time period after issuance of the permit. If the Company fails to protect, alter, remove or relocate any of the Facilities within such period required by the City, the City may cause the same to be done, in which case the City shall not be liable to the Company and the Company shall fully reimburse the City for the cost of such removal and/or relocation.

6.3 *Request By Third Parties.* Upon a bona fide request invoking a material public interest by any other Person made during the term of this Agreement, the Company may be required by the City to protect, alter, remove or relocate the Facilities it installs under this Agreement.

6.4 *Cost of Removal or Relocation.* It is the intention of the parties that the Person requesting removal or relocation pursuant to Section 6.3 shall be liable to the Company for any costs or expenses incurred by the Company to remove or relocate the Facilities, including any costs or expenses incurred pursuant to Section 6.5, if any, directly resulting from such Person's request, which amounts shall be prepaid prior to the commencement of any removal or relocation by the Company.

6.5 *Restoration/Repairing.* The Company shall be responsible for the restoration, repaving and repair of all portions of the Public Rights-of-Way, which shall be disturbed in connection with any work involved in the installation, operation, maintenance, and repair of the Facilities, to good condition. The Company shall be responsible for the restoration, reclamation, repaving and repair of all excavations made by the Company for a period of at least two (2) years after the installation, operation, maintenance or repair related to said excavation is completed. In the event the City determines as part of its obligation to manage the Public Rights-of-Way, during the two (2) year period referred to in the preceding sentence, that additional work is necessary with respect to any restoration, reclamation, repaving or repair by the Company, the City shall notify the Company in writing of such additional work. Notwithstanding the foregoing, in the event that the need for any restoration, reclamation, repaving or repair of any excavation is related to the Company's gross negligence or willful misconduct, the above-referenced two (2) year period shall commence when the City first learns about such gross negligence or willful misconduct. In the event the Company is unable or unwilling to undertake completion of this additional work within any time period the City may reasonably require, the City may undertake such additional work and the total cost thereof shall be paid by the Company, as directed by the City, and the City shall not be liable to the Company. Notwithstanding the foregoing, the Company shall have no responsibility for any such restoration or repair if, after the Company shall have repaired, repaved or restored the Public Rights-of-Way, the City, for purposes unrelated to completing, improving or repairing any restoration, repairing or repaving by the Company, shall perform any construction in the same portion of the Public Rights-of-Way which damages the Public Rights-of-Way or if any other Person shall perform such damaging construction.

6.6 *No Release.* Nothing in this Agreement shall be construed as a waiver or release of the rights of the City in and to the Public Rights-of-Way. In the event that all or part of the Public Rights-of-Way within the Franchise Route is eliminated, discontinued, closed or demapped, all rights and privileges granted pursuant to this Agreement with respect to said Public Rights-of-Way, or any part thereof so eliminated, discontinued, closed or demapped, shall cease upon the effective date of such elimination, discontinuance, closing or demapping. If said elimination, discontinuance, closing or demapping is undertaken for the benefit of any private Person, the City shall make reasonable efforts to condition its consent to said elimination, discontinuance, closing or demapping on the agreement of said private Person to (i) grant the Company the right to continue to occupy and use said Public Rights-of-Way or (ii) reimburse the Company for the reasonable costs of relocating the affected part of the Facilities.

7. Title to Certain Facilities.

7.1 *During the Term.* During the term of this Agreement, the Company shall have and retain title to all Facilities which it installs within the Public Rights-of-Way, subject to the requirement that the Company automatically transfer title to certain of such Facilities upon termination of this Agreement. The City acknowledges that title to certain portions of the Facilities will be held by either Comfort Link or UrbanIPe pursuant to terms and conditions agreed to between Comfort Link and UrbanIPe.

7.2 *Post-Termination.* Upon expiration or termination of this Agreement, title to the Conduit and any Service Connection conduits installed within the Public Rights-of-Way pursuant to the Chilled Water Franchise shall continue to be held by Comfort Link, and shall thereafter be governed under the terms and conditions of the Chilled Water Franchise, including any restrictions therein on the use of same. Simultaneously, except to the extent provided below, title to any conduits installed within the Public Rights-of-Way by the Company pursuant to this Franchise or any Minor Privilege shall automatically vest in the City. If the Chilled Water Franchise has been terminated at the time of termination or expiration of this Agreement, title to the aforesaid assets that would otherwise be held by Comfort Link shall automatically vest in the City, and the Company shall promptly: (a) execute all documentation necessary to evidence that the title to said conduits within the Public Rights-of-Way have automatically vested in the City, free of any and all liabilities; (b) supply the City with all records necessary to reflect the City's ownership of said conduits and to operate, maintain and repair said conduits, including (without limitation), all engineering plans, blueprints, specifications, drawings, and other documentation, as well as all contracts, licenses, permits, rights-of-way, and any other rights, contracts or understandings necessary to maintain the aforesaid conduits and (c) remove any Cables then specified by the City to be removed. The City shall acquire such conduits, title and rights at no cost and without restriction. Notwithstanding the foregoing, if this Agreement is terminated prior to April 6, 2026, and if the Chilled Water Franchise is then in effect, Comfort Link shall have a period of six (6) months (subject to extension by agreement of the City during ongoing negotiations) after such termination in which to negotiate a replacement agreement with the City on behalf of itself or itself and a third party acceptable to the City, and during such period the aforesaid transfer of title shall be held in abeyance. Upon execution of such replacement agreement title shall be conveyed by the Company to the franchisee under said new agreement.

8. *Term.* The initial term of this Agreement shall commence on the Effective Date and shall terminate on April 6, 2009. Unless the Company sends notice of non-renewal to the City at least sixty (60) days prior to the end of the initial term, the term shall automatically extend for a one year renewal term. Unless the Company sends notice of non-renewal to the City at least sixty (60) days prior to the end of the first renewal term or any following renewal term, the term shall automatically extend for additional one year renewal terms through and including a total of seventeen (17) such renewal terms, extending through April 6, 2026. The termination of this Agreement and the Franchise granted hereunder shall not, for any reason, operate as a waiver or release of any obligation of the Company for any liability pursuant to this Agreement which arose or arises out of any act or failure to act required hereunder prior to the termination.

9. Fees.

9.1 *Generally.* In order to compensate the City for the Company's entry upon and deployment within the Public Rights-of-Way, the Company shall pay the City all Fees in connection with the Company's rights under this Agreement, including but not limited to the Franchise Fee.

9.2 *Guaranteed Franchise Fee.* For each Operating Year, the Company shall pay the City the Guaranteed Franchise Fee on a semi-annual basis as provided in Section 9.3. The Guaranteed Franchise Fee rate shall be increased on the second anniversary of the Effective Date and on each anniversary thereafter by multiplying the initial rate of Nine Dollars (\$9.00) per Linear Conduit Foot by a fraction, the numerator of which shall be the Index in the last month of the preceding twelve month period, and the denominator of which shall be the Index for the month which is one calendar month before the month in which the first anniversary of the Effective Date falls. In no event shall the revised Guaranteed Franchise Fee rate be less than the previous year's rate. The Company agrees that, on and after June 30, 2002, the calculation of the Guaranteed Franchise Fee shall utilize a Conduit Footage total length that is the greater of nine thousand (9,000) feet or the actual number produced by the calculation of Conduit Footage prescribed herein.

9.3 *Payment of Guaranteed Franchise Fee.* The Guaranteed Franchise Fee due to the City pursuant to this Section shall be paid in two installments due and payable on July 31 and January 31 of each Operating Year, and shall be based upon the total Conduit Footage in the Public Rights-of-Way as of the immediately preceding June 30 and December 31, respectively. The Guaranteed Franchise Fee for the final Operating Year shall be based upon the total Conduit Footage in the Public Rights-of-Way as of the last day of such final Operating Year, and shall be due and payable on a pro rata basis no later than thirty (30) days after the last day of such final Operating Year. Each such payment shall be accompanied by a statement, executed by an authorized officer of the Company, stating the total Conduit Footage in the Public Rights-of-Way as of the applicable measurement date described in the preceding sentence. As of the execution of the Interim Right of Way Agreement, the Company paid to the City a nonrefundable deposit of Eighty-One Thousand Dollars (\$81,000), which deposit shall be held by the City and applied as a credit against the payments of the Guaranteed Franchise Fee. Upon exhaustion of that credit, the Company shall pay the Guaranteed Franchise Fee in cash.

9.4 *Payment of Gross Revenue Fee.* Within ninety (90) days after the end of each Operating Year, the Company shall deliver to the City a statement of the Gross Revenues of the Company during the preceding Operating Year, certified as accurate by the chief financial officer of Comfort Link or UrbanPIPe. If the amount of the Gross Revenue Fee for such Operating Year exceeds the amount of the Guaranteed Franchise Fee paid by the Company for such Operating Year, said statement shall be accompanied by payment of the amount of such excess.

9.5 *Adjustments to Fees.* If the Company or the City discovers any error in the amount of any payment of Franchise Fees, the discovering party shall promptly notify the other party of such error in writing, and in the case of an underpayment, the City shall be paid the amount of such underpayment within thirty (30) days after discovery of the error, determination of the correct amount and written notification. Acceptance by the City of any payment due under this Section shall not be deemed to be a waiver by the City of any breach of this Agreement, nor shall the acceptance by the City of any such payment preclude the City from later establishing that a larger amount was actually due or from collecting any balance due to the City. The amount of any overpayment made to the City hereunder shall be set-off in the next semi-annual payment to the City.

9.6 *City Right of Inspection.* In order for the City to meet its general obligation to manage the Public Rights-of-Way, and to verify the Fees due hereunder, the City shall have the right to inspect, examine, audit and copy to conduct a reasonable review of the Company's records relating to installation, maintenance, repair and operation of the Facilities, including (without limitation) those records relating to the total Conduit Footage with respect to any given Operating Year or portion thereof. The City shall exercise its right upon not less than thirty (30) days' prior written notice, given at any time within three (3) years following the City's receipt of any statement described herein. Any such review shall be conducted at the Company's Baltimore office or at such other location as the City may reasonably designate. The Company will provide the City with

reasonable accommodation for the review and reasonable use of available office equipment if the review takes place in a non-City building. The City shall deliver to the Company a copy of the results of any such review and, to the extent permitted by applicable law, will maintain in strict confidence any and all information obtained in connection with the review and will not disclose the fact of the review or any results of it to any Person or entity (except with respect to that information the disclosure of which would permit the City to avail itself of a safe harbor under the Telecommunications Act of 1996). The Company shall pay the City the cost of any audit, including the cost of any attorneys and consultants, if the amount the Company underpaid the City is five percent (5%) or more of the amount actually paid by the Company. The Company shall retain complete and accurate documents for five (5) years following termination of this Agreement.

9.7 No Credits or Deductions. The Company expressly acknowledges and agrees that: (i) the compensation and other payments to be made pursuant to this Section 9 shall not be deemed to be in the nature of a tax, and shall be in addition to any and all taxes or other fees or charges which the Company or any Affiliated Person shall be required to pay to the City or to any state or federal agency or authority, all of which shall be separate and distinct obligations of the Company; and (ii) the Company shall not, and shall not cooperate with, encourage or otherwise support any attempt by any Affiliated Person to make any claim for any deduction or other credit of all or any part of the amount of the compensation or other payments to be made or Services to be provided pursuant to this Agreement from or against any City or other governmental taxes of general applicability or other fees or charges which the Company or any Affiliated Person is required to pay to the City or other governmental agency; and (iii) the Company shall not, and shall not cooperate with, encourage or otherwise support any attempt by any Affiliated Person to apply or seek to apply all or any part of the amount of the compensation or other payments to be made or Services to be provided pursuant to this Agreement as a deduction or other credit from or against any City or other governmental taxes of general applicability (other than income taxes) or other fees or charges, each of which shall be deemed to be separate and distinct obligations of the Company and the Affiliated Persons; and (iv) the Company shall not, and shall not cooperate with, encourage or otherwise support any attempt by any Affiliated Person to apply or seek to apply all or any part of the amount of any City or other governmental taxes or other fees or charges of general applicability as a deduction or other credit from or against any of the compensation or other payments to be made or Services to be provided pursuant to this Agreement, each of which shall be deemed to be separate and distinct obligations of the Company and the Affiliated Persons.

9.8 Interest on Late Payments. In the event that any payment required by this Agreement is not actually received by the City on or before the applicable date fixed in this Agreement, interest thereon shall accrue from such date until received at a rate equal to the rate of interest then in effect charged by the City for late payments of real estate taxes.

9.9 Other Payments. The Company shall, within thirty (30) days after receipt of a reasonably itemized invoice plus copies of relevant backup documentation, pay for the costs incurred by the City for the services of third parties (including, without limitation, attorneys and other consultants) in connection with the negotiation and execution of the Interim Right of Way Agreement and this Agreement (including documents attached thereto or referenced therein), and, within thirty (30) days after receipt of an itemized invoice for any remaining services rendered in connection with the Interim Right of Way Agreement or this Agreement (including documents attached thereto or referenced therein), the Company shall pay to the City Law Department, or at the direction of the City Law Department or the Director of Finance, to a third party all remaining reasonable costs and expenses incurred by the City in connection with the negotiation and execution of the Interim Right of Way Agreement and this Agreement (including documents attached thereto or referenced therein). The Company expressly agrees that the payments referred to in this Section 9.8 are in addition to and not in lieu of, and shall not be offset against, any other compensation or Fees to be paid to the City by the Company as provided in this Agreement.

9.10 Future Costs. The Company shall pay to the City or to third parties, at the direction of the City Law Department, an amount equal to the reasonable costs and expenses which the City incurs for the services of third parties (including but not limited to attorneys and other consultants) in connection with any renewal or the Company-initiated renegotiation, transfer, amendment or other modification of this Agreement or the Franchise. The Company expressly agrees that the payments made pursuant to this Section 9.10 are in

addition to and not in lieu of, and shall not be offset against, any other compensation or Fees to be paid to the City by the Company as provided in this Agreement.

10. Liability and Indemnity.

10.1 *Company.* The Company shall be liable for, and the Company shall indemnify, defend and hold the City, its officers, agents, servants, employees, attorneys, consultants and independent contractors (the "Indemnitees") harmless from, any and all liabilities, suits, obligations, fines, damages, penalties, claims, costs, charges and expenses (including, without limitation, reasonable attorneys' fees and disbursements), that may be imposed upon or incurred by or asserted against any of the Indemnitees by a party other than the City arising out of the installation, operation, maintenance, upgrade, repair or removal of the Facilities; provided, however, that the foregoing liability and indemnity obligation of the Company shall not apply to the extent of any willful misconduct or gross negligence of the City, its officers, employees, servants, agents, attorneys, consultants or independent contractors.

10.2 *No Liability for Public Work, etc.* The Company shall provide the City with any and all tools and information necessary to enable the City to access the Facilities, including (without limitation) manhole keys. The City may, at any time, as determined by the City in its reasonable discretion to protect and manage the Public Rights-of-Way or in an emergency, cut or move any Facilities in the Public Rights-of-Way, or demand that the Company do so. None of the City, its officers, agents, servants, employees, attorneys, consultants or independent contractors shall have any liability to the Company for any damage as a result of or in connection with the protection, breaking through, movement, removal, alteration, or relocation of any part of the Facilities by or on behalf of the Company or the City in connection with any emergency, public work, public improvement, alteration of any municipal structure, any change in the grade or line of any Public Rights-of-Way, or the elimination, discontinuation, closing or demapping of any Public Rights-of-Way. Except in the case of an emergency, the Company shall be consulted prior to any such activity and shall be given the opportunity to perform such work itself. All costs to repair or replace the Facilities, or parts thereof, damaged or removed as a result of such activity, shall be borne by the Company; provided, however, that the foregoing cost obligation of the Company shall not apply to the extent of any willful misconduct or gross negligence of the City, its officers, employees, servants, agents, attorneys, consultants or independent contractors .

10.3 *No Liability for Damages.* None of the City, its officers, agents, servants, employees, attorneys, consultants and independent contractors shall have any liability to the Company for any special, incidental, consequential, punitive, or other damages as a result of the proper and lawful exercise of any right of the City pursuant to this Agreement or applicable law, including, without limitation, the rights of the City to terminate, amend, or otherwise modify all or any part of this Agreement or the Franchise granted herein; provided, however, that the foregoing limitation of liability of the City shall not apply to the extent of any willful misconduct or gross negligence of the City, its officers, employees, servants, agents, attorneys, consultants or independent contractors.

10.4 *Defense of Claim, etc.* If any claim, action or proceeding is made or brought against any of the Indemnitees by reason of any event to which reference is made in Section 10.1 hereof, then upon demand by the City, the Company shall either resist, defend or satisfy such claim, action or proceeding in such Indemnitee's name, by the attorneys for, or approved by, the Company's insurance carrier (if such claim, action or proceeding is covered by insurance) or by the Company's attorneys.

11 Insurance.

11.1 *Coverage.* Company shall obtain and maintain at all times during the term of this Agreement the following coverages:

(a) Commercial General Liability insurance protecting the Company in an amount of One Million Dollars (\$1,000,000.00) per occurrence/ aggregate (combined single limit). The policy shall include coverage for bodily injury, property damage, personal injury and products-completed operations

(b) Commercial Automobile Liability insurance in an amount of One Million Dollars (\$1,000,000) combined single limit each accident.

(c) Umbrella or Excess Liability insurance applying excess of Commercial General Liability and Commercial Automobile Liability in an amount not less Ten Million Dollars (\$10,000,000) each occurrence / aggregate during the time when the Company is installing the Facilities, and during restoration of the Public Rights-of-Way. Such Umbrella or Excess liability insurance may be reduced to an amount not less than Five Million Dollars (\$5,000,000.00) each occurrence/aggregate upon the Company's completion of installation of the Facilities, and restoration of the Public Rights-of-Way.

11.2 *Additional Insureds; etc.* The insurance provided pursuant to this Section 11 shall name the City, its council members, officers, and employees as additional insureds as respects any covered liability arising out of the Company's performance of work under this Agreement. Coverage shall be in an occurrence form and in accordance with the limits and provisions specified herein. Claims-made policies are not acceptable. Such insurance shall not be canceled, nor shall the occurrence or aggregate limits set forth above be reduced, until the City has received at least thirty (30) days' advance written notice of such cancellation or change. The Company shall be responsible for notifying the City of such change or cancellation.

11.3 *Filing of Certificates.* Prior to the commencement of any work pursuant to this Agreement, the Company shall file with the City the required original certificate(s) of insurance, which shall state the following:

(a) the policy number; name of insurance company; name and address of the agent or authorized representative; name and address of the insured and all additional insureds; project name; policy expiration date; and specific coverage amounts;

(b) that the City shall receive thirty (30) days' prior notice of cancellation;

(c) that the Company's Commercial General Liability insurance policy is primary with respect to any other valid or collectible insurance that the City may possess, including any self-insured retentions the City may have; and any other insurance the City does possess shall be considered excess insurance only and shall not be required to contribute with this insurance; and

(d) that the Company's Commercial General Liability insurance policy waives any right of recovery the insurance company may have against the City.

The certificate(s) of insurance with endorsements and notice shall be mailed to the City at the address specified in Section 12 below.

11.4 *Workers' Compensation Insurance.* The Company shall obtain and maintain at all times during the term of this Agreement statutory workers' compensation and employees liability insurance in an amount satisfactory to the City, but in no event less than that amount required by Maryland State law, and shall furnish the City with a certificate showing proof of such coverage.

11.5 *Insurer Criteria.* Any insurance provider of the Company shall be admitted and authorized to do business in the State of Maryland and shall carry a rating assigned by *A.M. Best & Company's Key Rating Guide* of "A" Overall and a Financial Size Category of "X" (i.e., a size of \$500,000,000.00 to \$750,000,000.00 based on capital, surplus, and conditional reserves). Insurance policies and certificates issued by non-admitted insurance companies are not acceptable, except that the Injured Workers Insurance Fund shall be deemed an admitted and authorized carrier and is acceptable to the City for purposes of this Agreement.

11.6 *Severability of Interest.* Any deductibles or self-insured retentions must be stated on the certificate(s) of insurance, which shall be sent to and subject to the approval by the City. "Severability of interest" or "separation of insureds" clauses shall be made a part of the Commercial General Liability and Commercial Automobile Liability policies.

11.7 Liability Not Limited. The liability of UrbanIPe, Comfort Link or any general partner of Comfort Link, or any assignee thereof to the City or any Person for any of the matters which are the subject of the liability insurance policies required hereunder shall not be limited by said insurance policy or policies nor by the recovery of any amounts thereunder; provided, however, that the City in no case shall be entitled to duplicative recoveries from different sources.

12. Notices. All notices which shall be or may be given pursuant to this Agreement shall be in writing and delivered personally against signed receipt or transmitted (a) through the United States mail, by registered or certified mail, postage prepaid and return receipt requested; (b) by means of prepaid overnight delivery service; or (c) by facsimile, if a hard copy of the same is followed by overnight delivery service as just described, addressed as follows:

If to the City, then to it at:

Mayor and City Council of Baltimore
c/o City Solicitors Office
100 N. Holliday Street
Baltimore, Maryland 21202

With a copy to:

Director
Department of Public Works
200 North Holliday Street
Baltimore, Maryland 21202

If to the Company, then to both Comfort Link and UrbanIPe at their respective addresses as follows:

Comfort Link:
District Chilled Water General Partnership d/b/a Comfort Link
4530 Hollins Ferry Road
Baltimore, MD 21227
Attn: A. Stanley Gent, President
Fax:

with copies to:

Baltimore Gas & Electric Company
17th floor, Legal Dept.
39 West Lexington Street
Baltimore, MD 21201
Attn: Laurie R. Bortz, Esq.
Fax:

Monumental Investment Corporation
4530 Hollins Ferry Road
Baltimore, MD 21227
Attn: President
Fax:

Shapiro Sher & Guinot
2000 Charles Center South
36 S. Charles Street
Baltimore, MD 21201
Attn: William E. Carlson, Esq.
Fax:

Urbanpipe
[UrbanIPe may by notice add Baltimore address]

with copies to:
UrbanIPe Holdings, Inc.
711 South Howard Ave.
Suite 200
Tampa, FL 33606
Attn: President
Fax: 425.969.9398

Dolphin Communications Partners
750 Lexington Avenue
16th floor
New York, New York 10022
Attn: President
Fax: 212.446.1638

Notices shall be deemed given upon receipt in the case of personal delivery, when delivery is received or refused, as indicated on the return receipt, when sent by mail, when transmission by facsimile is successfully completed during business hours, or the next business day if completed outside of normal business hours, or the next business day in the case of overnight delivery. Either party may from time to time designate any other address for this purpose by written notice to the other party delivered in the manner set forth above.

13. Default.

13.1 This Agreement may be terminated by the City upon an "Event of Default" by the Company, which shall mean a default of any material covenant or term hereof by the Company, its Affiliates or its assignees, if any, which default is not cured within thirty (30) days after receipt of written notice of default (or, if such default is, by its nature, not curable within thirty (30) days, if the Company fails to commence such cure within thirty (30) days or fails thereafter diligently to prosecute such cure to completion).

13.2 The City agrees that default, termination or expiration of the Chilled Water Franchise shall not effect any Event of Default, termination or expiration of the term of this Agreement and any default, termination or expiration of this Agreement shall not be deemed to effect any default, termination or expiration of the Chilled Water Franchise. The City further agrees that any obligations of Comfort Link under the Chilled Water Franchise shall not be obligations of the Company under this Agreement, and any obligation of the Company under this Agreement shall not be deemed to be the obligations of Comfort Link under the Chilled Water Franchise. Notwithstanding the foregoing, upon any termination or expiration of the Chilled Water Franchise, Comfort Link shall automatically be deleted as a grantee under this Franchise and shall have no further rights hereunder, and Comfort Link shall transfer to UrbanIPe ownership of all Facilities utilized by the Company under this Agreement, and thereafter such assets shall be governed by the terms and conditions of this Agreement. Comfort Link shall provide copies of appropriate documentation to the City to evidence the foregoing transfer to UrbanIPe.

13.3 Any voluntary surrender of this Agreement by the Company shall be treated in the same manner as expiration of the term rather than as an Event of Default.

14. Remedies.

14.1 *Remedies of City.* Upon an Event of Default by the Company, the City shall have as its remedies the right to: (i) terminate this Agreement, demand payment and retain the full amount of any Fees due and payable for periods of time up to the date of termination, or (ii) in the case of an Event of Default by the Company consisting of the Company's unexcused failure or refusal to perform its obligations hereunder, to seek specific performance of this Agreement; or (iii) cause a claim to be made against the Restoration Bond;

or (iv) cause a withdrawal from the Security Fund for any specified amount due the City under this Agreement; or (v) exercise any other right or remedy available to it at law or in equity. The exercise of any one of the foregoing remedies shall not be deemed to preclude the exercise of any other remedy.

14.2. *Remedies of Company.* Upon an Event of Default by the City (which shall mean a default of any material covenant or term hereof by the City, which default is not cured within thirty (30) days after receipt of written notice of default (or, if such default is, by its nature, not curable within thirty (30) days, if the City fails to commence such cure within thirty (30) days or fails thereafter diligently to prosecute such cure to completion)), the Company shall have as its remedies hereunder the right to: (i) terminate this Agreement; or (ii) exercise any other right or remedy available to it at law or in equity, including but not limited to the right to seek specific performance of this Agreement. The exercise of any one of the foregoing remedies shall not be deemed to preclude the exercise of any other remedy.

15. Transfer or Assignment.

15.1 *General Provisions.* Neither the Franchise granted herein nor any rights or obligations of the Company in the Facilities or pursuant to this Agreement shall be encumbered, assigned, sold, transferred, pledged, leased, sublet, or mortgaged in any manner, in whole or in part, to any Person, nor shall title therein, either legal or equitable, or any right or interest therein, pass to or vest in any Person, either by act of the Company, by act of any Person holding Control of or any interest in the Company or the Franchise granted herein, by operation of law, or otherwise, without the prior written consent of the City, which consent shall not be unreasonably withheld. No change in Control of the Company, the Facilities or the Franchise granted herein shall occur, by act of the Company, by act of any Person holding Control of the Company, the Facilities or the Franchise granted herein, by operation of law, or otherwise, without the prior written consent of the City, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, in the event that the Company provides the City with notice of a proposed assignment of all of the rights and obligations hereunder by either Comfort Link or UrbanIPe to a successor-in-interest that would acquire all or substantially all of the transferor's assets via a merger or otherwise, and the City fails to provide written notice of either its granting or withholding of consent within sixty (60) days after receipt of the Company's notice and the Company has confirmed via an in-person or live telephone conversation with the City Solicitor that the City has received such notice and is aware of this provision, such failure shall be deemed to constitute the City's consent.

15.2 *Change of Control.* Notwithstanding anything to the contrary in this Agreement, whether a Change of Control of the Company has occurred shall be evaluated individually with respect to either Comfort Link or UrbanIPe, and such evaluation with respect to UrbanIPe shall only consider the ownership of the equity interest in UrbanIPe. A Change of Control of UrbanIPe shall be deemed to have occurred only upon the sale to any other Person or group of Persons of more than fifty percent (50%) of the equity interest in UrbanIPe by the entity owning one hundred percent (100%) of UrbanIPe as of the Effective Date-- UrbanIPe, Inc., a Delaware corporation. Changes in ownership or Control of UrbanIPe, Inc. or any Person Controlling UrbanIPe, Inc. shall not be deemed to be a Change of Control of UrbanIPe and may occur without the consent of the City.

16. Performance and Restoration Bond.

16.1 *General Requirement.* Prior to the execution of this Agreement, the Company shall have filed with the City a restoration bond, or its equivalent, in the amount of Two Hundred Fifty Thousand Dollars (\$250,000). At any time during the Term, the City may, acting reasonably, request the Company to increase the amount of the bonds if it finds that the Company's installation of the Facilities will result in new risk factors which reasonably necessitate an increase in the amount of the bond. The restoration bond required by this Section 16.1 shall be on an AIA or equivalent form, which is approved by the City Law Department. The City shall not unreasonably refuse the Company's request for reduction of the amount of the restoration bond following the Company's completion of the initial installation of its Facilities, provided that reasonable increases in the amount of the bond, or posting of additional limited duration bonds, may be required by the

City in the event of additional installation by the Company within the Public Rights-of-Way from time to time throughout the term.

16.2 *Scope of Bond Indemnification.* The Restoration Bond shall indemnify the City, the Mayor and the City Council up to the amount of the bond, for the cost to restore, repave, reclaim and repair any portion of the Facilities or the Public Rights-of-Way as provided in Section 6.2 hereof.

16.3 *Not a Limit on Liability.* The obligation to perform and the liability of the Company pursuant to this Agreement shall not be limited by the acceptance of the bond required by this Section 16.

17. *Security Fund.*

17.1 *General Requirement.* Prior to the execution of this Agreement the Company shall have deposited with the City an irrevocable, unconditional letter of credit, or a bond acceptable to the City in its sole and absolute discretion, in the amount of Fifty Thousand (\$50,000.00) dollars. Such letter of credit or bond constitutes the Company's Security Fund. Throughout the term of this Agreement, and for one hundred twenty (120) days thereafter, unless the City notifies the Company that a reasonable longer period shall apply, the Company shall maintain the Security Fund in the amount specified in this Section 17.1. At any time during the term of this Agreement, the City may, acting reasonably, require the Company to increase the amount of the Security Fund if it finds that new risk factors exist which reasonably necessitate an increase in the amount of the Security Fund. The letter of credit or bond required by this Section 17.1 shall be in a form, which is approved by the City Law Department

17.2 *Scope of Security Fund Indemnification.* The Security Fund shall indemnify the City, the Mayor and the City Council up to the full face amount of the Security Fund, for (a) any costs, or loss or damage actually incurred by the City as a result of the Company's failure to perform its obligations pursuant to this Agreement; (b) the cost to continue any installation of the portion of the Facilities, or restoration of the Public Rights-of-Way, being engaged in by the Company, (c) any loss or damage to any municipal structure or other Public Rights-of-Way during the course of any installation, maintenance, repair, operation, or upgrade of the Facilities; (d) any other costs, loss or damage actually incurred by the City as a result of the Company's installation, maintenance, repair, operation, or upgrade of the Facilities, or failure to perform installation, maintenance, repair, operation or upgrade of the Facilities.

17.3 *Other Purposes.* The Security Fund shall also serve as security for: (a) the faithful performance by the Company of all terms, conditions and obligations of this Agreement; (b) any expenditure, damage, or loss incurred by the City occasioned by the Company's failure to comply with all terms, conditions and obligations of this Agreement and all rules, regulations, orders, permits and other directives of the City issued pursuant to this Agreement; (c) payment of compensation set forth in Section 9 hereof; and (d) any costs, losses or damages incurred by the City as a result of a default of the Company's obligations under this Agreement

17.4 *Withdrawals from the Security Fund.* The City may make withdrawals from the Security Fund without the approval of the Company and pay to the City such amounts for the satisfaction of the obligation under Section 17.2 hereof, or for the purposes specified in Section 17.3 hereof. Withdrawals from the Security Fund shall not be deemed a cure of the default(s) that led to such withdrawals.

17.5 *Replenishment.* Within thirty (30) days after receipt of notice from the City that any amount has been withdrawn from the Security Fund as provided in Section 17 hereof, the Company shall restore the Security Fund to the amount specified in Section 17.1. If the Company has not made the required restoration to the Security Fund within such thirty (30) day period, interest on said amount shall accrue at the rate specified in Section 9.7 hereof to commence at the completion of such thirty (30) day period.

17.6 *Not a Limit on Liability.* The obligation to perform and the liability of the Company pursuant to this Agreement shall not be limited by the acceptance of the Security Fund required by this Section 17.

17.7 *Security Fund Primary.* Where applicable, the Security Fund shall be primary to the Restoration Bond provided in Section 16 of this Agreement.

18. *Miscellaneous Provisions.* The provisions, which follow, shall apply generally to the obligations of the parties under this Agreement.

18.1 *Nonexclusive Use.* The Company understands that this Agreement does not provide the Company with exclusive use of the Public Rights-of-Way and that City shall have the right to permit other Persons to use the Public Rights-of-Way for any purpose.

18.2 *Waiver of Breach.* The waiver by either party of any breach or violation of any provision of this Agreement shall not be deemed to be a waiver or a continuing waiver of any subsequent breach or violation of the same or any other provision of this Agreement.

18.3 *Subsequent Invalidity.*

18.3.1 *Declaration of Invalidity or Injunction.* In the event that, after the Effective Date, any court, agency, commission, legislative body, or other authority of competent jurisdiction: (a) declares this Agreement invalid, in whole or in part, or (b) requires the City or the Company either to: (i) perform any act which is inconsistent with any provision of this Agreement or (ii) cease performing any act required by any provision of this Agreement, then the Company or the City, as the case may be, shall promptly notify the other party in writing of such fact.

18.3.2 *Continued Compliance.* After the occurrence of the events described in Section 18.3.1 hereto, the Company and the City shall continue to comply with all provisions of this Agreement, including the affected provision, until the validity of the declaration or requirement has been finally adjudicated or a court orders the Company or the City to comply with such declaration or order, provided that either party may comply with any court order which is not stayed during the pendency of any appeal leading to said final adjudication.

18.3.3 *Negotiations to Amend Agreement.* To the extent that, any statute, rule, regulation, ordinance or any other law is enacted, adopted, repealed, amended, modified, changed or interpreted in any way during the term of this Agreement so as to (a) declare this Agreement invalid, in whole or in part, or (b) require the Company or the City either to: (i) perform any act which is inconsistent with any provision of this Agreement, or (ii) cease performing any act required by any provision of this Agreement, the Company and City shall enter into good faith negotiations so as to modify this Agreement and/or regulate the Facilities, as applicable, to reflect such enactment, adoption, repeal, amendment, modification, change or interpretation and both parties agree to comply with any such modifications or regulations arising out of such negotiations. In the event that either party fails to negotiate in good faith to produce an agreement which is reasonably acceptable to both parties and consistent with applicable Law within a reasonable period, then either party shall have the right, by notice to the other, to terminate this Agreement and the Franchise granted hereunder.

18.4 *Contacting the Company.* The Company shall make available to the staff employees of any City department having jurisdiction over the Company's activities one or more telephone numbers of Company representatives that can be contacted twenty-four (24) hours a day, seven (7) days a week, regarding problems or complaints.

18.5 *Construction.* If any provision of this Agreement shall be deemed by a court of competent jurisdiction to be legally invalid or unenforceable in any respect, the validity, legality and enforceability of the remainder of this Agreement shall not be affected and such provision shall be deemed modified to the minimum extent necessary to make such provision consistent with applicable law and, in its modified form, such provision shall then be enforceable and enforced. The following provisions shall survive termination of this Agreement for any reason: 3.6, 6.2, 7.2, 9.5, 9.6, 9.7, 10 and 18.

18.6 *Governing Law; Jurisdiction.* This Agreement shall be governed and construed by and in accordance with the laws of the State of Maryland, without reference to its conflicts of law principles. Prior to filing any litigation arising from an interpretation, or alleged breach, of this Agreement, the parties shall submit to mediation before a mediator experienced in public Franchises and the provision of Telecommunications Services, and make good faith efforts to resolve such dispute in the mediation proceeding. If suit is brought by a party to this Agreement after good faith efforts to mediate the dispute have been exhausted, the parties agree that the jurisdiction and venue for such suit shall be vested exclusively in the state courts of Maryland, City of Baltimore, or in the United States District Court for the District of Maryland.

18.7 *Representations and Warranties.* The Company represents and warrants that it has the full right, power, legal capacity, and authority to enter into and perform its obligations hereunder and that such obligations shall be binding upon the Company without the requirement of the approval or consent of any other Person or entity in connection herewith, except as otherwise provided in this Agreement

18.8 *Waiver.* The City and the Company shall at all times comply with all provisions in this Agreement and all amendments and modifications hereto. By execution of this Agreement, the Company agrees that: (a) this Agreement accurately reflects the intentions of the parties; (b) to the best of its information, knowledge and belief, the terms and conditions of this Agreement comport with all applicable Laws as they existed on the Effective Date, including (without limitation) the Telecommunications Act of 1996; and (c) it shall not challenge, in any judicial proceeding or any administrative proceeding involving this Agreement, the validity, reasonableness or enforceability of said provisions herein and all proceedings in connection with the negotiation or approval hereof, nor the City's power or authority to make the terms and conditions herein pursuant to Laws as they existed on the Effective Date. By execution of this Agreement, the Company hereby waives and relinquishes, to the maximum extent permitted by applicable law, any and all rights it has or may have had at any time and may have or may at any time or in any manner subsequently acquire, or in equity, to assert in any manner at any time or in any forum that this Agreement, the Franchise granted pursuant to this Agreement, or the processes and procedures pursuant to which this Agreement was entered into and the Franchise was granted are not consistent with applicable Laws as they existed on the Effective Date. The Company agrees that it shall not oppose the intervention by the City in any suit action, or proceeding involving the Company with respect to the Facilities or their installation, operation, maintenance, repair or removal, or to any provision of this Agreement. The parties acknowledge that this Agreement constitutes a document that was negotiated at arm's length and that both parties were represented by counsel with respect to such negotiation; therefore, in the event of any ambiguity herein, interpretation of this Agreement shall not be construed for or against the party who drafted this Agreement.

18.9 *Oversight.* The City shall have the right to oversee, regulate and inspect periodically the installation maintenance, operation, upgrade and removal of the Facilities and any part thereof in accordance with the provisions of this Agreement and applicable law in order to fulfill its obligation to manage the Public Rights-of-Way.

18.10 *Regulation by the City.* To the full extent permitted by applicable law, either now or in the future, the City reserves the right to adopt or issue such rules, regulations, orders, or other directives governing users of its Public Rights-of-Way that are consistent with the terms of this Agreement and that it finds necessary or appropriate in the lawful exercise of its police powers, and the Company expressly agrees to comply with all such lawful rules, regulations, orders, or other directives.

18.11 *No Agency.* The Company shall conduct the work to be performed pursuant to this Agreement as an independent contractor and not as an agent of the City.

18.12 *Entire Agreement.* This Agreement contains the entire understanding between the parties with respect to the subject matter herein. There are not representations, agreements, or understandings (whether oral or written) between or among the parties relating to the subject matter of this Agreement, which are not fully expressed herein. This Agreement may not be amended except pursuant to a written instrument signed by all parties.

[Signatures commence on the following page]

IN WITNESS WHEREOF, and in order to bind themselves legally to the terms and conditions of this Agreement, the duly authorized representatives of the parties have executed this Agreement as of the Effective Date.

CITY

ATTEST:

MAYOR AND CITY COUNCIL OF BALTIMORE

—

By: _____
(name typed)

Its: _____

Date: _____

COMPANY

DISTRICT CHILLED WATER GENERAL PARTNERSHIP

By its general partner, BALTIMORE GAS AND ELECTRIC COMPANY

Attest: _____

By: _____
(name typed)

Its: _____

Date: _____

By its general partner, MONUMENTAL INVESTMENT CORPORATION

Attest: _____

By: _____
(name typed)

Its: _____

Date: _____

URBANPIPE BALTIMORE, LLC

Attest: _____

By: _____
(name typed)

Its: _____

Date: _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
City Solicitor

Date _____

APPROVED BY THE BOARD OF ESTIMATES

By: _____
Clerk

Date _____

EXHIBIT A

Map of the Initial Franchise Route

Approved November 26, 2001

MARTIN O'MALLEY, Mayor

RESOLUTIONS
PASSED AT THE ANNUAL SESSION
2000-2001

CITY OF BALTIMORE
RESOLUTION 00-012
(Council Bill 00-260)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Solid Waste Management Plan —Amendment

FOR the purpose of amending Appendix B of the Solid Waste Management Plan for Baltimore City to add Baltimore Aggregate Recycling Facility to the list of recycling companies and facilities that are included in the Plan; and amending Section 3.4 of the Solid Waste Management Plan for Baltimore City to add Edison Processing Facility to the descriptions of waste disposal facilities locations that are included in the Plan.

Recitals

The Solid Waste Management Plan for Baltimore City was adopted by Resolution 95-030. Appendix B of the Plan lists the recycling companies and facilities that are included in the approved Plan, and Section 3.4 describes waste disposal facilities locations that are included in the approved Plan.

The Department of Public Works recommends that Baltimore Aggregate Recycling Facility be added to ~~that list~~ Appendix B and that Edison Processing Facility be added to Section 3.4.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That:

- (a) Appendix B of the Solid Waste Management Plan for Baltimore City, as adopted by Resolution 95-030, is amended to add Baltimore Aggregate Recycling Facility, 1030 Edison Highway, Baltimore, Maryland, to the list of recycling companies and facilities that are included in the approved Plan; and
- (b) Section 3.4 of that Plan is amended to add Edison Processing Facility, 1030 Edison Highway, Baltimore, Maryland, to the descriptions of waste disposal facilities locations that are included in the approved Plan.

SECTION 2. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 00-013
(Council Bill 00-286)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Minority and Women Business Enterprise
(MBE-WBE) Participation — State and Local Coordination**

FOR the purpose of requesting the Chair and Members of the Baltimore City Senate Delegation and the Chair and Members of the Baltimore City House Delegation to the 2001 Maryland General Assembly to sponsor legislation to amend State law to provide for a Maryland State Minority and Women Business Enterprise program that is consistent with Baltimore City policy; to ensure that those seeking to participate in state-funded projects located in Baltimore City are afforded the same opportunities for participation as those seeking to participate in projects governed by the provisions of Baltimore City's more progressive MBE-WBE policy; and to seek the Governor's active support for enactment of the requested legislation.

Recitals

On September 14, undaunted by the United States District Court ruling that struck down the Baltimore City Minority and Women Business Enterprise law, Mayor Martin O'Malley issued an Executive Order stating that it is City government's goal to award 35% of City business to minority and women-owned firms. As a major purchaser of goods and services, City government will play a major role in the economic revitalization of the City through the support and encouragement of minority-owned and women-owned businesses.

Maryland State general procurement law, through the Minority Business Enterprise Program, sets forth a much less aggressive goal of 14% combined minority and women business participation in State contracts. State procurement law applies to state-funded projects located in the 23 subdivisions and Baltimore City. As a result, minority and women-owned firms seeking to do business on State projects in the City are at a distinct disadvantage, 14% vs 35% participation goals, to those seeking to do business on locally funded projects.

In the 2000 session of the Maryland General Assembly, existing law was amended to provide for a study of the Minority Business Enterprise Program to evaluate the Program's continued compliance with federal or constitutional requirements and to address the unmet needs of minority businesses. The final report on the study is to be submitted to the Legislative Policy Committee of the General Assembly prior to January 10, 2001, to allow legislative action and reaction by the members of the 2001 Maryland General Assembly.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Chair and Members of the Baltimore City Senate Delegation and the Chair and Members of the Baltimore City House Delegation to the 2001 Maryland General Assembly are hereby respectfully requested to sponsor legislation to amend State law to provide for a Maryland State Minority and Women Business Enterprise program that is consistent with Baltimore City policy; to ensure that those seeking to participate in state-funded projects located in Baltimore City are afforded the same opportunities for participation as those seeking to participate in projects governed by the provisions of Baltimore City's more progressive MBE-WBE policy; and to seek the Governor's active support for enactment of the requested legislation.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Governor, the Mayor, the Chair and Members of the Baltimore City Senate Delegation to the 2001 Maryland General Assembly, the Chair and Members of the Baltimore City House Delegation to the 2001 Maryland General Assembly, the

Chair and Members of the Legislative Policy Committee of the Maryland General Assembly, the Executive Director of the Mayor's Office of State Relations, and the Mayor's Legislative Liaison to the City Council.

Approved December 20, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 00-014
(Council Bill 00-249)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

A Baltimore City Council Tribute to a Beloved Comrade

FOR the purpose of paying tribute to Frank X. Gallagher, a sincere, considerate, and devoted man, whose untimely passing leaves a tremendous void in our hearts, and acknowledging his unique and notable contributions to society.

Recitals

Frank X. Gallagher, a beloved former President of the City Council and a long-time influential member of that body, died on August 9, 2000. The Memorial Mass was held at St. Mary's Church, followed by interment at St. Mary's Cemetery.

Mr. Gallagher graduated from the University of Baltimore with a juris doctor degree and was admitted to the Maryland Bar in 1949. He remained loyal to the school of law and was a member of its advisory board. In 1986, he was named Alumnus of the Year.

In 1959, Mr. Gallagher entered the private practice of law concentrating primarily on trial work. He was also elected that year to the Baltimore City Council. Mr. Gallagher served on the Baltimore City Council for 28 years in various capacities, including 2 terms as Vice-President, and, in 1987, he was elected President. He chaired the Council's Judiciary Committee from 1959 until 1986, and he was a member of the Regional Planning Council from 1963 until 1967. For several decades Mr. Gallagher headed the Coggins-Gallagher Third District Democratic Organization.

Mr. Gallagher mentored scores of young lawyers, giving generously of his expertise, time and advice. He was also a member of the American Bar Association, the Maryland State Bar Association, the Baltimore City Bar Association, the Baltimore County Bar Association, the Maryland Association of Defense Trial Counsel, the Defense Research Institute, and the Trial Lawyer's Association. Early in his career he achieved an "AV" rating, the highest possible from Martindale Hubbel, the nation's preeminent attorney rating service.

Mr. Gallagher always had an abiding love of Irish history and culture. He founded the Irish Heritage Society which through his efforts raised hundreds of thousands of dollars for various charities. Mr. Gallagher was a member and past president of the Friendly Sons of St. Patrick and was honored as the Grand Marshall of the Baltimore St. Patrick's Day Parade, in 1987. He regularly delighted friends and acquaintances with his renditions of traditional Irish ballads, sung enthusiastically in his rich tenor.

Mr. Gallagher was a respected and prominent member of St. Mary's Roman Catholic Church and was a longtime member of the Notre Dame Council of the Knights of Columbus.

Throughout his life Mr. Gallagher was a loving and caring family man, traits he learned from his father, Francis P. Gallagher, and his mother, the former Agnes C. McDonald. He always made time for his family:

his wife of nearly 50 years, the former M. Eileen Benhoff; his son, Michael J. Gallagher; his daughter, Katherine A. Numbers; and four grandchildren.

Frank X. Gallagher leaves a legacy of kindness, duty, charity, and community involvement, and his death is a keen loss for his family and many friends. In his life he affected thousands upon thousands of people, and he is now sincerely mourned and sorely missed by all who had the privilege and good fortune of knowing such an exemplary human being.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Baltimore City Council pays tribute to Frank X. Gallagher, a sincere, considerate, and devoted man, whose untimely passing leaves a tremendous void in our hearts, and acknowledges his unique and noble contribution to society.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the family of Frank X. Gallagher.

Approved October 10, 2000

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 01-015
(Council Bill 00-303)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

State Funding for Drug Treatment

FOR the purpose of supporting the drug treatment programs approved by the Mayor of Baltimore City, and to request that the Governor and the 2001 Maryland General Assembly provide the \$25 million dollars needed to implement these programs.

Recitals

The Office of National Drug Control Policy reports that the annual cost of drug abuse to society exceeds \$227 billion a year. While this cost includes chronic absenteeism, workplace accidents, and injuries, the overwhelming majority of these funds are spent incarcerating the nearly 1 million non-violent offenders held in local, state, and federal penal institutions on drug charges.

Of these nearly 1 million prisoners, only about 10% had access to drug treatment while incarcerated, and about 500,000 of these prisoners will be released from prison within the next 2 years. If their involvement in the drug trade precipitated their incarceration and they received no drug treatment while incarcerated, they will return to society with the same substance abuse issues for which they were initially incarcerated. This fact, coupled with the diminishment of their status as citizens through voter disenfranchisement laws and barriers to employment, operates to diminish the chances for these newly released inmates to successfully re-integrate themselves into society. These factors often lead to a return to drug use, criminal conduct, and re-incarceration at the taxpayer's expense.

Recent studies have revealed that nearly 70% of all criminal activity was conducted by persons involved in, motivated by, or under the influence of illegal drugs. With the causal link between participation in the drug trade and criminal activity well established, our responsibility to maintain public safety requires that we offer drug treatment prior to judicial intervention. As a result, a portion of the funds requested by the Mayor are to be used to fund voluntary drug treatment programs. There are currently very few free treatment slots

available, and most people who receive drug treatment do so as a result of a post-conviction, judicially mandated program. With this additional funding, Baltimore can take a pro-active approach to the criminal activity encouraged by the illegal drug trade.

It has now been statistically determined that drug treatment reduces crime. Last year, the National Institute of Justice reported that two-thirds of adults and one-half of juveniles arrested tested positive for illegal drugs. The significance of the correlation between illegal drug use and crime and the urgent need for a new policy is magnified by the latest Drug Enforcement Agency report that found that Baltimore City has the highest rates on cocaine and heroin abuse in the nation. Thus, when the National Treatment Improvement Evaluation Study found an overall post treatment reduction in arrests of 64.3%, with 78% reduction in arrests for selling drugs, 81% for shoplifting, 77.7% for batteries, and 51% for drug possession, it was clearly and conclusively demonstrated that drug treatment reduces crime.

Drug treatment also helps reduce health related problems, reliance on public assistance, and increases employment. In comparison with the societal benefits of incarceration, a recent study has revealed that for every \$1 spent on drug treatment, taxpayers saved \$7.14 in future cost to the criminal justice system. When the savings relative to health care are included, the total savings can exceed \$12.00 saved for every \$1 spent. Recent studies have revealed that "individuals with continuous involvement in drug abuse treatment have a reduced risk of contracting HIV infections".

Baltimore City, with its nearly 80,000 heroin addicts, is widely known as having the highest "quality" heroin on the east coast. The "quality" of Baltimore's heroin and the effect this product has had on the surrounding jurisdictions has made Baltimore "ground zero" in the war on drugs. Baltimore should be known for its crab cakes and not its heroin! The astronomical number of addicts in our City, coupled with the high "quality" and readily available sources of this deadly product, has transformed Baltimore into a magnet for heroin users while simultaneously shrinking the City's tax base. A historical analysis of this situation reveals that its roots lie in generations of neglect and inattention from elected officials and community activists alike.

Last year, Baltimore native and actor/director Charles "Roc" Dutton directed the Emmy award winning mini-series "The Corner". "The Corner" is the story of how one family and the dreams and aspirations of the entire neighborhood were held captive by the unchecked lure of Baltimore's flourishing heroin market. The story covers an entire generation in the life of the story's protagonist, with the constant themes being drug use, family dysfunction, the unavailability of treatment space, and the ready availability of space in correctional facilities. As "The Corner" correctly points out, generations of an almost exclusively criminal justice approach to this plague have resulted in an increase in heroin use, and very little justice. Until our elected officials realize the futility of their efforts to arrest their way out of this quagmire, the citizens of Baltimore, especially those who seek drug treatment, will have their needs ignored.

In this era of economic good times, shouldn't part of our State surplus be used to fund the drug treatment programs that would eventually and substantially decrease the funding needed to incarcerate the citizens who are routinely ignored until their addiction causes them to run afoul of the law? Our current and fruitless policy of attempting to incarcerate our way out of this plague is counterproductive as a practical matter, irresponsible as a fiscal matter, and draconian as a criminal justice matter.

Over 3 decades of our current policy have demonstrated our inability to stem the flow of drugs in our communities. Notwithstanding all our efforts and financial commitments, we have not been able to significantly reduce the supply side of this equation. It seems appropriate to shift part of our focus and limited resources to an attempt to decrease the demand side. Now is the time to demonstrate our relevance as elected officials and provide for the needs of our citizens. To do otherwise in the face of the overwhelming and uncontroverted evidence of the failure of criminal sanction, versus the practical and fiscal benefits of drug treatment, would demonstrate a preference for the politically expedient over the needs of our citizens.

Through effective political leadership, this war can be transformed from its current antiquated and ineffectual campaign focused primarily on criminalizing a public health issue, to a campaign focused on both treatment and an appropriate criminal response. Drug dealing and drug use are a plague on our City, and

these activities deserve a measured criminal response, but these activities also raise health concerns that can no longer be neglected. We need a policy that both protects our law abiding citizens and offers an opportunity for redemption to those afflicted with substance-based health problems. If our elected officials, in the face of decades of drug war failures, do not provide the funds for drug treatment, they are using their legislative powers to consign another generation of Baltimore's citizens to become casualties in the misguided and ineffectual war on drugs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the City Council of Baltimore supports the drug treatment programs approved by the Mayor of Baltimore City and requests that the Governor and the 2001 Maryland General Assembly provide the \$25 million dollars needed to implement these programs.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Governor, the Lieutenant Governor, the Baltimore Delegation to the 2000 Maryland General Assembly, the Mayor's Office on Criminal Justice, and the Mayor's Office of Intergovernmental Council Relations.

Approved January 31, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 01-016
(Council Bill 00-074)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Supporting the Remedy Plan

FOR the purpose of requesting that the Governor and the ~~2000~~ 2001 Maryland General Assembly provide the additional funding needed to support the Baltimore City Public School System's Remedy Plan as part of an effort to reform the School System; and providing for a special effective date.

Recitals

The Remedy Plan requests that the Governor and the ~~2000~~ 2001 Maryland General Assembly provide an additional ~~\$49,700,000~~ \$101,500,000 in State funds to address certain educational priorities of the Baltimore City Public School System ("BCPSS").

The Plan seeks this additional funding for teacher retention and recruiting, professional development, extended academic year and day provisions, Pre-K and extended-K programs, pre-assessment high school reform, middle school reform, student support services, instructional leadership, enriched instructional curriculum, and instructional technology.

Under the consent decree that formed the basis for the 1997 City-State partnership, as enacted by Chapter 105, Acts of 1997, the "BCPSS" is entitled to ask the Maryland General Assembly to provide additional funding for the needed reforms.

Under the provisions of the consent decree, "the State will use its best efforts to satisfy any such request, subject to the availability of funds". The consent decree also allows the "BCPSS" to go to court to seek relief if the State and the "BCPSS" do not reach an agreement on the request for additional funds.

The interim evaluation performed by the independent consultant mandated by Chapter 105, Acts of 1997, concluded that, "while the "BCPSS" has made meaningful progress, the financial resources available to the

“BCPSS” are not adequate. The interim evaluation also found that the Remedy Plan addressed most of the initiatives and reforms that are required by the law.

For the fiscal year ending June 30, 2000, there ~~is~~ was a projected budget surplus of \$815,000,000 with an additional \$130,000,000 to \$150,000,000 projected yield from the Tobacco Tax. With these budget surpluses and with “BCPSS” currently operating with a budget insufficient to meet the needs of its current programs, the Governor and the ~~2000~~ 2001 Maryland General Assembly should, consistent with State law, fund the Remedy Plan which will reform the “BCPSS” and provide the services and resources its students need.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore requests that the Governor and the ~~2000~~ 2001 Maryland General Assembly provide the additional funding needed to support the Baltimore City Public School System’s Remedy Plan as part of an effort to reform the School System.

SECTION 2. AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Governor, the Chair and Members of the Senate Budget and Taxation Committee and the Chair and Members of the House Appropriations Committee, the Chairs of the Baltimore City Senate and House Delegations to the ~~2000~~ 2001 Maryland General Assembly, the Mayor’s Office of State Relations, and the Mayor’s Office of Council Relations.

SECTION 3. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved February 15, 2001

MARTIN O’MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 01-017
(Council Bill 00-293)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Baltimore Urban Lighting Board — BULB

FOR the purpose of creating the Baltimore Urban Lighting Board to insure that all residential neighborhoods in Baltimore City have adequate lighting to promote citizen safety; to discourage criminal activity attracted to the businesses located in our communities; to assure safe passage on our streets, sidewalks, and alleyway; ~~and~~ to employ the latest state of the art technology to achieve the most acceptable level of lighting at the most reasonable cost; and to protect neighborhood residences from excessive light spillover from an adjacent commercial area or from any other source.

Recitals

As seen from above, Baltimore City is sure to resemble the patchwork quilt for which it has been given the “Patchwork Quilt of Neighborhoods” nickname. Unfortunately, far from the bright homey image this nickname evokes, the real patchwork quilt is made up of far less colorful patches. The colors of this quilt range from the bright white lights of the Inner Harbor and more affluent environs, through the dull yellow glow of industrial areas, to the shadowy grays and deepest blacks of the poorest inner city neighborhoods.

Over the years, public street lighting has proven to be more and more important in the urban environment. Adequate public lighting increases citizens’ perception of safety from crime, facilitates safe operation of traffic, gives citizens a safer pedestrian traveling environment, and promotes night-time use of commercial

shopping and service areas. Across the nation, cities are increasingly responding to the need for adequate and efficient lighting by revamping their entire lighting infrastructure.

Recognizing the safety aspects of street lighting and adopting the policy that street lighting will require continued improvement and increased budget consideration, Arlington County, Virginia developed a Street Lighting and Program Policy and Guide for future planning and implementation of its street lighting program. In Denver, city officials retained the aesthetic quality of pedestrian mall streetlights designed by a famous architect, while improving the light efficiency by replacing the lamps with a fiber-optic system. Tucson adopted an ordinance that provides specific standards for outdoor lighting “so that it does not unreasonably interfere with astronomical observations”, and a Branford, Connecticut ordinance requires all parking areas to use full cut-off type fixtures to avoid light trespass into residences and provides that “all non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security.

Closer to home, Towson officials are assembling a task force to determine the proper level of lighting by establishing guidelines to prevent light in new commercial and residential developments from spilling into neighborhood homes. The Gaithersburg City Council recently drafted a bill to address appropriate lighting in that jurisdiction, and members of the Montgomery County Delegation to the Maryland General Assembly have vowed to grill State officials on the compatibility of state-wide lighting during the budget hearing process.

As more cities refurbish their lighting schemes, officials are taking a more comprehensive approach to crime prevention through a new concept — Crime Prevention Through Environmental Design or CPTED. CPTED, as defined by the National Crime Prevention Institute, is based on the philosophy that “the proper design and effective use of the built environment can lead to a reduction in the fear and incidence of crime, and an improvement in the quality of life”. One of the main strategies of this concept is Natural Surveillance, “a design concept directed primarily at keeping intruders easily observable. Promoted by features that maximize visibility of people, parking areas and building entrances, pedestrian-friendly sidewalks and streets, front porches, and adequate nighttime lighting”.

The needs of the private citizen for a safe, non-intrusively lit environment must be weighed against the needs of business entities for high wattage security lighting. The needs of the pedestrian for lighted footways must be viewed while keeping in mind the needs of the motorists for non-glare lighting. To achieve the most comprehensive approach to addressing the lighting needs of Baltimore City, communities, private citizens, businesses, and government agencies, must work together.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Baltimore Urban Lighting Board is created to insure that all residential neighborhoods in Baltimore City have adequate lighting to promote citizen safety; to discourage criminal activity attracted to the businesses located in our communities; to assure safe passage on our streets, sidewalks, and alleyways; ~~and to employ the latest state-of-the-art technology to achieve the most acceptable level of lighting at the most reasonable cost; and to protect neighborhood residences from excessive light spillover from an adjacent commercial area or from any other source.~~

SECTION 2. AND BE IT FURTHER RESOLVED, That BULB membership ~~include, but not be limited to~~ representatives of the following:

- ~~(1) the Mayor's Office;~~
- ~~(2) the City Council;~~
- ~~(3) the Community Associations listed in the Community Association Directory;~~
- ~~(4) the Department of Public Works;~~

- ~~(5) the Police Department;~~
- ~~(6) the Department of Housing and Community Development;~~
- ~~(7) the Planning Department; and~~
- ~~(8) the Greater Baltimore Committee.~~

~~SECTION 3. AND BE IT FURTHER RESOLVED, That the full membership of the Board is determined by the City Council Committee to which this resolution is referred.~~

comprises 11 members:

- (1) 2 of whom are members of the City Council, appointed by the President of the City Council; and
- (2) 9 members appointed by the Mayor under Article IV, § 6 of the City Charter. Of the 9 members appointed by the Mayor:
 - (i) 1 must be a representative from the Mayor's Office;
 - (ii) 2 must be residents of the City;
 - (iii) 2 must be members of the business community;
 - (iv) 1 must be appointed from the Department of Public Works;
 - (v) 1 must be appointed from the Police Department;
 - (vi) 1 must be appointed from the Department of Housing and Community Development; and
 - (vii) 1 must be appointed from the Department of Planning.

SECTION 4.3. AND BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Mayor, the Mayor's Liaison to the Council, and those entities named to the Board by action of the City Council.

SECTION 5.4. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the 30th day after the date it is enacted.

Approved February 15, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 01-018
(Council Bill 01-430)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**In Recognition of the Retirement
of Ronald L. Schultz as Director of the Office of Councilmanic Services**

FOR the purpose of expressing support for the retirement of Ronald L. Schultz as Director, Office of Councilmanic Services, recognition of his 27 years of distinguished service to Baltimore City government, and appreciation for his 17 years of dedicated service to the Baltimore City Council.

Recitals

During 5 terms of the Baltimore City Council, Mr. Schultz has diligently served 48 members of the Baltimore City Council. In 1984, he began his service to the City Council in the Office of Financial Review, after completion of an advanced degree from Johns Hopkins University. As the Council's fiscal analyst, he provided the Council with expertise gained during 6 years with the Department of Finance, Bureaus of Budget and Treasury Management.

When the Office of Council Services was created in 1986, by the Mayor and City Council, the Council Oversight Committee requested Mr. Schultz to serve as interim Director. Mr. Schultz was appointed permanently to the position in June of 1987. During his tenure, Mr. Schultz has made his agency an exemplary model of efficiency and consistency, reducing office staff by one-quarter, increasing professional committee staff by one-third, and doubling the average length of committee staff service to 10 years.

Mr. Schultz has consistently served the Mayor and City Council of Baltimore and its citizens with steadfast fidelity and dedication to excellence of service, and has long been an integral part of the City Council family.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the action of the Oversight Committee to discharge Mr. Schultz from the position of Director, Office of Councilmanic Services, through no fault of his own, effective May 4, 2001, be and hereby is sustained.

SECTION 2. AND BE IT FURTHER RESOLVED, That this Body hereby expresses support for the retirement of Ronald L. Schultz as Director, Office of Councilmanic Services, recognition of his 27 years of distinguished service to Baltimore City government, and appreciation for his 17 years of dedicated service to the Baltimore City Council.

SECTION 3. AND BE IT FURTHER RESOLVED, That the Mayor and City Council deeply appreciate the estimable service that Ronald L. Schultz has provided to the City of Baltimore for many years, ~~and by not reappointing him,~~ express support for his retirement as a municipal officer, and wish him God speed and good fortune in his future professional endeavors.

SECTION 4. AND BE IT FURTHER RESOLVED That this Resolution takes effect on the date it is enacted.

Approved May 14, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 01-019
(Council Bill 01-439)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Operating Budget for the New Baltimore City Board of School Commissioners For the Fiscal Year
Ending June 30, 2002**

FOR the purpose of approving the budget estimated to be needed for the New Baltimore City Board of School Commissioners for operating programs during Fiscal 2002; providing for certification of the approved budget to the State Superintendent of Schools; and providing for a special effective date.

BY authority of
Article - Education
Section(s) 5-102.
Annotated Code of Maryland
(1997 Replacement Volume and Supplement)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following amounts or so much thereof as shall be sufficient are hereby approved from the amounts estimated to be available in the designated funds during the fiscal year ending June 30, 2002.

Operating Budget

Baltimore City Public Schools

728	New Board of School Commissioners	\$	614,776
	Education Fund Appropriation	\$	607,176
	State Fund Appropriation	\$	6,000
	Special Fund Appropriation	\$	1,600
729	Office of the Chief Executive Officer	\$	1,466,283
	Education Fund Appropriation	\$	1,456,443
	Special Fund Appropriation	\$	9,840
731	Academic Support	\$	410,210
	Education Fund Appropriation	\$	404,366
	Special Fund Appropriation	\$	5,844
732	Curriculum	\$	7,863,347
	Education Fund Appropriation	\$	3,694,331
	Federal Fund Appropriation	\$	2,898,783
	State Fund Appropriation	\$	1,122,221
	Special Fund Appropriation	\$	148,012
741	Office of Area Executive Officers	\$	7,895,514
	Education Fund Appropriation	\$	5,217,717
	Federal Fund Appropriation	\$	2,245,199
	State Fund Appropriation	\$	348,598
	Special Fund Appropriation	\$	84,000
743	General Instruction	\$	410,054,522
	Education Fund Appropriation	\$	259,912,290

	Federal Fund Appropriation	\$	47,201,734
	State Fund Appropriation	\$	97,301,966
	Special Fund Appropriation	\$	5,638,532
744	School-Based Guidance Services	\$	11,045,669
	Education Fund Appropriation	\$	8,187,142
	Federal Fund Appropriation	\$	1,292,627
	State Fund Appropriation	\$	1,565,900
745	School Based Staff Development	\$	1,343,667
	Education Fund Appropriation	\$	403,964
	Federal Fund Appropriation	\$	231,729
	State Fund Appropriation	\$	638,914
	Special Fund Appropriation	\$	69,060
746	School Social Work Services	\$	8,819,019
	Education Fund Appropriation	\$	7,287,642
	Federal Fund Appropriation	\$	553,880
	State Fund Appropriation	\$	753,974
	Special Fund Appropriation	\$	223,523
747	School Psychological Services	\$	7,252,407
	Education Fund Appropriation	\$	6,590,546
	Federal Fund Appropriation	\$	101,502
	State Fund Appropriation	\$	477,598
	Special Fund Appropriation	\$	82,761
751	Special Education Support Services	\$	12,111,107
	Education Fund Appropriation	\$	6,633,776
	Federal Fund Appropriation	\$	3,497,032
	State Fund Appropriation	\$	97,674
	Special Fund Appropriation	\$	1,882,625
752	Office of Special Education Monitoring and Compliance	\$	1,019,553
	Education Fund Appropriation	\$	450,183
	Federal Fund Appropriation	\$	565,650
	Special Fund Appropriation	\$	3,720
753	Compensatory Programs	\$	2,686,503
	Federal Fund Appropriation	\$	2,367,329
	State Fund Appropriation	\$	319,174
754	Career and Technology Instruction	\$	18,573,483
	Education Fund Appropriation	\$	14,505,155
	Federal Fund Appropriation	\$	2,564,628
	State Fund Appropriation	\$	1,481,300
	Special Fund Appropriation	\$	22,400
755	Adult/Alternative Instruction	\$	14,568,362
	Education Fund Appropriation	\$	12,047,774
	Federal Fund Appropriation	\$	251,734

	State Fund Appropriation	\$	2,171,128
	Special Fund Appropriation	\$	97,726
756	Special Instruction	\$	180,008,691
	Education Fund Appropriation	\$	148,503,063
	Federal Fund Appropriation	\$	25,431,104
	State Fund Appropriation	\$	5,281,159
	Special Fund Appropriation	\$	793,365
757	Special Career and Technology Instruction	\$	5,772,374
	Education Fund Appropriation	\$	5,337,212
	Federal Fund Appropriation	\$	170,893
	State Fund Appropriation	\$	259,425
	Special Fund Appropriation	\$	4,844
758	Gifted and Talented Education	\$	5,033,035
	Education Fund Appropriation	\$	3,199,186
	Federal Fund Appropriation	\$	125,233
	State Fund Appropriation	\$	1,708,616
761	Student Transportation	\$	29,063,556
	Education Fund Appropriation	\$	17,972,145
	State Fund Appropriation	\$	11,090,851
	Special Fund Appropriation	\$	560
762	Food Services	\$	29,013,772
	Education Fund Appropriation	\$	240,900
	Federal Fund Appropriation	\$	23,179,124
	State Fund Appropriation	\$	1,193,748
	Special Fund Appropriation	\$	4,400,000
763	Fiscal Management	\$	3,598,938
	Education Fund Appropriation	\$	2,098,538
	Federal Fund Appropriation	\$	1,418,189
	State Fund Appropriation	\$	74,291
	Special Fund Appropriation	\$	7,920
764	School-Based Transportation Services	\$	1,778,355
	Education Fund Appropriation	\$	1,315,358
	Federal Fund Appropriation	\$	346,811
	State Fund Appropriation	\$	62,601
	Special Fund Appropriation	\$	53,585
765	Materials	\$	1,877,941
	Education Fund Appropriation	\$	1,609,583
	Federal Fund Appropriation	\$	219,006
	State Fund Appropriation	\$	38,952
	Special Fund Appropriation	\$	10,400
766	School-Controlled Operations & Maintenance	\$	1,828,656
	Education Fund Appropriation	\$	1,799,493
	Federal Fund Appropriation	\$	11,000
	State Fund Appropriation	\$	18,163

767	Facilities	\$	73,200,199
	Education Fund Appropriation	\$	67,034,699
	Federal Fund Appropriation	\$	4,388,100
	State Fund Appropriation	\$	1,635,000
	Special Fund Appropriation	\$	142,400
768	School Police Force	\$	5,587,028
	Education Fund Appropriation	\$	5,062,960
	Federal Fund Appropriation	\$	325,180
	State Fund Appropriation	\$	180,000
	Special Fund Appropriation	\$	18,888
769	Personnel Services	\$	5,378,817
	Education Fund Appropriation	\$	3,323,759
	Federal Fund Appropriation	\$	421,813
	State Fund Appropriation	\$	1,565,015
	Special Fund Appropriation	\$	68,230
780	Administrative Support	\$	3,092,741
	Education Fund Appropriation	\$	2,118,296
	Federal Fund Appropriation	\$	690,612
	State Fund Appropriation	\$	270,697
	Special Fund Appropriation	\$	13,136
781	Planning and Student Placement	\$	640,374
	Education Fund Appropriation	\$	514,001
	Federal Fund Appropriation	\$	104,361
	State Fund Appropriation	\$	18,012
	Special Fund Appropriation	\$	4,000
782	Research and Evaluation	\$	2,075,621
	Education Fund Appropriation	\$	1,497,558
	Federal Fund Appropriation	\$	205,003
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	Special Fund Appropriation	\$	23,240
783	Management Information Systems	\$	23,497,503
	Education Fund Appropriation	\$	17,167,463
	Federal Fund Appropriation	\$	972,323
	State Fund Appropriation	\$	4,742,207
	Special Fund Appropriation	\$	615,510
784	Staff Development	\$	8,008,949
	Education Fund Appropriation	\$	1,066,651
	Federal Fund Appropriation	\$	1,120,520
	State Fund Appropriation	\$	5,509,178
	Special Fund Appropriation	\$	312,600

SECTION 2. The foregoing amounts in summary consist of:

<u>Fund</u>	<u>Amount</u>
Education	\$607,259,370
Federal	122,901,099
State	140,282,182
Special	14,738,321
	<u>\$885,180,972</u>

SECTION 3. AND BE IT FURTHER RESOLVED, That when enacted, this Resolution shall be certified to the State Superintendent of Schools.

SECTION 4. AND BE IT FURTHER RESOLVED, That this Resolution takes effect July 1, 2001.

Approved June 19, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 01-020
(Council Bill 01-558)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

President George W. Bush

FOR the purpose of extending our collective hopes and prayers in this time of national crisis to President George W. Bush and to call for a re-examination of our internal security policies in light of this methodically planned and painstakingly coordinated vicious and unprovoked attack.

Recitals

From the days when the United States of America was simply a concept in the minds of its founders, through our civil, and world wars, the various conflicts and police actions that we have undertaken in the name of freedom, the leadership of the United States has always stood tall and guided our nation to glory.

On September 11, 2001, our great nation was attacked in an act of savage violence never before seen on our nation's shores. As our great nation has previously been challenged by terror and aggression, we are now called upon to meet this most recent threat to our way of life. In order to successfully meet the challenges ahead in a way that will decrease the chances of this devastation being revisited upon our nation, we will need to reassess our relationship with our allies and rally our nation's various religious and ethnic groups behind this unprecedented national calamity.

While the impetus for this vicious attack on our peaceful nation is unknown, its signaling of a dramatic shift in the rules of engagement are clear. Whereas previous conflicts of this magnitude were joined by competing nation states, the events of September 11, 2001, signal the onset of hostilities by forces motivated more by ideology than nationality. These ideological instruments of terror know no geographical boundaries and, as we have recently learned, exist even within our own borders.

Our new President has assembled a team of experienced and talented advisors to give him council during this period of national crisis. The President has also made great strides in reaching out to other world leaders and explaining that defeating terrorist organizations is in our mutual best interest. While many of the President's closest advisors and other world leaders have had the experience of dealing with previous national emergencies, the events of September 11, 2001, clearly demonstrate the onset of an unprecedented altering of the rules of engagement.

The Mayor and the City Council of Baltimore would like to express its appreciation for the daunting tasks ahead and to further express its complete confidence in President Bush, his team of advisors, and our allies. May God bless President Bush, his advisors, our allies, and the United States of America!

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore extends its collective hopes and prayers in this time of national crisis to President George W. Bush and calls for a re-examination of our internal security policies in light of this methodically planned and painstakingly coordinated vicious and unprovoked attack.

SECTION 2. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the 30th day after the date it is enacted.

Approved September 28, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 01-021
(Council Bill 01-574)**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING
Councilwoman Bea Gaddy, Celebrating the Life and the Legacy**

FOR the purpose of expressing our deepest sympathy to her family and simultaneously celebrating the life and rich legacy of one of Baltimore's Best.

Recitals

Born Beatrice Frankie Fowler in Wake County, North Carolina in 1933, Mrs. Gaddy, or Mrs. Bea as she was fond of being called, experienced as a child many of the hardships endured by the people to whom she dedicated her life. With a mother who was a poorly paid domestic worker, and her stepfather an abusive alcoholic, Mrs. Bea learned early in life that a person's value and humanity are ill served if they are defined by their station in life. We would all do well to remember that lesson!

A humble and gracious lady, she was often referred to as the Mother Teresa of Baltimore City. Mrs. Bea didn't simply provide shelter and food to the destitute and downtrodden, she lived among them, often within the confines of her home. While the lore of Mother Teresa, the stunning accounts of her many good works, acts of charity, and selflessness are the stuff of legend, we believe that the comparison between these two great women flatters them both.

Mrs. Bea, for a woman of so many selfless acts of charity and grace, our words of appreciation are so woefully few. In part, this is due to the constraints and limitations placed on us by our language; words cannot express, but in part it is because we know that acknowledging the magnitude of your spirit and graciousness of

your heart would compel us to follow your example. In our own little way, each of us will try, but we all know that our collective good intentions can never amount to the sum of your good works!

Ours is a great nation of diverse ethnic and religious groups, and Mrs. Bea exemplified this spirit in that all were welcome to partake of her charity. Diversity is one of our many national strengths, and Americans are free to worship as they please. Regardless of which religion one might practice, the only principle more prominent than faith and obedience to God is Charity! At least for Baltimore, with its many philanthropic organizations and individuals, Mrs. Bea defined that term. Bea Gaddy was a great woman, a great American, and one of the major reasons why Baltimore is the greatest city in America!

We are fortunate to have known you, Mrs. Bea. Your advocacy for the least of us has inspired us all. Our lives have been touched by you, our deeds will now be measured by yours, and our memories of you shall never fade. Farewell dear Bea, we only hope that we can honor your memory as you honored us with your presence!

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and the City Council of Baltimore expresses deepest sympathy to her family while simultaneously celebrating the life and rich legacy of one of Baltimore's Best.

SECTION 2. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved October 15, 2001

MARTIN O'MALLEY, Mayor

**CITY OF BALTIMORE
RESOLUTION 01-022
(Council Bill 01-520)**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Payments in Lieu of Taxes —
Ward 4, Section 10, Block 0632, Lots 1-26 —
“Centerpoint”**

FOR the purpose of authorizing an economic development project to be known as Centerpoint in order that the Board of Estimates may enter into a Payment in Lieu of Taxes Agreement with Centerpoint Development, LLC, for a project encompassing approximately 345 residential market rate rental units, a related parking facility containing approximately 400 parking spaces, and approximately 35,000 square feet of retail space; providing that the project may be built in components; providing that the Payment in Lieu of Taxes shall be valid even if all components are not constructed; generally relating to payments in lieu of taxes for the project; and providing for a special effective date.

BY Authority of
Article - Tax - Property
Section 7-504.3
Annotated Code of Maryland
(As enacted by Chapter 643, Acts of 1999)

Recitals

The Centerpoint Project (the "Project") is proposed to include approximately 345 residential market rate rental units, a related parking facility containing approximately 400 parking spaces, and approximately 35,000 square feet of retail space to be constructed on parcels of land known as Ward 4, Section 10, Block 0632, Lots 1-26 generally bounded by North Howard Street, West Baltimore Street, North Eutaw Street, and West Fayette Street, in the Market Center Urban Renewal Area.

§ 7-504.3 of the State Tax-Property Article, as enacted by Chapter 643, Acts of 1999, authorizes the Board of Estimates of Baltimore City, subject to certain findings by the Board and to the enactment of an authorizing Resolution of the Mayor and City Council, to negotiate a payment in lieu of taxes (a "PILOT") for major economic development projects that meet certain criteria.

It is understood that the PILOT Agreement for the Project will include at least the minimum provisions required by law for minority and women participation in this economic development project.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That, subject to the conditions specified in this Resolution, the Project is authorized for purposes of allowing the Board of Estimates to enter into a PILOT Agreement with Centerpoint Development, LLC, its successors or its assigns for development of the Project, in accordance with § 7-504.3(b)(3) of the State Tax-Property Article. The PILOT Agreement shall recognize that the Project may be built in several components with the construction staged over a period of time, which components shall be independent from each other, and, that as each component is completed, it shall be entitled to the benefit of the Payment In Lieu of Taxes.

SECTION 2. AND BE IT FURTHER RESOLVED, That this authorization is subject to the condition that the Project not house or otherwise involve gambling activities (i) beyond that allowed by law as of January 1, 1999 or (ii) related to any game not authorized by the Maryland State Lottery.

SECTION 3. AND BE IT FURTHER RESOLVED, That this authorization is in the best interest of the City and will achieve significant public benefits and purposes, including (i) the encouragement of the economic development of the City, including the use of resources and entrepreneurial talents of the private sector to develop the entire Market Center Urban Renewal Area, (ii) the creation of job opportunities, (iii) the promotion of tourism, and (iv) the general promotion and improvement of the City and its facilities in order to foster and maintain the City and its image as a positive environment for the growth of business and industry and the continuing well-being of its residents, thereby further encouraging the health, welfare, and safety of the citizens of the City.

SECTION 4. AND BE IT FURTHER RESOLVED, That this authorization is subject to the following conditions:

- (a) The PILOT Agreement for the Project shall be for a period of 20 years (the "PILOT Term") after the effective date specified in the PILOT Agreement.
- (b) The negotiated payment in lieu of taxes for the Project shall be:
 - (i) for each year of the PILOT Term, the amount of the real property taxes based on the existing assessments on the entire property comprising the Project, or applicable component, as of July 1, 2000 (the "Base Tax"); plus
 - (ii) for each year of the PILOT Term, a percentage of the taxes that would otherwise have resulted from the increased assessment and reassessment due to the construction of the Project or applicable components (the "Increased Taxes"), which percentages shall be as follows:

Years 1 - 10	5% of the Increased Taxes
Year 11	10% of the Increased Taxes
Year 12	15% of the Increased Taxes
Year 13	20% of the Increased Taxes
Year 14	25% of the Increased Taxes
Year 15	30% of the Increased Taxes
Year 16	35% of the Increased Taxes
Year 17	40% of the Increased Taxes
Year 18	50% of the Increased Taxes
Year 19	65% of the Increased Taxes
Year 20	65% of the Increased Taxes

SECTION 5. AND BE IT FURTHER RESOLVED, That this Resolution takes effect on the date it is enacted.

Approved October 22, 2001

MARTIN O'MALLEY, Mayor

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District Chilled Water General Partnership and Urbanpipe Baltimore, LLC - infrastructure system for utilities, telecommunications, and other services	01-265	379
Harbor Link, Inc. - infrastructure system for utilities, telecommunications, and other services	01-260	349
Fuel sales prohibited for delivery into any dirt bike, unregistered motorcycle, or similar vehicle	00-130	65

G

Gaddy, Bea	Res. 01-021	418
Gallagher, Frank X. (A Tribute to)	Res. 00-014	405
Grace Hampden Methodist Church, 1014 West 36 th Street - Landmark List	00-111	24
Greenmount Avenue (3413, 3415, 3417, and 3419) - Parking lot	01-251	334
GS Properties, Inc. - Amendment - Planned Unit Development	01-241	300
Guilford Avenue (1600) (Mildred Monroe Elementary School #32) - Property sale	01-264	377

H

Harbor City Learning Center to be Harbor City High School - Naming City property	01-160	109
Harbor Link, Inc. - Franchise	01-260	349
Harlem Park Project II - Amendment 5 - Urban Renewal Plan	00-109	7
Hawkins Point Road (3106) and the east side of Allanhurst Drive, 230.7 feet north of Hawkins Point Road - Property sale	01-229	281
Highland Avenue - Streets - close	01-150	95
Highland Avenue (S 1318-1336) and a portion of Lot 25 of Block 6491 - Parking lot	01-238	297
Highland Avenue (S 1318, 1320, 1322, 1324, 1326, 1328/1330, 1336) - Zoning - Change	01-188	185
Hillsdale Road (3600) - Nursing home (assisted living)	01-181	176
Hillsdale Road (3605) - Nursing home (assisted living)	01-239	298
Historical and Architectural Preservation District - Railroad Historic District designated	00-108	6
Ten Hills Historic District designated	01-183	178

Home for the rehabilitation of non-bedridden alcoholic persons and for the care and custody of homeless persons - Pratt Street (W 1701) - Amend Ord. 98-361	01-146	90
Housing for the elderly - Cherry Hill Road (901-955)	01-178	173
Clinton Street (S 1315, 1317, 1319, 1321, 1323, 1325, 1327, 1329, 1331, 1333, 1335, 1337, 1339, 1341, 1343, 1345, 1347/1351)	01-187	183
Edmondson Avenue (1700-1720), Mount Street (N 604-610), Mount Street (612) and Fulton Street (N 613-621)	01-235	292
Smallwood Street (N 2-24)	01-168	123

I

Impoundment storage charges increased	01-190	209
In Recognition of the Retirement of Ronald L. Schultz as Director of the Office of Councilmanic Services	Res. 01-018	412
Income tax rate to be increased	01-180	175
Inner Harbor East - Amendment 9 - Urban Renewal Plan	00-123	51
Inner Harbor Project I - Amendment 16 - Urban Renewal Plan	00-132	67
Inner Harbor Project I - Amendment 17 - Urban Renewal Plan	01-134	76
Inner Harbor Project I (certain streets or portions of them lying within it) - Streets - close	01-245	326
Insulator Drive (2600) - Property sale	01-233	290

J

Jonestown - Amendment 5 - Urban Renewal Plan	01-153	99
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K

Key Highway (801) - Zoning - change	00-131	66
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L

Lafayette Avenue (E 400-414) - Community Correction Center	00-112	25
Lafayette Avenue (E 404-408) - Zoning - change	01-162	111
Landlord and tenant - Rental properties registration fees for non-owner-occupied dwelling units	01-191	211
Landmark List - DuVal/Hirschhorn House, 800 West Lake Avenue	01-182	177
Grace Hampden Methodist Church, 1014 West 36 th Street ..	00-111	24
Lead paint - Inspections for untreated lead-based paint hazards	00-106	3
Registration of residential property information to be shared with the State Department of the Environment in order to reduce lead risk in housing	00-107	5
Light Street (414) - Zoning - change	01-138	81
Linwood Avenue (N 502) - Nursing home (assisted living)	01-151	96
Lot 25 of Block 6491 (portion of Ward 26, Section 2, Block 6491) - Zoning - change	01-188	185
Lots 4 through 14 (including Lot 5A) of Block 6425, Ward 26 and that part of Lot 1 north of a line drawn from the southern boundary of Lot 4 (for Southeast Regional Library) - Property acquisition	00-126	54

M

Madison Avenue (815, 817-819, and 821) - Parking lot	00-104	1
McElderry Street (2421) - Substance abuse treatment center	01-154	102
Metropolitan District Extension - 2C3 Election District of Baltimore County in the vicinity of the south side of Lyons Mill Road west of Painters Mill Road - Ext. 137	01-159	108
2C3 Election District of Baltimore County in the vicinity of the south side of Lyons Mill Road west of Painters Mill Road - Ext. 138	01-169	124
2C3 Election District of Baltimore County in the vicinity of the south side of Meadow Road, west of Painters Mills Road - Ext. 140	00-117	37

	ORDINANCE	PAGE
Middle East - Amendment 6 - Urban Renewal Plan	00-119	41
Mid-Town Belvedere - Amendment 11 - Urban Renewal Plan	01-156	104
Milford Avenue (3910) - Nursing home (assisted living)	01-152	98
Milliman Street and a 10-foot alley - Property sale	01-158	107
Milliman Street and a 10-foot alley - Streets - close	01-164	113
Milliman Street and a 10-foot alley - Streets - open	01-163	112
Minority and Women Business Enterprise (MBE-WBE) Participation - State and Local Coordination	Res. 00-013	404
Motor fuel sales prohibited for delivery into any dirt bike, unregistered motorcycle, or similar vehicle	00-130	65

N

Naming City property -		
Bridges at 1500 North Charles Street to be the H. Mebane Turner Bridges	01-261	373
Central Administration Building, located at 200 East North Avenue, to be the Alice G. Pinderhughes Administration Building	01-139	82
88 State Circle, Annapolis, Maryland, to be the Janet Leland Hoffman Building	01-135	77
Harbor City Learning Center to be Harbor City High School	01-160	109
North Avenue (W 401) - Property sale	01-256	340
Nursing home -		
Belair Road (3007) (assisted living)	01-253	336
Brookfield Avenue (2235) (assisted living)	01-232	289
Elsinore Avenue (2300) (assisted living)	01-228	279
Hillsdale Road (3600) (assisted living)	01-181	176
Hillsdale Road (3605) (assisted living)	01-239	298
Linwood Avenue (N 502) (assisted living)	01-151	96
Milford Avenue (3910) (assisted living)	01-152	98
Park Heights Avenue (6508) (senior assisted living)	01-252	335
Woodbourne Avenue (901) (assisted living)	01-166	121

O

Operating budget for the New Baltimore City Board of School Commissioners	Res. 01-019	413
Ordinance of Estimates for the Fiscal Year ending June 30, 2002	01-193	217

P

Park Heights Avenue (4615) - Substance abuse treatment center	01-236	293
Park Heights Avenue (4910) (Park Heights Elementary School #14) - Property sale	01-264	377
Park Heights Avenue (6508) - Nursing home (senior assisted living)	01-252	335
Parking facilities (private) are required to be posted by a certain number of signs when towing services are used to enforce parking restrictions	01-231	285
Parking lot - Bowen Alley (402-412)	01-157	106
Greenmount Avenue (3413, 3415, 3417, and 3419)	01-251	334
Highland Avenue (S 1318-1336) and a portion of Lot 25 of Block 6491	01-238	297
Madison Avenue (815, 817-819, and 821)	00-104	1
Small Street (1004-1006)	00-121	49
21 st Street (W 14)	01-184	180
Wyman Park Drive (701)	01-240	299
Payments in lieu of taxes - "Centerpoint" (Ward 4, Section 10, Block 0632, Lots 1-26) .	Res. 01-022	419
Portion of Lot 003 of Block 564 lying north of a line drawn from the southern boundary of Lot 027 to its intersection with the western boundary of Lot 001 (for Central Library/State Resource Center) - Property acquisition	00-125	53
Pratt Street (E 750) - Zoning - change	00-122	50
Pratt Street (W 1701) - Home for the rehabilitation of non-bedridden alcoholic persons and for the care and custody of homeless persons - Amending Ord. 98-361	01-146	90
President George W. Bush	Res. 01-020	417

Property acquisition (City acquires) -

Lots 4 through 14 (including Lot 5A) of Block 6425, Ward 26 and that part of Lot 1 north of a line drawn from the southern boundary of Lot 4 (for Southeast Regional Library)	00-126	54
Portion of Lot 003 of Block 564 lying north of a line drawn from the southern boundary of Lot 027 to its intersection with the western boundary of Lot 001 (for Central Library/ State Resource Center)	00-125	53
Property sale (City sells) -		
Allanhurst Drive (east side of), 230.7 feet north of Hawkins Point Road and Hawkins Point Road (3106) ..	01-229	281
Alto Road (rear portion of 4001-4007)	01-227	279
Central Avenue (N 200) (Charles Carroll of Carrollton Elementary/Middle School #139)	01-264	377
Chase Street (E 1731) (Luther Craven Mitchell Primary School #135)	01-264	377
Cider Alley (former bed of)	01-255	339
Eden Street (N 1101) (also known as 1401 East Biddle Street) (Madison Square Elementary School #26) ..	01-264	377
Guilford Avenue (1600) (Mildred Monroe Elementary School #32)	01-264	377
Hawkins Point Road (3106) and the east side of Allanhurst Drive, 230.7 feet north of Hawkins Point Road ..	01-229	281
Insulator Drive (2600)	01-233	290
Milliman Street and a 10-foot alley	01-158	107
North Avenue (W 401)	01-256	340
Park Heights Avenue (4910) (Park Heights Elementary School #14)	01-264	377
Shirley Avenue (2810) (Malcolm X Primary School #38) ..	01-264	377
Sterrett Street (902)	01-143	85
Property tax rate - Fiscal Year 2002	01-194	247

R

Railroad Historic District designated	00-108	6
Rehoboth Square - Planned Unit Development	01-161	109
Reisterstown Plaza Transit Station - Amendment 6 - Urban Renewal Plan	01-254	337
Reisterstown Road Plaza Shopping Center - Amendment 1 - Planned Unit Development	01-257	340
Renewal and Conservation Plan amendments must be approved by ordinance	01-137	79

Renewal plans, their conditions and their requirements, and the relationship to the conditions and requirements imposed by the Zoning Code	01-165	115
Rental properties registration fees for non-owner-occupied dwelling units	01-191	211
Residence address of City officers and employees must be submitted at certain times	01-244	325
Resolutions of the Mayor and City Council -		
Baltimore City Council Tribute to a Beloved Comrade (Frank X. Gallagher)	Res. 00-014	405
Baltimore Urban Lighting Board - BULB	Res. 01-017	409
Councilwoman Bea Gaddy, Celebrating the Life and the Legacy	Res. 01-021	418
In Recognition of the Retirement of Ronald L. Schultz as Director of the Office of Councilmanic Services	Res. 01-018	412
Minority and Women Business Enterprise (MBE-WBE) Participation - State and Local Coordination	Res. 00-013	404
Operating Budget for the New Baltimore City Board of School Commissioners for the Fiscal Year Ending June 30, 2002	Res. 01-019	413
Payments in Lieu of Taxes - Ward 4, Section 10, Block 0632, Lots 1-26 - "Centerpoint"	Res. 01-022	419
President George W. Bush	Res. 01-020	417
Solid Waste Management Plan - Amendment	Res. 00-012	403
State Funding for Drug Treatment	Res. 01-015	406
Supporting the Remedy Plan	Res. 01-016	408
Retirement Systems -		
Employees' Retirement System - Formula changed for calculating certain benefits	01-189	186

S

Schultz, Ronald L.	Res. 01-018	412
Scrap metal dealers, scrap collectors, and scavengers new licensing and regulation provisions	01-243	304
Shirley Avenue (2810) (Malcolm X Primary School #38) - Property sale	01-264	377
Signs -		
Advertising signs, subject to certain conditions, are authorized for placement on bus and transit passenger shelters	01-230	281

Parking facilities (private) are required to be posted by a certain number of signs when towing services are used to enforce parking restrictions	01-231	285
Small Street (1004-1006) - Parking lot	00-121	49
Smallwood Street (N 2-24) - Housing for the elderly	01-168	123
Smallwood Street (N 2-24) - Zoning - change	01-167	122
Solid Waste Management Plan - Amendment	Res. 00-012	403
Stadium Place - Planned Unit Development	00-113	26
State Funding for Drug Treatment	Res. 01-015	405
Sterrett Street (902) - Property sale	01-143	
Storage charges increased for certain impounded vehicles	01-190	209
Streets - close -		
Certain streets and alleys lying within the Market Center West Project	01-263	375
Cider Alley, extending from Penn Street westerly 219.5 feet, more or less	01-148	92
Dallas Street	01-246	328
English Consul Avenue	01-149	93
Highland Avenue	01-150	95
Inner Harbor Project I (certain streets or portions of them lying within it)	01-245	325
Milliman Street and a 10-foot alley	01-164	113
Streets - open -		
Certain streets and alleys lying within the Market Center West Project	01-262	373
Cider Alley, extending from Penn Street westerly 219.5 feet, more or less	01-147	91
Milliman Street and a 10-foot alley	01-163	112
Substance abuse treatment center -		
Baltimore Street (E 3400)	01-155	103
McElderry Street (2421)	01-154	102
Park Heights Avenue (4615)	01-236	293
Supporting the Remedy Plan	Res. 01-016	408

T

Taxes -		
Income tax rate to be increased	01-180	175
Property tax rate for Fiscal Year 2002	01-194	247
Ten Hills Historic District designated	01-183	178
Tobacco -		
Penalties increased for sales of unpackaged cigarettes	01-172	159
Regulations for display and placement of tobacco products	01-176	168
Towing -		
Parking facilities (private) are required to be posted by a certain number of signs when towing services are used to enforce parking restrictions	01-231	285
21 st Street (W 14) - Parking lot	01-184	180
25 th Street (E 900-920) - Zoning - change	01-179	174

U

Underground conduits for wires fees may be set and modified by the Board of Estimates	00-116	36
Urban Renewal Plan -		
Canton Industrial Area - Amendment 1	00-129	63
Canton Industrial Area - Amendment 2	01-234	291
Canton Waterfront - Amendment 3	00-105	2
Central Business District	01-170	125
Coldstream Homestead Montebello - Amendment 7	01-177	171
Fells Point - Amendment 18	00-115	33
Harlem Park Project II - Amendment 5	00-109	7
Inner Harbor East - Amendment 9	00-123	51
Inner Harbor Project I - Amendment 16	00-132	67
Inner Harbor Project I - Amendment 17	01-134	76
Jonestown - Amendment 5	01-153	99
Middle East - Amendment 6	00-119	41
Mid-Town Belvedere - Amendment 11	01-156	104
Reisterstown Plaza Transit Station - Amendment 6	01-254	337
Washington Hill-Chapel - Amendment 10	01-175	165

V

Vehicle impoundment storage charges increased	01-190	209
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W

Wagner Street (801) - Zoning - change	00-120	48
Ward 2, Section 6, Block 1827, Lots 3,4; Ward 3, Section 7, Block 1826, Lots 1, 2; and Ward 3, Section 7, Block 1818, Lots 21/27, 31, 32, 33, 34, 35/37, 38/40, 41/43, 44, 45/52, 53, 54, 99, 100/102 - Zoning - change	00-124	52
Washington Hill-Chapel - Amendment 10 - Urban Renewal Plan	01-175	165
Woodbourne Avenue (901) - Nursing home (assisted living)	01-166	121
Wyman Park Drive (701) - Parking lot	01-240	299

Z

Zoning - change -		
Broadway (N 6 and 100)	01-173	161
Caroline Street (N 29, 31, 33, 35, 41, and 43)	01-173	161
Clinton Street (S 1315, 1317, 1319, 1321, 1323, 1325, 1327, 1329, 1331, 1333, 1335, 1337, 1339, 1341, 1343, 1345, 1347/1351)	01-188	185
Dallas Street (N 102, 104, 106, 108, 110, and 112)	01-173	161
Fairmount Avenue (E 1500, 1502, 1504, 1506, 1508, 1510, 1512, and 1514)	01-173	161
Fayette Street (E 1501)	01-173	161
Highland Avenue (S 1318, 1320, 1322, 1324, 1326, 1328/1330, 1336)	01-188	185
Key Highway (801)	00-131	61
Lafayette Avenue (E 404-408)	01-162	111
Light Street (414)	01-138	81
Lot 25 of Block 6491 (portion of Ward 26, Section 2, Block 6491)	01-188	185
Pratt Street (E 750)	00-122	50
Smallwood Street (N 2-24)	01-167	122
25 th Street (E 900-920)	01-179	174
Wagner Street (801)	00-120	48
Ward 2, Section 6, Block 1827, Lots 3,4; Ward 3, Section 7, Block 1826, Lots 1, 2; and Ward 3, Section 7, Block 1818, Lots 21/27, 31, 32, 33, 34, 35/37, 38/40, 41/43, 44, 45/52, 53, 54, 99, 100/102	00-124	52
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Proscribing the approval of a conditional use if the use is precluded by an applicable renewal plan	01-165	115

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Canton Crossing	01-192	212
Constellation Property	00-114	29
Eastern Plaza	01-242	302
801 Key Highway	00-133	73
GS Properties, Inc. - Amendment	01-241	300
Rehoboth Square	01-161	109
Reisterstown Road Plaza Shopping Center - Amendment 1 .	01-257	340
Stadium Place	00-113	26