



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman



Thomas J. Stosur
Director

STAFF REPORT

February 18, 2010

REQUEST: City Council Bill #09-0411/ Sale of Property – 4900 Boston Street

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all of its interest in certain property known as 4900 Boston Street (Block 6820, Lot 055) and no longer needed for public use; and providing for a special effective date.

RECOMMENDATION: Approval, subject to incorporation of updated Right-of-Way plat dated January 28, 2010 in the proposed sales legislation.

STAFF: Robert Quilter

PETITIONER: Administration (Department of Real Estate)

OWNER: Mayor and City Council

SITE/GENERAL AREA

Site Conditions: The subject property is located in Southeast Baltimore at the northeast corner of Boston and Ponca Streets. The Baltimore Harbor Tunnel Thruway right-of-way is immediately to the east. It is known as Lots 55/56 of Ward 26, Section 01, Block 6820 and is 0.619 acres, more or less. It is zoned M-3 and is vacant but for recent screening wall improvements.

General Area: The site is located in an industrial area of Southeast Baltimore with large expansive industrial/warehouse buildings and associated parking and storage areas. It is two blocks to the west of I-95 and has nearby access to it and 895.

HISTORY

- Ordinance # 637, approved June 20, 1990, established the Canton Industrial Area Urban Renewal Plan.
- Ordinance #234, approved August 13, 2001, was the second and last amendment to that Plan.

CONFORMITY TO PLANS

The proposed designation is found to be consistent with the following element of the Baltimore City Comprehensive Master Plan: EARN Goal 1: Strengthen Identified Growth Sectors, Objective I: Retain and Attract Businesses in all Growth Sectors.

ANALYSIS

City Council Bill 09-0411, if approved, would authorize the Mayor and City Council to sell either at public or private sale, all of its interest in a certain parcel of land known as 4900 Boston Street (Block 6820, Lots 55/56), consisting of 0.619 acres more or less at the northeast corner of Boston and Ponca Streets. In response to an unsolicited proposal, the Department of Real Estate issued a public notice on December 8, 2002, giving any interested parties 30 days to submit their proposal to purchase this property. At the end of the process, no other bids were submitted and the property was awarded to a Mr. Theodore Onasis on February 18, 2003. A Right of Entry and Exclusive Negotiating Privilege Agreement was signed on February 23, 2003.

A lease agreement between the Mayor and City Council of Baltimore and Mr. Onasis was approved by the Board of Estimates on December 21, 2005. The agreement allowed the lessee to develop the lot, subject to applicable Zoning and Urban Renewal Plan Ordinances. After that date, Mr. Onasis hired a contractor to pave the lot and build screening walls along Boston and Ponca Streets, making the site more attractive and anticipating future development. It was discovered, however, that the portion of the wall along Boston Street was just outside the property line and within the right of way of Boston Street. Moreover, the Department of Transportation identified the need for a portion of the two major street frontages for possible right of way expansion. The lease was therefore amended on August 29, 2007 to allow for reimbursement to the tenant for those improvements in the event that the property was needed for public purpose and to change the commencement date to begin on September 1, 2007 and terminating on August 31, 2027. On July 13, 2009, the Department of Transportation confirmed that the property was no longer needed for public purpose, provided that a twenty (20) foot Right of Way is reserved for City use. This will require a Future Right-of Way Area Agreement between the City and the perspective owner. Therefore, in January, 2010, the Department of Transportation, Transportation Engineering and Construction Division amended the Plat of Survey for this property to show a future right of way line along Ponca and Boston Streets and a notation for a proposed licensing agreement area of .027 acres along Boston Street to allow the wall within the existing right of way to remain until this area is needed by the City. This revised plat and the proposed agreements will need to be amended into the bill.

Therefore, it is Staff's findings that the subject property is no longer needed for public purposes, save the future right-of-way area and existing right-of-way area to be covered by the license agreement. Thus, the property is surplus highway right-of-way that is no longer needed and can be sold.

In advance of a hearing on this matter, staff notified the Canton Maritime Association and the Baltimore Development Corporation.

Thomas J. Stosur
Director