

BALTIMORE COUNTY REAL ESTATE COMPLIANCE
APPLICATION FOR THE CLOSURE/OPENING OF A ROAD/ALLEY

Applicant: _____ Attorney: _____

Address: _____ Address: _____

Telephone: _____ Telephone: _____

Fax: _____ Fax: _____

Engineer: _____ Email addresses: _____

_____ Attorney: _____

Address: _____ Engineer: _____

_____ Petitioner: _____

Telephone: _____

Fax: _____

The applicant, as evidenced by the attached package, hereby makes application to Baltimore County, Maryland for the (opening/closure) of _____ (Name of Road) _____, which (road/alley) is situate in the _____ (State geographic area of County, e.g., Rosedale) area of the ___ Election ___ Councilmanic Districts of Baltimore County.

() Said (road/alley) _____ (Name of Road) _____ is laid out on a Plat entitled _____ (Name of Plat) _____ and recorded in Plat Book No. _____, folio _____

and said road/alley was not reserved; or

() Said (road/alley) _____ (Name of Road) _____ is/not owned by Baltimore County; or

() Said (road/alley) _____ (Name of Road) _____ is/not maintained by Baltimore County.

COMMENTS: _____

(SEAL)
Petitioner

ROAD CLOSING PROCEDURES

Pursuant to Article 18, Title 3, section 18-3-302 of the Baltimore County Code (2003), a person(s) or entity may petition the County to open or close a road or alley by filing an application with the County.

1. The package is submitted to the Baltimore County Real Estate Compliance and must contain the following:
 - a. An application for closure or opening of a road or alley;
 - b. Notice of Closure or Opening;
 - c. Mylar prepared bearing name of plat, signed and sealed by a registered surveyor depicting the area of closure or opening. The area on the mylar must be hatched correctly (See attached Exhibit "A") and must contain the correct nomenclature;
 - d. Metes and Bounds description of the closure or opening area signed and sealed by a registered surveyor;
 - e. A certified check payable to Baltimore County, Maryland in the amount of \$575.00 (which represents the **non-refundable** processing fee);
 - f. A Certificate of Ownership or a certified Title Examination, which identifies the fee simple owner of the roadbed.
2. After Real Estate Compliance receives the package, a copy of the package will be forwarded to the Office of Law, the mylar and metes and bounds description will be forwarded to its drafting section for review and the Notice and the description of the closure/opening area will be forwarded to the appropriate agencies for their review and comments.
3. If no objections are received and no revisions to the mylar are required, Real Estate Compliance will contact the appropriate parties within three weeks after receipt of the package to schedule the date for the road closing/opening hearing.
4. The road closing/opening hearing will not be scheduled if:
 - a. Objections are received by the County agency(ies) and the applicant meets with a representative from the agency(ies) in an attempt to resolve the issues;
 - b. Revisions have been completed and revised mylars signed and sealed by the surveyor are received by Real Estate Compliance.
5. The person(s) or entity submitting the application for the closure/opening at her, his or its **sole discretion and risk**, may:
 - a. Request that Real Estate Compliance, upon completion of its drafting review, set the hearing date; and
 - b. Commence advertising.

However, if comments from the drafting section and/or agencies necessitate adjustments in the closure/opening area, which increase or substantially change the closure/opening areas, the hearing will be recessed. The hearing will be reconvened at a later date after any additional advertising and/or changes have been completed.

6. The petitioner must serve notice of his/her/its intention to close or open a road or alley by:
 - a. Publication in one or more newspapers of general circulation for 3 successive weeks setting forth:
 - (i) The length, location, and termini of the road;
 - (ii) The names and addresses of the property owners whose property abuts the section of road at issue;
 - (iii) The date that the petitioner will appear before the County Administrative Officer or the County Administrative Officer's designee to offer testimony as to the intent and purpose of the closure/opening and ask for a decision on his/her/its petition.
 - b. Serving a copy of the published notice via certified mail or private service to the property owners whose property abuts the road/alley to be closed/opened, the Baltimore Gas and Electric Company, Comcast Cablevision of Baltimore County, and Verizon Communications. In the event personal service to the property owners of the property that abut road/alley to be closed/opened is not practicable, the notice may be left on the premises with the person in charge of the premises.
 - c. If the road/alley you are petitioning to close or open abuts a State highway or State Highway Administration or States Roads Commission property, send a copy of the Notice of Road Closing/opening, via certified mail, to Larry Brocato, Maryland State Highway Administration, 707 N. Calvert Street, Baltimore, Maryland 21202.
7. Petitioner shall, at her, his, or its sole cost and expense, contract for the services of a Court Reporter to transcribe the proceedings of the hearing, and shall arrange for a copy of the transcript, preferably in miniscript format, to be provided to the County within ten (10) business days of the date of adjournment of the hearing. The verified transcription will become the official record of the hearing. In addition, within ten (10) days of the date of adjournment of the hearing, petitioner shall submit to the County, in a format compatible with MS Word or Corel WordPerfect, petitioner's statement of Proposed Findings of Fact and Conclusions of Law.

If petitioner believes that petitioner is unable to bear the costs and expenses of proceeding, as set forth hereinabove, petitioner shall submit to the County, at least 21 days prior to the scheduled hearing, a request that petitioner be permitted to proceed *in forma pauperis*, setting forth the facts and grounds supporting petitioner's request. Such a request shall not be granted unless the facts and grounds set forth therein, clearly and convincingly, in the sole discretion of the County, demonstrate petitioner's inability to proceed except by grant of the request. Denial of the request shall not be grounds for an appeal.

8. On or before the last date for publication of the notice the person(s) or entity seeking to have a road or alley opened or closed shall file with the county:
 - a. The petition signed by the person(s) or entity petitioning for road/alley closure. However if the person(s) or entity is petitioning for a road or alley opening, all adjoining property owners and the person(s) or entity must join in the Petition and execute same as evidence

of their agreement to bear the cost of the road improvements required as a result of the road or alley opening; and

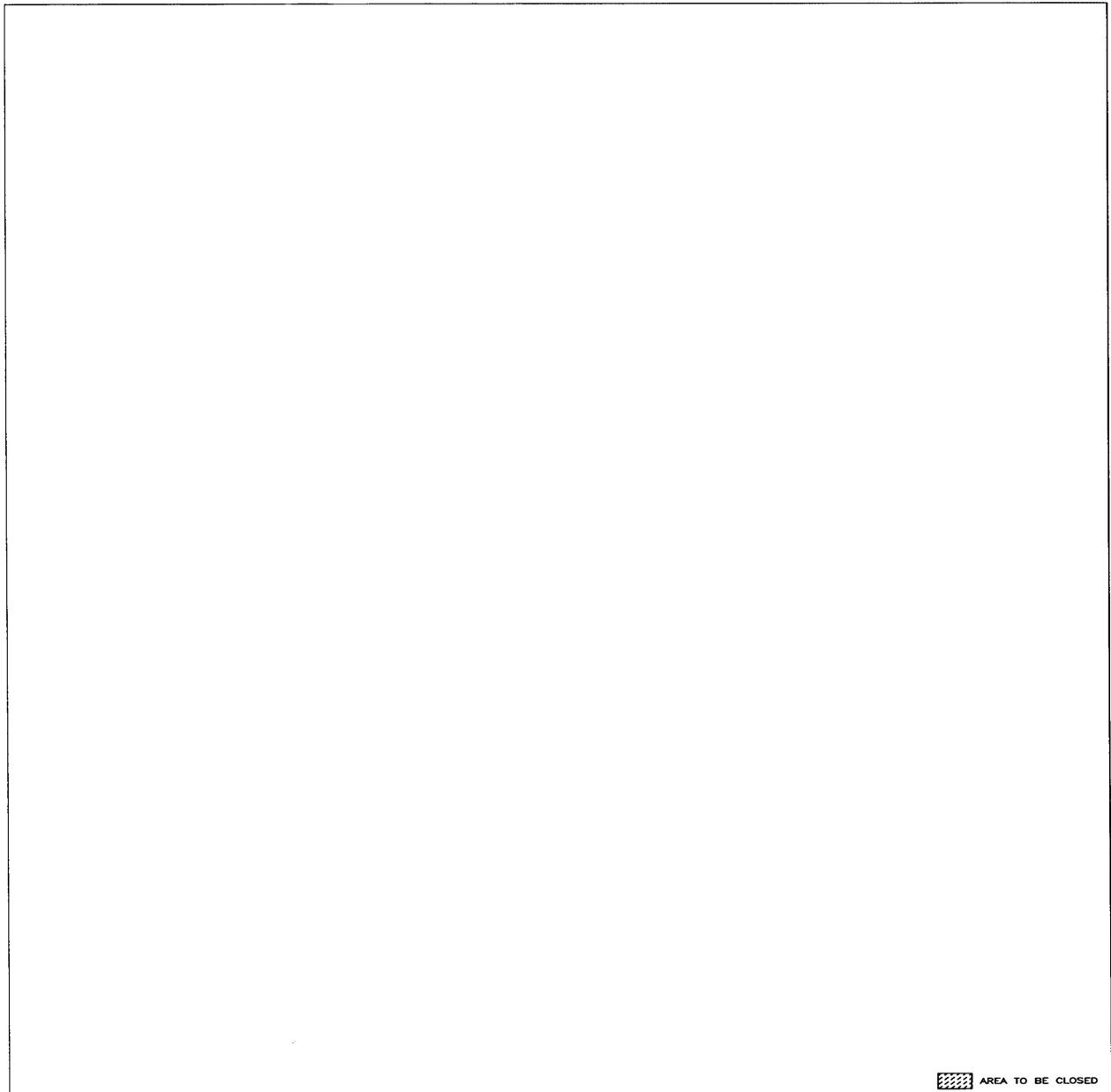
- b. A certificate of publication of the notice; and
 - c. A certificate of service by the person serving the notice **(i.e. Original green certified receipts and/or certificate of service)**.
9. Please note that if the closure area is owned by Baltimore County and intended to be purchased either by the person(s), entity and/or adjoining property owner(s), said notice of such intent may be included in the publication by setting forth the appropriate citation of the Baltimore Code.
10. Please be advised that the closing of a road does not transfer ownership and does not change any private easement rights. If ownership information is needed, it is the responsibility of the petitioner to obtain this information at petitioner's expense.
11. Please be advised that Baltimore County will only hold a road closing/opening hearing if: (1) the road/alley is laid out and shown on a record plat (and the owner has not expressly reserved the roadbed); (2) Baltimore County maintains said road; or (3) Baltimore County owns the road/alley. Prior to submittal of a request to close a road, the inquirer must contact the Records Management Section (410-887-3263) to verify ownership of said road. Please note that anyone having an objection may attend the hearing and state such objections to the closure/opening to the hearing officer.

Finally, after the hearing is concluded and the Hearing Officer has made his decision, and the Office of Law has received the required transcript and statement of Proposed Findings of Fact and Conclusions of Law, the office will prepare an order for the hearing officer's signature. Once the order has been executed, a signed copy will be sent to everyone on the attendance list and the original will be forwarded by Real Estate Compliance, to the Clerk of the Court, Recording Department, for recording after the thirty day appeal period has expired.

THE PETITIONER IS SOLELY RESPONSIBLE FOR ANY AND ALL COSTS ASSOCIATED WITH THIS PROCEEDING.

For your convenience included herewith are forms, together with the Road Closing/Opening Checklist, to assist you in the preparation of the above-captioned road closing procedures. If any additional information is needed, please feel free to contact Real Estate Compliance at 410-887-3269.

Exhibit "A"



AREA TO BE CLOSED

BALTIMORE COUNTY		DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT				BUREAU OF LAND ACQUISITION	
DISTRICT NO.		POSITION SHEET NO.		FEDERAL PROJECT NO.		MARYLAND PROJECT NO.	
CONSTRUCTION PLAN NO.							
APPROVED	DIRECTOR OF PUBLIC WORKS	AREA TO BE ACQUIRED	EXISTING COUNTY R/W	DATE		SURVEYOR	
DATE		REVERTIBLE SLOPE EASEMENT	AREA TO BE RELEASED	DATE		REG. NO.	
APPROVED	CHIEF, BUREAU OF LAND ACQUISITION	TEMPORARY CONSTRUCTION AREA	TEMPORARY SLOPE EASEMENT	SHEET		REVISIONS	
DATE		ITEM NO.	RECORDED	DRAWN BY	SCALE:		
APPROVED	DIVISION OF DRAFTING			PLAT CHECKED	B.C. JOB ORDER NO.		
DATE				AREA CHECKED			
				TITLE CHECKED			

CHECKLIST FOR APPLICANTS

Application is submitted to the: Real Estate Compliance, PAI
County Office Bldg., Room 112,
111 W. Chesapeake Avenue,
Towson, MD 21204

The applicant's package must contain:

- ___ A signed original and copy of Notice of Closure or Opening
- ___ Completed Certificate of Title (see attached format for requirements)
- ___ Metes and Bounds description
- ___ A Mylar signed and sealed by a registered surveyor together with a copy of the mylar indicating:
 - ___ P.O.B.
 - ___ Closure area must be labeled "AREA TO BE (CLOSED or OPENED)."
 - ___ Closure/opening area must be hatched (dashed hatching) correctly.
 - ___ If closure area is owned by Baltimore County, a deed reference must be included on the drawing.
 - ___ Drawing must include a perimeter description.
 - ___ Specify acreage, rounded to the nearest 3rd decimal point, and square footage.
 - ___ If road is laid out on a plat, include plat name and reference.
- ___ Check for \$575 sent to Real Estate Compliance payable to Baltimore County, Maryland.
- ___ Scheduled placement of notice in newspaper of general circulation for 3 weeks allowing for sufficient time to obtain Certificate of Publication, setting forth the description of the closure area, date, time, and place of hearing.
- ___ Prior to publication, fax (410-887-3270) a copy of ad for County's approval
- ___ Send letters together with copy of first publication by Certified Mail to:
 - ___ 1) All abutting property owners.
 - ___ 2) All Utilities--BGE, Verizon, & Comcast Cable.
 - ___ 3) If abuts State Highway, to Larry Brocato, SHA,
707 N. Calvert Street, Baltimore, MD 21202.
- ___ Obtain services of Court Reporter for recording proceedings at the hearing.

On or before the last day of publication submit the following to Real Estate Compliance:

- ___ Submit Petition for Road Closing executed by all parties. Please note that if the area to be opened affects more than the Petitioner, then all parties affected by the opening must join in the petition to

evidence their agreement to bear the cost of any and all improvements in connection with the road opening.

____ Original Certificate of Publication from newspaper submitted 24 hours prior to hearing.

____ Original Certified Receipts showing proof of Delivery (Green copies) and copies of letters with attachments sent to:

____ 1) All abutting property owners.

____ 2) All Utilities--BGE, Telephone, & Cable.

____ 3) If abuts State Highway, to Larry Brocato, SHA,
707 N. Calvert Street, Baltimore, MD 21202.

____ Submit transcript of Hearing proceedings and statement of Proposed Findings of Fact and Conclusions of Law.

DATE

Re: _____

Dear _____:

Enclosed herewith, please find a notice of road (closing/opening) and accompanying _____ concerning the closing of the above-captioned (name of road)_____.

If you, as an abutting property owner, have any objections to the closing/opening, you may appear at the hearing on the date and time shown in the notice to make your objections known and/or submit your objections in writing prior to the hearing.

In the event of inclement weather, please contact Real Estate Compliance at (410) 887-3269 to determine status of hearing.

If you have any questions, please contact Real Estate Compliance at any time at (410) 887-3269.

Sincerely,

Petitioner

Enclosure

DATE

Richard Meeker
Property Development Analyst
Baltimore Gas and Electric Company
1068 N. Front St, Room 302
Baltimore, MD 21202

RE: Road Closing
Portion of _____
in the ___ Election District

Dear Mr. Meeker:

Enclosed herewith, please find a Notice of Road (Closing/Opening) and a drawing/plat with regard to the closing/opening of the above-captioned road located in the _____ Election District of Baltimore County.

If BGE has any objections to the proposed closure/opening, said objections must be submitted in writing to Real Estate Compliance, County Office Building, 111 West Chesapeake Avenue, Room 112, Towson, Maryland 21204 at least 48 hours prior to the date of the hearing. A representative of BGE should attend in order to explain the reasons for its objection and/or answer questions.

In addition, please provide information regarding the existence of any and all aerial and/or underground utilities located within said road. In the event we do not hear from you prior to the road closing/opening hearing, we will assume BGE has no objections to the closure/opening and/or utilities located within the roadbed.

Please be advised that failure to respond could result in BGE losing any right to have their facilities located or remaining within the bed of the road.

Thank you for your attention and cooperation in this matter.

Very truly yours,

Petitioner

Enclosures

DATE

Mr. John Walters
Comcast Cablevision of Baltimore County
8031 Corporate Drive
White Marsh, Maryland 21236

Attention: Community Relations

RE: Road Closing
Portion of _____
in the _____ Election District

Dear Mr. Walters:

Enclosed herewith, please find a Notice of Road (Closing/Opening) and a drawing/plat with regard to the closing/opening of a portion of the above-captioned road located in the _____ Election District of Baltimore County.

If Comcast has any objections to the proposed closure/opening, said objections must be submitted in writing to Real Estate Compliance, County Office Building, 111 West Chesapeake Avenue, Room 112, Towson, Maryland 21204 at least 48 hours prior to the date of the hearing. A representative of Comcast should attend in order to explain the reasons for its objection and/or answer questions.

In addition, please provide information regarding the existence of any and all aerial and/or underground utilities located within said road. In the event we do not hear from you prior to the road closing hearing, we will assume Comcast has no objections to the closure/opening and/or utilities located within the roadbed.

Please be advised that failure to respond could result in Comcast losing any right to have their facilities located or remaining within the bed of the road.

Thank you for your attention and cooperation in this matter.

Very truly yours,

Petitioner

Enclosures

DATE

Verizon Communications
P.O. Box 1001
TXD 01613
San Angelo, TX 76902-1001

RE: Road Closing
Portion of _____
in the _____ Election District

Gentlemen:

Enclosed herewith, please find a Notice of Road (Closing/Opening) and a drawing/plat with regard to the closing/opening of a portion of the above-captioned road located in the _____ Election District of Baltimore County.

If Verizon has any objections to the proposed closure/opening, said objections must be submitted in writing to Real Estate Compliance, County Office Building, 111 West Chesapeake Avenue, Room 112, Towson, Maryland 21204 at least 48 hours prior to the date of the hearing. A representative of Verizon should attend in order to explain the reasons for its objection and/or answer questions.

In addition, please provide information regarding the existence of any and all aerial and/or underground utilities located within said road. In the event we do not hear from you prior to the road closing hearing, we will assume Verizon has no objections to the closure/opening and/or utilities located within the roadbed.

Please be advised that failure to respond could result in Verizon losing any right to have their facilities located or remaining within the bed of the road.

Thank you for your attention and cooperation in this matter.

Very truly yours,

Petitioner

Enclosure

IN THE MATTER OF * BEFORE THE
 THE CLOSING/OPENING OF * COUNTY EXECUTIVE
 A PORTION OF _____ *
 IN THE ___TH ELECTION DISTRICT, * FOR
 ___TH COUNCILMANIC DISTRICT *
 RC - * BALTIMORE COUNTY

* * * * *

PETITION FOR ROAD CLOSING/OPENING

The Petition of Petitioner's Name, for the closing/opening of a portion of (Name of Road) in the ___th Election District, ___ Councilmanic District of Baltimore County, Maryland AS SHOWN ON drawing and generally described as follows:

*** SAMPLE OF DESCRIPTION

*** Substitute with name/description of road you intend to close/open

Being a parcel of land 20 feet wide running in an easterly direction approximately 220 feet, more or less, from the intersection with the East side of _____ Road, more or less, measured South 87 1/2 degrees East along the center line of _____ from the East side of _____ Road, thence running easterly along the rear portions of numbers 4, 6, 8, 10, 12, and 14 _____, and the rear portions of numbers 8, 10, 12, 14, 16, 18, 20, 22, 26, 30 and 32 _____ Avenue a distance of 523 feet, more or less:

+++ And for reasons for the closing/opening states the following:

(+++ All reasons for closing/opening may not apply to your road closing/opening)

1. That said portion of said road is/is not necessary for public travel.
2. That said road is of no use to anyone other than your Petitioner and the adjacent property owners.
3. That said road constitutes a nuisance to the Petitioners in that they are the only persons maintaining the same.
4. Specify intended use of area after closure/opening.
5. And for such other and further reasons as shall be presented at the time of the hearing.

WHEREFORE, Your Petitioner prays:

That said road as previously described herein be closed/opened.

 (signature)
 _____, Petitioner

 (address)

IN THE MATTER OF
THE CLOSING/OPENING OF

* BEFORE THE
* COUNTY EXECUTIVE
* FOR
* BALTIMORE COUNTY

____ ELECTION DISTRICT,
____ COUNCILMANIC DISTRICT
RC - _____

* * * * *

NOTICE OF ROAD CLOSING/OPENING

TO WHOM IT MAY CONCERN:

Pursuant to Article 18, Title 3, Subtitle 302 of the Baltimore County Code of 2003,
____ Petitioner's Name _____ intends to close/open a portion of (Name of Road), in the ____th Election
District, ____ th Councilmanic District of Baltimore County, Maryland.

*** SAMPLE OF DESCRIPTION

*** Substitute with description of road you intend to close/open

Beginning for the same at a point on the southernmost boundary, or North 74 12' 06" West 244.99 feet line of the subdivision plat of _____, Plat ____" as now recorded in the Plat Records of Baltimore County, Maryland in Liber No. E.H.K. Jr. __ Folio ____, said point being the intersection of the boundary line between Rossville Boulevard and Parcel "L" as shown on the said plat, and the aforesaid southernmost line, said point also being 17.62 feet from the beginning of aforesaid southernmost line, thence binding on said southernmost line as surveyed by Baltimore County Department of Surveys in a survey dated _____, North 74 10' 14" West 22.80 feet, thence for new lines of division, Northwesterly along the arc of a curve deflecting to the right with a radius of 2251.83 feet and an arc length of 156.01 feet and a chord bearing and distance of North 24 51' 42" West 155.98 feet, said curve also being 39.5 feet East of and concentric with the base line of Rossville Boulevard as shown on Baltimore County Bureau of Engineering drawing number 85-0683, thence North 30 09' 27" East 67.48 feet, thence Easterly along the arc of a curve deflecting to the right and having a radius of 1692.95 feet, an arc length of 22.69 feet and a chord bearing and distance of North 85 57'11" East 22.69 feet to intersect the Western boundary of Parcel "L" as shown on the first mentioned subdivision plat, said curve also being concentric with and 55 feet South of the center line of Perry Hall Boulevard as shown on Baltimore County Bureau of Engineering drawing number 85-0683, thence binding on said boundary line in a southerly direction the following two courses and distances, viz.: along the arc of a curve deflecting to the left having a radius of 84.00 feet, an arc length of 78.98 feet and a chord bearing and distance of South 10 57' 26" West 76.10 feet to a point, and along the arc of a curve deflecting to the left with a radius of 1392.39 feet, an arc length of 140.58 feet and a chord bearing and distance South 18 52' 17" East 140.52 feet to the place of beginning.

Containing _____ sq. ft., or _____ acre, more or less.

The adjacent property owners involved are as follows:

Mr. John Smith
_____ Road
Baltimore, Maryland 212____

Ms. Jane Doe
_____ Road
Baltimore, Maryland 212____

TAKE NOTICE: A hearing will be held on the ___ day of _____, 200 at ____ AM/PM. in the conference room of Real Estate Compliance, Room 110, 111 W. Chesapeake Avenue, Towson, Maryland, for the purpose of receiving objections, if any, to the closing/opening. If you cannot be present to submit your objections, you may send your written objections via certified mail Real Estate Compliance, County Office Building, Room 112, 111 W. Chesapeake Avenue, Towson, Maryland 21204. Please note, however, written objections must be received by this office at least one business day prior to the date of the hearing.

ADD THE FOLLOWING FOR DECEMBER THROUGH MARCH HEARINGS:

(Please note that in the event of inclement weather, contact Real Estate Compliance at 410-887-3293 to determine if the hearing has been postponed until the ___ day of _____, 200 at ____ AM/PM.)

(signature)

_____Petitioner

(address)

REQUIRED FORMAT FOR TITLE CERTIFICATE ACTUAL DOCUMENT NEED NOT BE USED

TO:

FROM:

CERTIFICATE OF TITLE

Re:

The undersigned Attorney at Law, authorized to practice in the State of Maryland having an established office at _____ being familiar with the Land Records, Circuit Court Records, Orphan Court Records and other records of Baltimore County, has examined the foregoing records, or such of them that may relate to the title and encumbrances thereon of the road/alley herein described for a period covering at least 60 years, and certifies that said records disclose the following:

LOCATION AND GENERAL DESCRIPTION OF ROAD/ALLEY: _____

AS APPEARING FROM LAND RECORDS: Contains ___ +/- acre described in _____

OWNER OF ROAD/ALLEY AS APPEARING: _____

FROM THE ASSESSMENT RECORDS _____ th District Acct _____

FEE SIMPLE TITLE VESTED IN: _____

OTHER INTERESTS OF RECORD: List with applicable references or type: None _____

REFERENCE TO DEEDS AND OTHER INSTRUMENTS BY WHICH TITLE WAS ACQUIRED: _____

EASEMENTS: _____

RESTRICTIONS OR OTHER COVENANTS: _____

MORTGAGE LIENS: List all that apply or type: None _____

OTHER LIENS AND ENCUMBRANCES: _____

Also attached are copies of all other deeds in the chain of title for at least a 60 year period. _____

This Certificate of Title is rendered to Baltimore County, Maryland, for its benefit, with the understanding that Baltimore County, Maryland, will rely upon the truth, accuracy and completeness of the certifications, representations and opinions herein set forth.

This certification may be relied upon by Baltimore County, Maryland, authorities. It may not be relied upon by any other person or entity without the prior written consent of the undersigned.

I FURTHER agree to indemnify, protect, and hold harmless Baltimore County, Maryland, its agents, employees, successors, and assigns from and against any and all costs, liability, penalties, fines, forfeitures, attorney's fees, judgments, and related litigation costs arising from errors and omissions contained in this certification, it being fully understood and acknowledged that Baltimore County intends to rely fully upon said certification.

It is the opinion of the undersigned that good and merchantable title vests in the aforementioned title holders of record, subject only to such easements, restrictions, covenants, and liens and encumbrances as are above mentioned and the following: (add additional comments as appropriate).

Attorney

_____ (SEAL)

Name: _____ (print)

Address: _____

Telephone # _____

Firm: _____

Address: _____

Telephone No. _____

PROFESSIONAL LIABILITY INSURANCE: (\$1,000,000.00 minimum)

Company: _____

Policy No.: _____

Policy Limits: _____