



JOHN A. OLSZEWSKI, JR.  
*County Executive*

PAUL M. MAYHEW  
*Managing Administrative Law Judge*  
MAUREEN E. MURPHY  
*Administrative Law Judge*

August 1, 2022

Howard L. Alderman, Jr., Esq. – [halderman@aldermanlaw.net](mailto:halderman@aldermanlaw.net)  
Alderman Law

RE: Petition for Road Opening – Portion of Carroll Street  
Case No. RC-2021-003

Dear Mr. Alderman:

Enclosed please find a copy of the Opinion and Order rendered in the above-captioned matter.

Pursuant to Baltimore County Code (“BCC”) § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the Baltimore County Board of Appeals. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style with a large, prominent "M" and "E".

MAUREEN E. MURPHY  
Administrative Law Judge  
for Baltimore County

MEM:dlw  
Enclosure

c: LaChelle Imwiko – [mimwiko@baltimorecountymd.gov](mailto:mimwiko@baltimorecountymd.gov)  
Marissa Merrick, PAI – [mmerick@baltimorecountymd.gov](mailto:mmerick@baltimorecountymd.gov)

IN THE MATTER OF THE  
OPENING OF A PORTION OF  
CARROLL STREET

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BEFORE THE OFFICE OF  
ADMINISTRATIVE HEARINGS

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PURSUANT TO SECTION 18-3-302  
OF THE BALTIMORE COUNTY CODE  
1<sup>ST</sup> ELECTION DISTRICT  
1<sup>ST</sup> COUNCILMANIC DISTRICT

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FOR  
BALTIMORE COUNTY

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INCOME ONE LLC,  
PETITIONER

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**Case No. RC-2021-003**

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**ROAD OPENING ORDER**

This matter comes before the Hon. Maureen E. Murphy, Administrative Law Judge and designee of the County Administrative Officer for Baltimore County, in accordance with Baltimore County Code (“BCC”) Section 18-3-302, for consideration of a Petition for Road Opening. The Petitioner, Income One LLC, seeks to open a portion of Carroll Street, an unimproved, paper street, in the 1<sup>st</sup> Election and 1<sup>st</sup> Councilmanic Districts of Baltimore County, Maryland (the “County”).

A virtual public hearing was held on this matter on July 27, 2022 to consider the merits of the Petition. The proceedings were recorded by electronic means in the Office of Administrative Hearings. The Petitioner was represented by Howard L. Alderman, Jr. of Alderman Law LLC. Appearing on behalf of the County were Assistant County Attorney Marissa L. Merrick and LaChelle N. Imwiko, Project Manager, Real Estate Compliance. There were no Protestants or interested persons in attendance, as evidenced by the participant list on the hearing website.

Ms. Merrick called Ms. Imwiko, who was properly sworn, to testify that a copy of the notice of the road opening and public hearing was published in *The Jeffersonian*, a local County newspaper of general circulation, on three consecutive weeks, July 7, 2022, July 14, 2022, and

July 21, 2022, giving notice by publication of the intention to open the portion of Carroll Street. A copy of the initially submitted Notice of Road Opening was introduced and accepted into evidence as County Exhibit No. 4, a copy of the Petitioner's Petition for Road Opening was accepted as County Exhibit No. 4A, and the Certificate of Publication was accepted as County Exhibit No. 7. Notice of the Petitioner's intention to petition for the road opening was also provided by serving a copy of the published notice by certified mail to the property owners of property abutting the road area to be opened and to the required public utility companies. The certified mail "green cards" that were returned after service were accepted into evidence as County Exhibit No. 5. The County introduced as County Exhibit No. 6 (also included as Petitioner's Exhibit No. 10), an "Attorney's Affidavit" completed by Petitioner's counsel, Howard L. Alderman, Jr., outlining the steps taken in sending the certified notices and attached to which were numerous exhibits including a receipt from the United States Postal Service evidencing a scan of the certified tracking number for each envelope mailed by certified mail. Based upon these collective methods which provided notice to all appropriate individuals, it is clear that proper notice in accordance with BCC § 18-3-302(b) was provided to property owners abutting Carroll Street as well as Comcast Cablevision of Baltimore County, Verizon, and Baltimore Gas and Electric Company.

On behalf of the County, Ms. Merrick introduced through Ms. Imwiko, the original application filed by the Petitioner as County Exhibit No. 1, the Certificate of Title to the area of Carroll Street proposed for opening as County Exhibit No. 2, and the metes and bounds description and Right of Way plat depicting the area of Carroll Street proposed for opening, collectively as County Exhibit No. 3. No County departments or divisions had any objection to the road opening request, and no objections to the proposed opening were received from any of the public utilities.

In the absence of any Protestants or interested persons, counsel for the Petitioner proffered the testimony of Kenneth J. Wells, a Maryland Professional Land Surveyor, who was retained by the Petitioner and who participated in the virtual hearing in the event of any comments or questions that needed to be addressed. The plat for Catonsville Manor showing the alignment and location of a proposed roadway known as Carroll Street, recorded among the Plat Records of the County at Plat Book No. 6, folio 109, was identified and accepted as Petitioner's Exhibit No. 1. The Petitioner's title deeds: i) dated January 7, 2011, from Keith Dorsey, recorded among the Land Records of Baltimore County in Liber 30470, folio 443; ii) dated January 7, 2011, from Keith Dorsey, recorded among the Land Records of Baltimore County in Liber 30470, folio 450; iii) dated October 25, 2012, from Margaret Daniels, recorded among the Land Records of Baltimore County in Liber 32839, folio 443; and iv) dated September 10, 2014, from Margaret Spear, recorded among the Land Records of Baltimore County in Liber 35419, folio 400, evidencing the Petitioner's ownership of multiple lots on the west side of Carroll Street along the length proposed for opening, were accepted, collectively, as Petitioner's Exhibit Nos. 2A-2D.

A copy of a map, obtained from the County "My Neighborhood" website was accepted as Petitioner's Exhibit No. 3, depicting in blue outline that unimproved portion of Carroll Street proposed to be opened. Accepted as Petitioner's Exhibit No. 4 was a copy of a My Neighborhood map with the lots owned by Petitioner outlined in yellow. The Petition for Road Opening as filed was described and accepted as Petitioners' Exhibit No. 5.

Further proffered testimony of Mr. Wells indicated that he had investigated County records as to whether there were any County utilities constructed in the area of Carroll Street proposed to be opened. Accepted into evidence as Petitioner's Exhibit No. 6 was a copy of Baltimore County Department of Public Works ("DPW") drawing No. 83-799, annotated with a

red line to identify an existing 8" sewerage main and a green line to identify an existing storm drain line, both located within the area of roadway proposed for opening. Mr. Wells' research and investigation did not reveal any agreement, easement or other document to the benefit of Baltimore County for the maintenance, repair and/or replacement of either the sewerage or the storm drain line. Mr. Wells made inquiry with the Baltimore County Real Estate Services Office regarding the ownership of or any recorded rights of the County in the area of Carroll Street proposed for opening. Accepted as Petitioner's Exhibit No. 7 was an email message from the former Chief of Real Estate Services, Amy Grossi, Esq., stating that the subject portion of Carroll Street was never dedicated to the County nor were there any recorded utility easements for the area. Mr. Wells obtained a copy of DPW Bureau of Engineering Drawing No. 55-973 which depicts a public water line installed under the paved portion of Carroll Street, terminating at the beginning point of the area proposed for opening. The alignment of that water line was highlighted in orange on the drawing which was accepted as Petitioner's Exhibit No. 8.

Mr. Wells' investigation and research did not produce any evidence of any recorded document providing any means of ingress or egress or extension of utilities to either the Petitioner's lots or the lots on the opposite side of Carroll Street, rendering all of them landlocked. Mr. Wells also consulted the Baltimore County *Master Plan 2020* as adopted by the County Council and determined that no portion of that Plan created any inconsistency with the proposed opening. Mr. Wells found no evidence of any public benefit that would be impaired if the requested opening was approved and, in fact, found that the opening would provide an additional public benefit by servicing the landlocked lots and providing the County with rights of maintenance, repair and/or replacement of the storm drain and sewerage line existing in the area proposed to be opened.

Comments were received from the Baltimore County Fire Marshal's Office, accepted as Petitioner's Exhibit No. 9, stating that Office was not opposed to the opening, but issued two concerns: i) the extension of Carroll Road [*sic*] in the area proposed for opening would require the installation of at least one (1) additional fire hydrant; and ii) characterizing the northwestern most terminus of the area of Carroll Road [*sic*] as a "dead end", and indicated that a "T" turnaround of 30' x 70' feet would be required. Mr. Wells was called to address the comments of the Fire Marshal's office. While acknowledging the requirement for an additional fire hydrant, Mr. Wells described the incorrect designation of the northwest terminus of the area proposed for opening as a "dead end". Carroll Street, as shown on the recorded Plat of Catonsville Manor (Petitioner's Exhibit No. 1), extends beyond the area proposed to be opened to the intersection with the improved public roadway known as Kent Avenue. Mr. Wells, who had been accepted as an expert, Professional Land Surveyor with experience in land development in Baltimore County, opined that Carroll Street was not a "dead end" roadway and, therefore, the turnaround design adopted as DPW Design Manual Plate R-N-1 was the appropriate turnaround. Moreover, Mr. Wells testified that the platted width of Carroll Street was not 70' wide, further prohibiting what the Fire Marshal's office indicated would be required.

Mr. Wells' proffered testimony concluded with the following opinions, from an expert familiar with the Petitioner's lots, the area of Carroll Street proposed for opening and the general area in which both are located:

The portion of Carroll Street proposed for opening is necessary for public travel;

Carroll Street, as laid out, dimensioned and configured on the recorded plat of Catonsville Manor, was to be a public road providing ingress and egress to connect the property of the Petitioner and others to an intersecting public road;

The portion of Carroll Street proposed for opening is of use to the Petitioner and all lot owners whose lots bind on the area and whose lots are currently landlocked; and

The portion of Carroll Street petitioned for opening is intended to be used by the Petitioner in concert with the properties Petitioner owns.

At the request of the undersigned, Mr. Alderman agreed to submit at the conclusion of the hearing a copy of the Notice of Road Opening that was sent to the adjoining property owners and public utility companies<sup>1</sup>, to be accepted as Petitioner's Exhibit No. 11.

The Petition seeks to open a public road consisting of 11,200 square feet (0.257 acres), more or less, of land illustrated in County Exhibit No. 3, which is described as follows:

Beginning for the same at a point located on the southwest side of Carroll Street (40 feet wide) at the intersection of Lots 26 and 27 of Block 6 as shown on a Plat entitled "Plat No. 1 Catonsville Manor" recorded among the Land Records of Baltimore County in Plat Book 6 folio 109; thence binding on the southwest side of said Carroll Street:

1) *North 42 degrees 33 minutes 12 seconds West 280.00 feet*; thence leaving the southwest side of said Carroll Street and for a line creating the road opening limit;

2) *North 47 degrees 26 minutes 48 seconds East 40.00 feet* to intersect with the northeast side of the said Carroll Street; thence binding on the northeast side of Carroll Street;

3) *South 42 degrees 33 minutes 12 seconds East 280.00 feet*; thence for a line creating the road opening limit; and

4) *South 47 degrees 26 minutes 48 seconds East 40.00 feet* to the place of beginning.

Containing 0.257 acres or 11,200 square feet of land more or less.

Being a portion of the platted right of way of Carroll Street (40 feet wide) situated between Dorchester Avenue and Kent Avenue as shown on a Plat entitled "Plat No. 1 Catonsville Manor" recorded among the Land Records of Baltimore County in Plat Book 6 folio 109.

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<sup>1</sup> The initial Notice of Road Opening (County Exhibit No. 4) filed with Petitioner's Application (County Exhibit No. 1) did not make reference to the date and time of the hearing to be held as it had not yet been scheduled at the time the Application was filed.

Considering all of the testimony and evidence presented at the public hearing, I am convinced that the petition for road opening should be granted. The opening of the portion of Carroll Street, a paper street shown on a recorded plat in 1917 to provide public road access to the lots which border it, is necessary and advisable.

NOW THEREFORE, it is this 1<sup>st</sup> day of **August, 2022**, **ORDERED**, that the Petition to Open a Portion of Carroll Street as shown on County Exhibit No. 3, containing 11,200 square feet, (0.257 acre), more or less, of land, attached hereto and made a part hereof, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. As part of the construction of the extension of Carroll Street within the area approved for opening, the installation of a fire hydrant meeting the locational requirements of the Fire Marshal's Office.
2. As part of the construction of the extension of Carroll Street within the area approved for opening, the construction of a temporary turnaround for fire equipment and other vehicles designed in accordance with the applicable DPW design standards as approved by the Fire Marshal's Office.



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MAUREEN E. MURPHY  
Administrative Law Judge and Designee of  
the County Administrative Officer

