

BALTIMORE WASHINGTON
RAPID RAIL, LLC

Plaintiff

v.

STONEWALL CAPITAL, LLC
WESTPORT CAPITAL
DEVELOPMENT, LLC
Defendant

IN THE

CIRCUIT COURT FOR

BALTIMORE CITY,

MARYLAND

Case No. 24-C-21002681

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**BRIEF OF WESTPORT COMMUNITY ECONOMIC DEVELOPMENT
CORPORATION AS AMICUS CURIAE**

IN SUPPORT OF DEFENDANTS STONEWALL CAPITAL, LLC

AND WESTPORT CAPITAL DEVELOPMENT, LLC

INTERESTS OF AMICUS CURIAE

The Westport Community Economic Development Corporation, (WCEDC), a non-profit community led organization, has an interest in the action filed by BWRR to condemn 43 acres of property located within the neighborhood of Westport. This interest includes the interpretation of MD Real Property Article § 12-105.1 as applying to BWRR, the limitation of the Public Service Commission's transfer of a defunct railroad franchise to BWRR as not conferring condemnation authority and honoring the City of Baltimore's express reservation requiring additional approval from BWRR to use public rights of way to construct their project. WCEDC also has an interest in ensuring equitable development takes place on the site in the near term, which allows community members to have a connection to the waterfront and public park as proposed by the Defendant. Exempting BWRR from the rigors of § 12-105.1 and recognizing a condemnation right in this instance would set a devastating precedent for our predominantly

African American communities and would undermine our efforts to overcome decades of racist urban infrastructure policy.

ARGUMENT

BWRR's proposed use of the Westport waterfront site is in direct conflict with the community vision for the property. WCEDC completed a strategic plan in 2018 and is currently conducting a master planning effort for the Westport, Lakeland, Mt. Winans and St. Paul neighborhoods which will be completed by this fall.¹ WCEDC has also been actively engaged with Defendant on refining its plan for the site and has negotiated a Memorandum of Understanding for 14 acres of that site to be a designated public park, managed by a community led board. The South Baltimore Gateway Partnership is supporting Reimagine Middle Branch², a master planning process designed to connect residents and communities to an active waterfront. The community voice regarding the waterfront development has prioritized resident access, recreational activities, preservation of parks and wetlands, and support of commercial development that does not overburden the existing street grid. Residents have also prioritized culturally appropriate art installations, stewardship jobs to preserve outdoor recreation spaces, and preservation of the view shed. The BWRR proposal would carve up the Westport neighborhood, placing a barrier between the waterfront and our residents making any future development of the parcels inaccessible. The message would be clear that Westport families who have lived in the neighborhood for generations would not be welcome.

¹ <https://www.westportcedc.org/initiatives>

² <https://reimaginemb.com/#community-led-process>

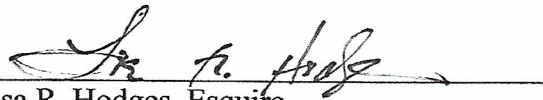
The equitable development of the waterfront is critical to the economic, social and cultural survival of Westport and surrounding neighborhoods. The MAGLEV project under the J and J1 plans places a millstone around the neck of our organization as we endeavor to attract culturally appropriate, job creating, quality of life improving development to the waterfront. Westport is poised to experience transformational development with the Stonewall Capital proposed multifamily, townhome, public park and commercial development in the near term. EXHIBIT A. Residents will not have to wait for affordable housing units, skill appropriate jobs, or reasonably priced goods and services. Granting BWRR the right of condemnation would place this land in limbo for ten to fifteen years as it awaits planning, engineering and financial approvals and then serves as a construction staging area. The Baltimore to New York City phase of this project remains speculative and might never be constructed. MAGLEV echoes the Highway to Nowhere, a failed infrastructure project that was never completed but managed to destroy a historically African American neighborhood. We must learn from the failures and racist policies of our past, not repeat them.

The infrastructure needed to support the proposed MAGLEV route through Westport threatens the structural integrity of the Mount Auburn Cemetery, a historically significant African American site and designated Maryland Heritage Area. The proposed parking garages servicing a Cherry Hill station appear to be built to hold 1,000 cars both on the Cherry Hill side and below the Mount Auburn Cemetery. EXHIBIT B. Building these parking structures may destabilize the cemetery property where plots are vulnerable to shifting subsurface soil. The construction of a parking garage adjacent to the Cemetery would cause irreparable harm to the families whose relatives call Mount Auburn their final resting place.

CONCLUSION

There is no justification for condemnation of the waterfront, at law or in equity. WCEDC stands firmly opposed to BWRR's complaint to condemn the Westport Waterfront and supports Stonewall Capital and Westport Capital Development, LLC's motion to dismiss.

Respectfully submitted:



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 27th day of August, 2021, Westport Community Economic Development Corporation's Brief Amicus Curiae was mailed first class postage prepaid to:

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EXHIBIT A

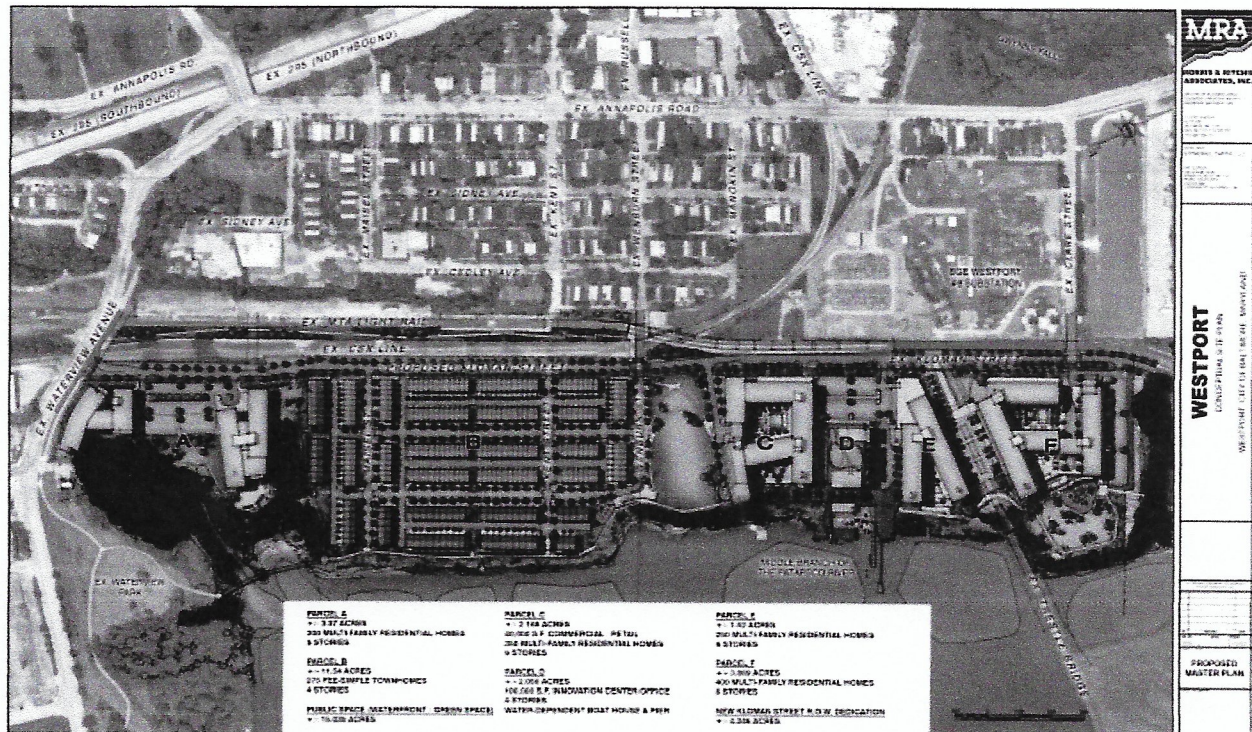


EXHIBIT B

