

**CITY OF BALTIMORE  
COUNCIL BILL 10-0581  
(First Reader)**

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Introduced by: The Council President  
At the request of: The Administration (Department of General Services)  
Introduced and read first time: August 9, 2010  
Assigned to: Highways and Franchises Subcommittee

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REFERRED TO THE FOLLOWING AGENCIES: Planning Commission, Department of Housing and Community Development, Department of General Services, Department of Transportation, Baltimore Development Corporation

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **City Streets – Closing –**  
3 **Newgate Avenue and Vail Street**

4 FOR the purpose of condemning and closing (1) Newgate Avenue, extending from New Vail  
5 Street, Easterly 1,510.0 feet, more or less, to Vail Street, and (2) Vail Street, extending from  
6 Newgate Avenue, Northerly 825.0 feet, more or less, as shown on Plat 217-A-130 in the  
7 Office of the Department of General Services; and providing for a special effective date.

8 By authority of  
9 Article I - General Provisions  
10 Section 4  
11 and  
12 Article II - General Powers  
13 Sections 2, 34, 35  
14 Baltimore City Charter  
15 (1996 Edition)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
17 Department of General Services shall proceed to condemn and close (1) Newgate Avenue,  
18 extending from New Vail Street, Easterly 1,510.0 feet, more or less, to Vail Street, and (2) Vail  
19 Street, extending from Newgate Avenue, Northerly 825.0 feet, more or less, and more  
20 particularly described as follows:

21 Beginning for Parcel No. 1 at the point formed by the intersection of the southeast  
22 side of New Vail Street, 70 feet wide, and the north side of Newgate Avenue,  
23 varying in width, said point of beginning being at the end of the last line of a  
24 parcel of land conveyed by Canton Company of Baltimore to The Maryland  
25 Transportation Authority, a Government Authority of the State of Maryland  
26 which by deed dated November 27, 1985 and recorded among the Land Records  
27 of Baltimore City in Liber S.E.B. No. 721, folio 132, and running thence binding  
28 on the north side of said Newgate Avenue, the fourteen (14) following courses  
29 and distances; namely, by a non-tangent arc curving to the right with a radius of

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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1 1944.66 feet, the distance of 91.88 feet, which arc is subtended by a chord bearing  
2 of North 88° 24' 14" East 91.87 feet, North 89° 45' 27" East 203.17 feet, North  
3 00° 14' 33" West 2.00 feet, North 89° 45' 27" East 2.00 feet, South 00° 14' 33"  
4 East 2.00 feet, North 89° 45' 27" East 106.00 feet, North 00° 14' 33" West 2.00  
5 feet, North 89° 45' 27" East 2.00 feet, South 00° 14' 33" East 2.00 feet, North 89°  
6 45' 27" East 75.00 feet, North 00° 14' 33" West 2.00 feet, North 89° 45' 27" East  
7 2.00 feet, South 00° 14' 33" East 2.00 feet, and North 89° 45' 27" East 991.05  
8 feet to the easternmost extremity of said Newgate Avenue; thence binding on the  
9 easternmost extremity of said Newgate Avenue, South 00° 14' 33" East 50.00 feet  
10 to the south side of said Newgate Avenue; thence binding on the south side of  
11 said Newgate Avenue, the sixty (60) following courses and distances; namely,  
12 South 89° 45' 27" West 6.07 feet, South 00° 14' 33" East 2.00 feet, South 89° 45'  
13 27" West 2.00 feet, North 00° 14' 33" West 2.00 feet, South 89° 45' 27" West  
14 108.00 feet, South 00° 14' 33" East 2.00 feet, South 89° 45' 27" West 2.00 feet,  
15 North 00° 14' 33" West 2.00 feet, South 89° 45' 27" West 108.00 feet, South 00°  
16 14' 33" East 2.00 feet, South 89° 45' 27" West 2.00 feet, North 00° 14' 33" West  
17 2.00 feet, South 89° 45' 27" West 108.00 feet, South 00° 14' 33" East 2.00 feet,  
18 South 89° 45' 27" West 2.00 feet, North 00° 14' 33" West 2.00 feet, South 89°  
19 45' 27" West 108.00 feet, South 00° 14' 33" East 2.00 feet, South 89° 45' 27"  
20 West 2.00 feet, North 00° 14' 33" West 2.00 feet, South 89° 45' 27" West 108.00  
21 feet, South 00° 14' 33" East 2.00 feet, South 89° 45' 27" West 2.00 feet, North  
22 00° 14' 33" West 2.00 feet, South 89° 45' 27" West 108.00 feet, South 00° 14'  
23 33" East 2.00 feet, South 89° 45' 27" West 2.00 feet, North 00° 14' 33" West  
24 2.00 feet, South 89° 45' 27" West 108.00 feet, South 00° 14' 33" East 2.00 feet,  
25 South 89° 45' 27" West 2.00 feet, North 00° 14' 33" West 2.00 feet, South 89°  
26 45' 27" West 108.00 feet, South 00° 14' 33" East 2.00 feet, South 89° 45' 27"  
27 West 2.00 feet, North 00° 14' 33" West 2.00 feet, South 89° 45' 27" West 104.00  
28 feet, South 00° 14' 33" East 6.00 feet, South 89° 45' 27" West 193.96 feet, by a  
29 tangent arc curving to the left with a radius of 2401.24 feet the distance of 80.37  
30 feet, which arc is subtended by a chord bearing South 88° 47' 55" West 80.37  
31 feet, North 01° 27' 28" West 6.00 feet, by a non-tangent arc curving to the left  
32 with a radius of 2407.24 feet the distance of 18.87 feet, which arc is subtended by  
33 a chord bearing South 87° 37' 01" West 18.87 feet, South 01° 45' 28" East 2.02  
34 feet, South 88° 14' 32" West 2.00 feet, North 01° 45' 28" West 1.98 feet, by a  
35 tangent arc curving to the left with a radius of 2407.24 feet, the distance of 57.60  
36 feet, which arc is subtended by a chord bearing South 86° 39' 33" West 57.60  
37 feet, South 02° 39' 28" East 2.02 feet, South 87° 20' 32" West 2.00 feet, North  
38 02° 39' 28" West 1.98 feet, by a non-tangent arc curving to the left with a radius  
39 of 2407.24 feet, the distance of 52.62 feet, which arc is subtended by a chord  
40 bearing South 85° 17' 59" West 52.61 feet, South 03° 28' 58" East 2.03 feet,  
41 South 86° 31' 02" West 2.00 feet, North 03° 28' 58" West 1.97 feet, by a non-  
42 tangent arc curving to the left with a radius of 2407.24 feet, the distance of 73.60  
43 feet, which arc is subtended by a chord bearing South 83° 45' 01" West 73.60  
44 feet, South 82° 52' 27" West 132.73 feet, South 06° 37' 58" East 2.00 feet, South  
45 82° 52' 27" West 2.00 feet, North 06° 37' 58" West 1.84 feet, North 87° 20' 33"  
46 West 2.21 feet, and South 82° 52' 27" West 6.51 feet to intersect the east side of  
47 said New Vail Street, and thence binding on the east side of said New Vail Street  
48 by a non-tangent arc curving to the left with a radius of 456.23 feet the distance of  
49 166.58 feet, which arc is subtended by a chord bearing North 60° 01' 50" East  
50 165.66 feet to the place of beginning.

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1 Beginning for Parcel No. 2 at the point formed by the intersection of the  
2 southwesternmost extremity of Vail Street, varying in width, and the north side of  
3 Newgate Avenue, varying in width, said point of beginning being at a point at the  
4 end of the sixty-ninth or Due West, 4.00 foot line as described as being a portion  
5 of “Exhibit D” acquired by the Mayor and City Council of Baltimore from Canton  
6 Company of Baltimore and Canton Railroad Company by deed dated June 6,  
7 1979 and recorded June 12, 1979 among the Land Records of Baltimore City in  
8 Liber W.A. No. 3768, Folio 827, and running thence binding on the north side of  
9 said Newgate Avenue, South 89° 45’ 27” West 150.00 feet to a point at the end of  
10 the ninety-fourth or 78.54 foot line curving to the right, as described in the  
11 aforementioned “Exhibit D”; thence binding reversely along said ninety-fourth  
12 line, ninety-third, ninety second and part of the ninety-first lines of said “Exhibit  
13 D”, as now surveyed, being the westerly side of said Vail Street, the four  
14 following courses and distances; namely, by a tangent arc curving to the left with  
15 a radius of 50.00 feet the distance of 78.54 feet, which arc is subtended by a chord  
16 bearing, North 44° 45’ 27” East 70.71 feet, North 00° 14’ 33” West 73.43 feet, by  
17 a tangent arc curving to the right with a radius of 465.74 feet, the distance of  
18 394.23 feet, which arc is subtended by a chord bearing North 24° 00’ 24” East  
19 382.56 feet, to a reverse curve to the left with a radius of 415.74 feet, the distance  
20 of 327.87 feet, which arc is subtended by a chord bearing North 25° 24’ 22” East  
21 319.44 feet; thence by a straight line, South 87° 11’ 21” East 50.00 feet to  
22 intersect the east side of said Vail Street; thence binding on the east side of said  
23 Vail Street, the four following courses and distances; namely, by a non-tangent  
24 arc curving to the right with a radius of 465.74 feet, the distance of 368.40 feet,  
25 which arc is subtended by a chord bearing, South 25° 28’ 26” West 358.87 feet to  
26 a reverse curve to the left with a radius of 415.74 feet, the distance of 351.02 feet,  
27 which arc is subtended by a chord bearing, South 23° 56’ 47” West 340.69 feet,  
28 South 00° 14’ 33” East 73.43 feet, and by a tangent arc curving to the left with a  
29 radius of 50.00 feet, the distance of 78.54 feet, which arc is subtended by a chord  
30 bearing, South 45° 14’ 33” East 70.71 feet to the place of beginning.

31 All courses and distances in the above descriptions are referred to the true meridian as adopted  
32 by the State of Maryland NAD 83/91 Datum.

33 As delineated on Plat 217-A-130, prepared by the Survey Control Section and filed on May 24,  
34 2010 in the Office of the Department of General Services.

35 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the proceedings for the condemnation and  
36 closing of Newgate Avenue and Vail Street and the rights of all interested parties shall be  
37 regulated by and in accordance with all applicable provisions of state and local law and with all  
38 applicable rules and regulations adopted by the Director of General Services and filed with the  
39 Department of Legislative Reference.

40 **SECTION 3. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all  
41 subsurface structures and appurtenances now owned by the Mayor and City Council of  
42 Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their  
43 use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or  
44 interfere with them, that person must first obtain permission from the Mayor and City Council  
45 and, in the application for this permission, must agree to pay all costs and expenses, of every  
46 kind, arising out of the removal, alteration, or interference.

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1       **SECTION 4. AND BE IT FURTHER ORDAINED,** That no building or structure of any kind  
2 (including but not limited to railroad tracks) may be constructed or erected in or on any part of  
3 the street closed under this Ordinance until all subsurface structures and appurtenances owned by  
4 the Mayor and City Council of Baltimore have been abandoned by the Mayor and City Council  
5 or, at the expense of the person seeking to erect the building or structure, have been removed and  
6 relaid in accordance with the specifications and under the direction of the Director of Public  
7 Works of Baltimore City.

8       **SECTION 5. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all  
9 subsurface structures and appurtenances owned by any person other than the Mayor and City  
10 Council of Baltimore shall be removed by and at the expense of their owners, promptly upon  
11 notice to do so from the Director of Public Works.

12       **SECTION 6. AND BE IT FURTHER ORDAINED,** That at all times after the closing under this  
13 Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized  
14 representatives, shall have access to the subject property and to all subsurface structures and  
15 appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining,  
16 repairing, altering, relocating, or replacing any of them, without need to obtain permission from  
17 or pay compensation to the owner of the property.

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