

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 10-0581**

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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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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: October 4, 2010

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**AN ORDINANCE CONCERNING**

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

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

By authority of  
Article I - General Provisions  
Section 4  
and  
Article II - General Powers  
Sections 2, 34, 35  
Baltimore City Charter  
(1996 Edition)

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

Beginning for Parcel No. 1 at the point formed by the intersection of the southeast side of New Vail Street, 70 feet wide, and the north side of Newgate Avenue, varying in width, said point of beginning being at the end of the last line of a parcel of land conveyed by Canton Company of Baltimore to The Maryland Transportation Authority, a Government Authority of the State of Maryland which by deed dated November 27, 1985 and recorded among the Land Records of Baltimore City in Liber S.E.B. No. 721, folio 132, and running thence binding on the north side of said Newgate Avenue, the fourteen (14) following courses 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.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1944.66 feet, the distance of 91.88 feet, which arc is subtended by a chord bearing of North 88° 24' 14" East 91.87 feet, North 89° 45' 27" East 203.17 feet, North 00° 14' 33" West 2.00 feet, North 89° 45' 27" East 2.00 feet, South 00° 14' 33" East 2.00 feet, North 89° 45' 27" East 106.00 feet, North 00° 14' 33" West 2.00 feet, North 89° 45' 27" East 2.00 feet, South 00° 14' 33" East 2.00 feet, North 89° 45' 27" East 75.00 feet, North 00° 14' 33" West 2.00 feet, North 89° 45' 27" East 2.00 feet, South 00° 14' 33" East 2.00 feet, and North 89° 45' 27" East 991.05 feet to the easternmost extremity of said Newgate Avenue; thence binding on the easternmost extremity of said Newgate Avenue, South 00° 14' 33" East 50.00 feet to the south side of said Newgate Avenue; thence binding on the south side of said Newgate Avenue, the sixty (60) following courses and distances; namely, South 89° 45' 27" West 6.07 feet, South 00° 14' 33" East 2.00 feet, South 89° 45' 27" West 2.00 feet, North 00° 14' 33" West 2.00 feet, South 89° 45' 27" West 108.00 feet, South 00° 14' 33" East 2.00 feet, South 89° 45' 27" West 2.00 feet, North 00° 14' 33" West 2.00 feet, South 89° 45' 27" West 108.00 feet, South 00° 14' 33" East 2.00 feet, South 89° 45' 27" West 2.00 feet, North 00° 14' 33" West 2.00 feet, South 89° 45' 27" West 108.00 feet, South 00° 14' 33" East 2.00 feet, South 89° 45' 27" West 2.00 feet, North 00° 14' 33" West 2.00 feet, South 89° 45' 27" West 108.00 feet, South 00° 14' 33" East 2.00 feet, South 89° 45' 27" West 2.00 feet, North 00° 14' 33" West 2.00 feet, South 89° 45' 27" West 108.00 feet, South 00° 14' 33" East 2.00 feet, South 89° 45' 27" West 2.00 feet, North 00° 14' 33" West 2.00 feet, South 89° 45' 27" West 104.00 feet, South 00° 14' 33" East 6.00 feet, South 89° 45' 27" West 193.96 feet, by a tangent arc curving to the left with a radius of 2401.24 feet the distance of 80.37 feet, which arc is subtended by a chord bearing South 88° 47' 55" West 80.37 feet, North 01° 27' 28" West 6.00 feet, by a non-tangent arc curving to the left with a radius of 2407.24 feet the distance of 18.87 feet, which arc is subtended by a chord bearing South 87° 37' 01" West 18.87 feet, South 01° 45' 28" East 2.02 feet, South 88° 14' 32" West 2.00 feet, North 01° 45' 28" West 1.98 feet, by a tangent arc curving to the left with a radius of 2407.24 feet, the distance of 57.60 feet, which arc is subtended by a chord bearing South 86° 39' 33" West 57.60 feet, South 02° 39' 28" East 2.02 feet, South 87° 20' 32" West 2.00 feet, North 02° 39' 28" West 1.98 feet, by a non-tangent arc curving to the left with a radius of 2407.24 feet, the distance of 52.62 feet, which arc is subtended by a chord bearing South 85° 17' 59" West 52.61 feet, South 03° 28' 58" East 2.03 feet, South 86° 31' 02" West 2.00 feet, North 03° 28' 58" West 1.97 feet, by a non-tangent arc curving to the left with a radius of 2407.24 feet, the distance of 73.60 feet, which arc is subtended by a chord bearing South 83° 45' 01" West 73.60 feet, South 82° 52' 27" West 132.73 feet, South 06° 37' 58" East 2.00 feet, South 82° 52' 27" West 2.00 feet, North 06° 37' 58" West 1.84 feet, North 87° 20' 33" West 2.21 feet, and South 82° 52' 27" West 6.51 feet to intersect the east side of said New Vail Street, and thence binding on the east side of said New Vail Street by a non-tangent arc curving to the left with a radius of 456.23 feet the distance of 166.58 feet, which arc is subtended by a chord bearing North 60° 01' 50" East 165.66 feet to the place of beginning.

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

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

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

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

**SECTION 3. AND BE IT FURTHER ORDAINED,** That after the closing under this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore continue to be the property of the Mayor and City Council, in fee simple, until their use has been abandoned by the Mayor and City Council. If any person wants to remove, alter, or interfere with them, that person must first obtain permission from the Mayor and City Council and, in the application for this permission, must agree to pay all costs and expenses, of every 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), (other than construction, repair or replacement of~~  
3 ~~railroad tracks and structures consistent with the present use of the street as part of a marine~~  
4 ~~cargo terminal and related intermodal container transfer facility)~~ may be constructed or erected  
5 in or on any part of the street closed under this Ordinance until all subsurface structures and  
6 appurtenances owned by the Mayor and City Council of Baltimore have been abandoned by the  
7 Mayor and City Council or, at the expense of the person seeking to erect the building or  
8 structure, have been removed and relaid in accordance with the specifications and under the  
9 direction of the Director of Public Works of Baltimore City.

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

15       **SECTION 6. AND BE IT FURTHER ORDAINED**, That at all times after the closing under this  
16 Ordinance, the Mayor and City Council of Baltimore, acting by or through its authorized  
17 representatives, shall have access to the subject property and to all subsurface structures and  
18 appurtenances used by the Mayor and City Council, for the purpose of inspecting, maintaining,  
19 repairing, altering, relocating, or replacing any of them, without need to obtain permission from  
20 or pay compensation to the owner of the property, subject to pertinent security standards arising  
21 from the use of the subject property as a secure marine terminal and related intermodal container  
22 transfer facility.

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

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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Mayor, Baltimore City