February 24, 2022

The Honorable President and Members
 of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

> Re: City Council Bill 21-0114 Building, Fire, and Related Codes – Vacant Building Receivers – Failure to Sell

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0114 for form and legal sufficiency. The bill is for the purpose of permitting a vacant building receiver to offer the property for sale to the Mayor and City Council of Baltimore City, if the property fails to sell at public auction; and providing certain limitations on the sale price.

The City is authorized to "acquire, within the boundary lines of Baltimore City, land and property of every kind, and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means, for development or redevelopment, including but not limited to, the comprehensive renovation or rehabilitation thereof." City Charter, Art. II, §(15)(a). Since the option to purchase only occurs in the event of a failure to sell at auction, the purchase of the property pursuant to this legislation would result in a purchase for fair market value and would therefore not amount to an unconstitutional taking. *Almota Farmers Elevator and Warehouse Co. v. U.S.*, 409 US 470, 477-78 (1973) (just compensation required by the takings clause is what a willing buyer would pay). Md. Const. Art. III, § 40; U.S. Constit. Amend. V.

Very truly yours,

Ashlea Brown
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervala, Chief Solicitor
Hilary Ruley, Chief Solicitor