

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

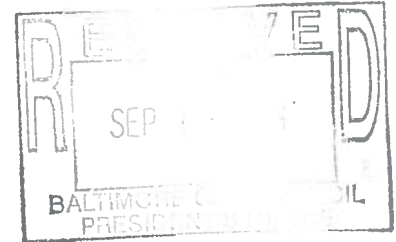


DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

September 15, 2016

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 16-0693 – Repeal of the Port Covington Urban Renewal Area and Plan

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 16-0693 for form and legal sufficiency. Section 2-6(g)(1) of Article 13 of the City Code requires that any change to an Urban Renewal Plan be made by ordinance. This is the appropriate mechanism for repealing the Port Covington Urban Renewal Area and Plan (the “Plan”). See, e.g., *Mayor and City Council of Baltimore v. Neighborhood Rentals, Inc.*, 170 Md. App. 671, 683 (2006)(nothing “prohibits, either expressly or impliedly, a future city council from lengthening or shortening the life of [any Urban Renewal] Plan or terminating it altogether.”).

The Plan itself requires a hearing on this bill prior to its passage. Plan, ¶ E. In addition, the owner of any land in the Port Covington Urban Renewal Area that was “previously disposed of by the City for use in accordance with the Urban Renewal Plan” and whose interests are materially affected by this repeal, must receive written notice of the time and place of the hearing on this bill at least ten days prior to the hearing. Plan, ¶ E.

Since the Plan was last amended by ordinance in 1988, any condemnation authority contained in the Plan expired in 2011 pursuant to Section 12-105.1 of the Real Property Article of the Maryland Code. See 2007 Laws of Md., ch. 305, §3 (terminated all existing condemnation authority as of July 1, 2011 and required subsequent renewal every four years). Additionally, any land use restrictions in the plan could not have amounted to rezoning any of the underlying properties. See *Donnelly v. Mayor and City Council of Baltimore*, 279 Md. 660, 665 (1977); accord City Code, Art. 13, §2-1(c). Therefore, removal of those restrictions will not operate to change the underlying zoning. Instead, removal of the restrictions should allow the property to be used in accordance with its underlying zoning. See Baltimore City Zoning Code, §1-206(b)(the more restrictive language in an urban renewal plan or underlying zoning governs).

As there are no legal prohibitions repealing the Urban Renewal Plan, and assuming the notice requirements are met, the Law Department can approve City Council Bill 16-0693 for form and legal sufficiency.

*Fav w/ comments*

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Hilary Riley', is written over the typed name.

Hilary Riley  
Chief Solicitor

cc: David Ralph, Acting City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Victor Tervalo, Chief Solicitor  
Jennifer Landis, Assistant Solicitor