
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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November 4, 2022

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

Re: City Council Bill 22-0286 - Sale of Property – South Side Boston Street,
South West Corner, and 3 South Newkirk Street (Block 6587, Lot 008A); and 4
South Side Boston Street, South East Corner, and 5 South Newkirk Street (Block
6587A, Lot 016)

President and City Council Members:

The Law Department has reviewed City Council Bill 2-0286 for form and legal sufficiency. The bill allows the Mayor and City Council of Baltimore to sell its interest in two lots located at South Side Boston Street, South West Corner, and South Newkirk Street (Block 6587, Lot 008A) and South Side Boston Street, South East Corner, and South Newkirk Street (Block 6587A, Lot 016) and declares the property is no longer needed for public use. The bill also provides that all subsurface structures and appurtenances owned by the Mayor and City Council shall continue to be the property of the Mayor and City Council until they are abandoned. If the purchaser of the lots wishes to remove, alter, or interfere with any subsurface structure they must first obtain permission from the Mayor and City Council and pay all costs associated with the removal, alteration, or interference. The bill prohibits the construction of any building or structure of any kind on the lots until all subsurface structures and appurtenances have been abandoned by the City or removed and relaid at the expense of the person seeking to erect the building or structure. After the sale of the lots, subsurface structures or appurtenances owned by any person other than the Mayor and City Council must be removed at the owner's expense. After the sale of the lots the Mayor and City Council shall have full access to any subsurface structures used by the City for the purpose of inspecting, maintaining, repairing, altering, relocating, or replacing any of them, without need to obtain permission from or pay compensation to the owner of the property. A deed for the lots will not pass to the purchaser until receiving approval from the City Solicitor. The bill provides for a special effective date.

In Section 3, line 12 a word appears to be missing. Accordingly, in line 12 either the word "which" should be added before the word "will", or the words "will be" can be changed to "to be". Additionally, in Section 5, the ordinance retains an easement for the City to access the lots and subsurface structures for the purpose of inspection, maintenance, repair or replacement of the subsurface structures. In line 24, the ordinance grants this right to the City for all subsurface structures "used by the Mayor and City Council." It is recommended that the word "used" be changed to "owned" in line 24, in order to track the language of Section 3 which refers to subsurface structures owned by the City.

Article V, Section 5(b) of the Baltimore City Charter grants the Department of Real Estate in the Comptroller's Office the power to arrange for the disposition of any building, parcel of land, or other real property that is no longer needed by the City for public use. The sale must be authorized by ordinance and approved by the Board of Estimates. If the agency reports confirm that the property is no longer needed for public use, this bill is the appropriate ordinance to authorize disposition of the property.

The Law Department approves the bill for form and legal sufficiency.

Sincerely,



Michele Toth
Special Solicitor

Cc: Nikki Thompson
Nina Themelis
Elena DiPietro
Hilary Ruley
Jeff Hochstetler
Ashlea Brown
D'Ereka Bolden