

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

November 15, 2012

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

Re: City Council Bill 12-0137 – Fells Point Historic District

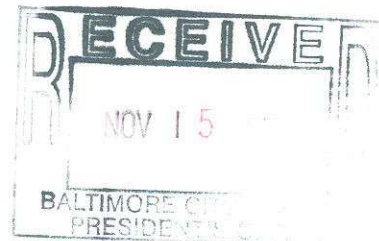
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-0137 for form and legal sufficiency. The bill modifies the area designated as the Fells Point Historic District to exclude certain designated properties from the District; thus, the bill reconstitutes the boundaries of the District.

Article 6, Section 3-1(a) of the City Code provides that the Baltimore City Commission for Historical and Architectural Preservation (“CHAP”) may “determine the boundary lines” of a Historical and Architectural Preservation District (“District”) upon recommendation of the Baltimore City Planning Commission. Paragraphs (b), (c) and (d) of Article 6 require the district boundaries to be established by ordinance.

It is the Law Department’s view that the provisions of this section restrict the role of the Mayor and City Council in establishing District boundaries. The Mayor and City Council may approve by ordinance the boundaries of a District proposed by CHAP or refuse to adopt an ordinance that proposes to establish District boundaries. The Mayor and City Council may not, however, establish District boundaries, unless CHAP agrees with the boundary designations. In effect, Article 6, Section 3-1 of the City Code requires the agreement of all three parties – the Mayor, the City Council, and CHAP’s – to boundary designations.

The Law Department notes that the Planning Commission in its bill report on Council Bill 12-0137 provided a negative recommendation. In its bill report, CHAP states that it is against the proposed boundaries established by the bill and provided an “unfavorable report.” For the reasons stated above, the Law Department cannot approve the passage of Council Bill 12-0137, unless CHAP agrees to alter the conclusions reached in its bill report and support the boundaries designated in the legislation.



*Copy/Comments*

Very truly yours,



Victor K. Tervala  
Assistant Solicitor

cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Hilary Ruley, Assistant Solicitor  
Ashlea Brown, Assistant Solicitor