

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

June 13, 2013

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 13-0228 - Franchise – Private Pipelines Under and Across or Over and Across Portions of the South Clinton Street, South Highland Avenue, South Haven Street, Boston Street, O'Donnell Street, Eastern Avenue, East Lombard Street, and Pulaski Highway Rights-of-Way

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 13-0288 for form and legal sufficiency. The bill would grant a franchise to Petroleum Fuel & Terminal Company, to construct, use, and maintain private pipelines under and across or over and across portions of the 1600 block of South Clinton Street, the 1600 block of South Highland Avenue, the 1400 block of South Haven Street, the 4100 block of Boston Street, the 4100 block of O'Donnell Street, the 4400 block of Eastern Avenue, the 4500 block of East Lombard Street, and the 5100 block of Pulaski Highway rights-of-way, connecting the Company's North Terminal at 5101 Erdman Avenue to the Company's South Terminal at 1622 South Clinton Street, subject to certain terms, conditions, and reservations. The bill repeals Ordinance 55-1462, Ordinance 79-1157, and Ordinance 82-851. It also provides for a special effective date.

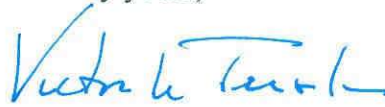
The Baltimore City Charter requires that any given franchise be granted by ordinance containing the terms and conditions of the grant. City Charter, Art. VIII, § 1. A bill granting a franchise must be referred to the Board of Estimates ("BOE") after first reading. City Charter, Art. VIII, § 2. Thereafter, the BOE is empowered to establish by vote or resolution the compensation paid to the City and may alter the terms and conditions under which a franchise is granted. *Id.* The compensation and the terms and conditions approved by the BOE must be attached to the bill before the bill can be enacted. *Id.*

Assuming the above procedural requirements are met, the Law Department will approve the bill for form and legal sufficiency.



F/Comment

Sincerely 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  
Jennifer Landis, Special Assistant Solicitor