
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY THOMPSON
ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

March 2, 2023

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 22-0303 – City Streets – Closing – A Portion of Marion
Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0303 for form and legal sufficiency. The bill condemns and closes air rights above and subterranean rights below a portion of Marion Street.

Section (34) of Article II of the City Charter grants the Mayor and City Council the power to “construct, open, extend, widen, straighten or close streets, bridges, tunnels or approaches to them and other public ways of every kind within the bounds of the City.” Generally, “the owner of land in fee holds all the complex elements of a single right, a bundle of sticks, if you will, which include not only the right to use the surface, but so much of the superjacent airspace as he can use, as well as the subjacent reaches below.” *Macht v. Dep't of Assessments of Baltimore City*, 266 Md. 602, 604 (1972). Section 116(b)(2) of Article VII of the City Charter requires that the Department of Transportation prepare all ordinances for the opening and closing of streets. Thus, this is the appropriate bill to effectuate the closing of the air rights over and subterranean rights under the street. The Law Department approves it for form and legal sufficiency.

Sincerely,

Jeffrey Hochstetler
Chief Solicitor

cc: Ebony Thompson, Acting City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor

Ashlea Brown, Chief Solicitor
D'Ereka Bolden, Assistant Solicitor
Michelle Toth, Special Solicitor
Teresa Cummings, Assistant Solicitor