
CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



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

September 3, 2024

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 24-0566 – City Streets – Opening – Subterranean Portions of North Monroe Street, McKean Avenue, and a 10-Foot Alley

Dear President and City Council Members:

The Law Department reviewed City Council Bill 24-0566 for form and legal sufficiency. It would condemn and open subterranean portions of certain streets and alleys bounded by Westwood Avenue, Presstman Street, McKean Avenue, and Appleton Street. The Ordinance would take effect on the date of enactment.

Section (34)(a) 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.” Section 116(b) of Article VII of the City Charter requires the Department of Transportation to:

- (i) prepare the plans and perform the work required by Ordinances for opening, extending, widening, straightening, grading, and closing any street in the City; and
- (ii) prepare all Ordinances for the opening and closing of streets, attend the hearings on those Ordinances, and perform all administrative functions related to those Ordinances.

Moreover, Article 26, Subtitle 3 specifies the procedures to be followed for the opening and closing of streets and alleys in the City. Specifically, Art. 26, § 3-2(a) requires that before an ordinance is introduced in the City Council for opening or closing a street or alley notice shall be published twice a week for 2 consecutive weeks, in two daily newspapers that application shall be made for passage of the ordinance. Under § 3-3 DOT is also required to publish notice at least 10 days before the first meeting on the ordinance before it “may proceed under these sections to perform its duty.”

The bill refers to the Department of Public Works on pg. 1, line 18 and pg. 4, line 5. The bill should be amended in these two places to refer to the Department of Transportation.

Assuming the bill is amended and the required process is followed, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Toth". The signature is fluid and cursive, with the first name "Michele" being more prominent than the last name "Toth".

Michele Toth
Assistant Solicitor

cc: Stephen Salsbury
Nina Themelis
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown
Desiree Luckey
Ahleah Knapp