
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW

JAMES L. SHEA
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

July 12, 2022

Honorable President
Members of the City Council
c/o Natawna Austin, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 22-0217 – Franchise – Storm Drain Outfall

Dear President and City Council Members:

The Law Department reviewed City Council Bill 22-0217 for form and legal sufficiency. City Council Bill 22-0217 would grant a franchise to 701 Caton, LLC to construct, use, and maintain the storm drain outfall located in the City’s Lower Gwynns Falls Park, adjacent to 707 South Caton Avenue, Baltimore, Maryland 21229, subject to certain terms, conditions and reservations. The bill provides for an immediate effective date.

The Baltimore City Charter Article VIII, §1 requires that “with the exception of the City’s sewer system and water-supply system, the City may grant for a limited time and subject to the limitations and conditions contained in the Charter, specific franchises or rights in or relating to any of the public property or places mentioned in the preceding sentence; provided that such grant is in compliance with the requirements of the Charter, and that the terms and conditions of the grant shall have first been authorized and set forth in an ordinance duly adopted. The storm drain outfall is a device for the management of storm water, and not part of the City’s sewer system or water-supply system.

A bill granting a franchise must be referred to the Board of Estimates after the first reading of the bill. The Board of Estimates (“BOE”) can establish by vote or resolution the compensation to be paid to the City under the franchise and may alter the terms and conditions under which a franchise is granted. The compensation and the terms and conditions approved by the BOE must be attached to the bill before it can be enacted. See Art., VIII, §2.

If the procedural requirements set forth in Art, VIII of the Charter for franchises are met, the Law Department approves the bill for form and legal sufficiency.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Michele Toth".

Michele Toth
Special Solicitor

cc: Natasha Mehu
Nikki Thompson
Nina Themelis
Sofia Gebrehiwot
Elena DiPietro
Hilary Ruley
Ashlea Brown
Jeff Hochstetler
Dereka Bolden