

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

September 14, 2011

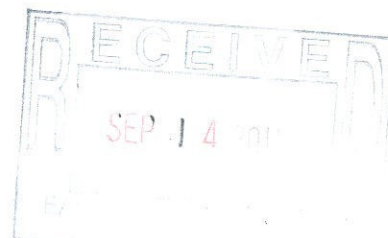
The Honorable President and
Members of the Baltimore
City Council
c/o Karen Randle, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 09-0378 -- City Property - Grant of Easement – Robert E. Lee
Park

Dear President and Members,

You have requested the advice of the Law Department regarding City Council Bill 09-0378. Bill 378 authorizes the creation of a perpetual easement for the installation of a permanent sewer connection for the property located at 6608 Falls Road, Baltimore County, the easement to be through that parcel of land known as Robert E. Lee Park in Baltimore County. The easement is subject to several conditions. First, the plans and specifications for the use of the easements must be approved in writing by the City before construction, City rights to access are preserved and the Grantee shall be responsible for all maintenance. The City shall be indemnified and held harmless from all losses and damages caused by use of the easements and no structures may be built over the easement areas without prior approval by the City. The bill provides that the ordinance takes effect on the date it is enacted.

Article VIII, Section 1 of the City Charter states “the title of the City in and to its ... parks is hereby declared to be inalienable.” However, the City may grant “rights in or relating to any of the public property or places mentioned in the preceding sentence” provided those rights are in compliance with the applicable sections of the Charter. Furthermore, grants of uses of park property are frequently permitted “which do not substantially interfere with the use [of the land] for park purposes.” 10 McQuillin Mun. Corp. § 28:68 (3rd ed.) (citing *City of Shreveport v. Kahn*, 193 So. 461 (La. 1939)).



Article 5, Section 5-5(b) of the Baltimore City Charter grants authority to the Department of Real Estate to arrange for disposition of any real property not needed by the City for public use. The disposition must be authorized by ordinance. City Council Bill 09-0378 is introduced for this purpose. The Law Department, therefore, approves City Council Bill 09-0378 for form and legal sufficiency.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Ashlea H. Brown', written in a cursive style.

Ashlea H. Brown
Assistant Solicitor

cc:

Angela Gibson, City Council Liaison
George A. Nilson, City Solicitor
Elena R. DiPietro, Chief Solicitor
Hilary Ruley, Assistant Solicitor
Victor Tervalá, Assistant Solicitor