

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

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

February 20, 2009

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 08-0243 – Release of Right-of-Ways – A 12 Foot Right-of-Way and a Varying in Width Right-of-Way Granted to the Mayor and City Council of Baltimore through the Property of Pompeian, Inc.

Dear Madame President and City Council Members:

You asked the Law Department to review City Council Bill 08-0243 for form and legal sufficiency. The bill would authorize the Comptroller of Baltimore City, on behalf of the Mayor and City Council of Baltimore, to release and surrender all of the interest of the City of Baltimore in a 12 foot wide right-of-way the location and course to be released being shown on Plat B.S.20-20589 prepared by the Department of Public Works and a varying in width right of way granted to the City of Baltimore through the property of Pompeian, Inc., the location and course of which is shown on Plat R.W.20-36189 prepared by the Survey Control Section. The bill also provides for a special effective date.

An agreement dated January 4, 1927 granted to the Mayor and City Council of Baltimore the right-of-way shown on a plat numbered B.S.20-20589, which is recorded with said Agreement. An agreement dated September 1, 2006 and recorded among the Land Records of Baltimore City in Liber F.M.C. No. 8439, Folio 331 granted the right-of-way shown on a plat numbered R.W.20-36189 (which is recorded with the Agreement) to the Mayor and City Council of Baltimore. The above described right-of-ways are no longer needed for public use, as the public utility that was located there has changed location to another right-of-way that was granted to the Mayor and City Council of Baltimore.

Baltimore City Charter Article II section 31 authorizes the Mayor and City Council to establish, maintain, operate and control sewers and drains. Pursuant to Baltimore City Charter Article V section 5(b), unless provided otherwise by the Board of Estimates, the Department of Real Estate, headed by the Comptroller, shall arrange for the disposition of City property no longer needed by the City for public use. The disposition must be authorized by ordinance, approved by the Board of Estimates, and made at public sale unless a private sale or other



manner of disposition is expressly authorized by the Board of Estimates and entered in its minutes.

The City may arrange for the disposition of this right-of-way pursuant to Article V section 5(b) of the Baltimore City Charter, because the right-of-way is no longer needed for public use. Accordingly, the Law Department approves Council Bill 08-0243 for form and legal sufficiency.

Very truly yours,



Ashlea H. Brown
Assistant Solicitor

cc: The Honorable Stephanie Rawlings-Blake
George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Senior Solicitor
Deepa Bhattacharyya, Assistant Solicitor
Hilary Ruley, Assistant Solicitor