
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
DANA P. MOORE, ACTING CITY SOLICITOR
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SUITE 101, CITY HALL
BALTIMORE, MD 21202

October 29, 2020

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 20-501 – City Streets – Closing – Air Rights over a
Portion of the Public Right of Way of Rogers Alley

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 20-0501 for form and legal sufficiency. The bill would allow the City to close the air rights over a portion of the public right of way of Rogers Alley.

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 “ownership of space above lands and waters is vested in the owners of the surface.” *See, e.g., Macht v. Department of Assessments*, 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 the street. The Law Department approves it for form and legal sufficiency.

Sincerely,

Ashlea Brown
Assistant Solicitor

cc: Dana Moore, Acting City Solicitor
Matt Stegman, Mayor’s Legislative Liaison
Caylin Young, President’s Legislative Director
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor