
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



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

September 22, 2020

The Honorable President and Members
of the Baltimore City Council
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: Mayor and City Council Resolution 20-0563 – Charter Amendment– Disposition of City-Owned Real Property

Dear President and City Council Members:

The Law Department has reviewed Mayor and City Council Resolution 20-0563 for form and legal sufficiency. Under Article XI-A, Section 5 of the Maryland Constitution, a resolution, such as City Council Resolution 20-0563, is an appropriate method of initiating an amendment to the Baltimore City Charter. If passed by the Mayor and City Council, the Resolution would be placed on the ballot and would take effect thirty days after being approved by the voters. Md. Const., Art. XI-A, § 5.

This resolution would change the language in Section 5 of Article V of the City Charter to remove the Department of Real Estate's current power to sell City property that is no longer needed for public use at a private sale or in any other type of disposition approved by the Board of Estimates. Rather, City owned property sold pursuant to this Section of the Charter could only be accomplished at a public sale. The other Charter sections that deal with property disposition, would not be impacted by this change. Charter, Art. II, §§ (15), (15A); Art. IV, § (4)(c).

There appears to be no legal impediment to this requested Charter change. It is worth noting, however, that this change would always require sale to the highest bidder and may frustrate the City's ability to influence the future use of the property by selecting the purchaser.

This charter amendment would drive up costs for land development as wealthy investors could buy lots, alleys or other parcels just to sell them for a ransom price to the developer. This Charter amendment will severely impact non-profit or less capitalized entities from buying property from the City. Charter schools, universities, soup kitchens, local healthcare and group homes, as well as the Housing Authority of Baltimore City, to name a few, usually purchase City property at a discount or favorable financing. This allows the City to support those worthy endeavors. If this Charter amendment passes, these entities would be required to compete with the public and could only receive property if they are able to pay more than any other bidder.

Additionally, this Charter change would make property desired by one entity subject to being purchased by another that opposes the sale to that entity. This change would severely impact the City's ability to sell land to surrounding counties for bridges, roads or other public projects as those purchasing counties, who are willing to pay fair market value, may now have to compete with the public for the purchase of the land. This could include competition by those opposing the county projects.

For similar reasons, this Charter amendment would severely limit, if not eliminate the City's street closing, opening and sales as those are typically sold to a business or developer adjacent to the street. While those businesses or developers are willing to pay fair market value, a competitor or opposition could bid for the land to attempt to thwart the development.

Finally, the requirement of a public sale could be costly for the City in both time and money. A public sale by an RFP process would require considerable City effort in putting forth detailed requests and evaluating them. A public sale by auction would incur advertising and auctioneer fees.

As there are no legal impediments to these changes, the Law Department can approve the Resolution for form and legal sufficiency. However, passage of this Charter amendment would drastically change how the City sells property and severely limit the City's ability to effect development, change and worthy endeavors.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Dana P. Moore, Acting City Solicitor
Matthew Stegman, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor