

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

CENTRAL BUREAU OF INVESTIGATION
Room 31, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

April 25, 2016

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

Re: City Council Bill 16-0649 – City Property – Grant of Easements

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 16-0649 for form and legal sufficiency. The bill would grant three perpetual easements for maintenance of three storm water drains on Dulaney Valley Road through the Loch Raven Reservoir in Baltimore County to the Maryland State Highway Administration. This property is neither a right of way nor park property. As such, the City can grant a permanent easement under Section 5(b) of Article V of the City Charter, which provides that the Real Property Division of the Comptroller's Office may dispose of interests in real property via an ordinance. *See e.g. Magraw v. Dillow*, 341 Md. 492, 502-03, n.12 (1996)(granting a permanent easement diminishes or disposes of some property rights of the grantor and grants an interest in property to another); *accord Lindsay v. Annapolis Roads Property Owners Ass'n*, 431 Md. 274, 290 (2013). The Law Department approves the bill for form and legal sufficiency.

Very truly yours,

Hilary Ruley
Chief Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, Legal Advice & Opinions
Victor Terval, Chief Solicitor
Jennifer Landis, Assistant Solicitor

