

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

May 13, 2019

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

Re: City Council Bill 19-0326 - Sale of Property – Air Rights Over a
of the Portion Public Right of Way of the 4100 Block of Hillen Road

Dear President and Members:

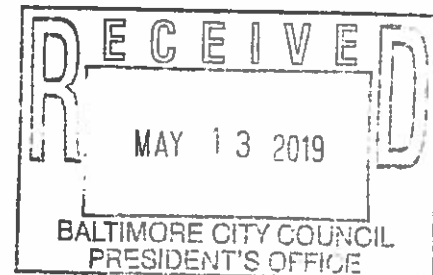
The Law Department has reviewed City Council Bill 19-0326 for form and legal sufficiency. The bill allows the City to sell all of its interest in the air rights over a portion of the public right of way in the 4100 Block of Hillen Road, declaring it no longer needed for public use declaring it no longer needed of public use. Generally, "ownership of space above lands and waters is vested in the owner of the surface." See e.g., *Macht v. Department of Assessments*, 266 Md. 602, 604 (1972).
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Art. V, Section 5(b) of the City Charter grants the Department of Real the power to sell property that the Mayor and City Council deems by ordinance no longer needed for public use, subject to the approval of the Board of Estimates. This bill is the appropriate means by which to initiate that process. The Law Department, therefore, approves the bill for form and legal sufficiency.

Sincerely yours

A handwritten signature in cursive script that reads "Elena R. DiPietro".

Elena R. DiPietro
Division Chief
Chief Solicitor



A handwritten mark in the bottom center of the page, resembling a stylized letter 'F' or a similar symbol.



cc: Andre M. Davis, City Solicitor
Jeff Amoros
Hilary Ruley, Chief Solicitor
Victor Tervalo, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark

