

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

August 1, 2012

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 12-0109 – Franchise – Private Pedestrian Bridgeways
Above and Across and Private Tunnels Under and Across a Portion of
Marion Street Right-of-way

Dear President and City Council Members:

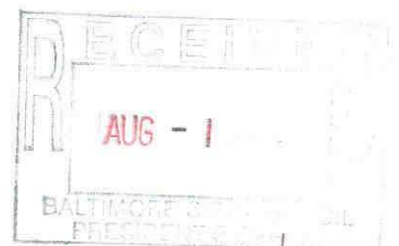
The Law Department has reviewed City Council Bill 12-0109 for form and legal sufficiency. The bill would grant a franchise to CB Fayette Street Baltimore, LLC, to use and maintain two existing private pedestrian bridgeways above and across and two existing private tunnels under and across a portion of Marion Street right-of-way, subject to certain terms, conditions, and reservations. The bill provides that the ordinance would take effect on the date it is enacted.

Article VIII of the Baltimore City Charter requires that a bill granting a franchise be referred to the Board of Estimates after first reading. City Charter, Art. VIII, § 2. The BOE is empowered to change both the proposed compensation to be paid the City and the conditions under which the franchise is granted. *Id.* Furthermore, the Board of Estimates must approve by vote or resolution the compensation and terms of the franchise and these are to be attached to the bill before the bill can be enacted. *Id.*

If the above procedural requirements are met, the bill shall be in accordance with Article VIII of the Baltimore City Charter and the Law Department will approve the bill for form and legal sufficiency.

Sincerely yours,

Victor K. Tervala
Assistant Solicitor



F/Comments



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cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor
Hilary Ruley, Assistant Solicitor