

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

May 20, 2015

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 15-0517 – Sale of Property – Air Rights Over a Portion
of a 10-Foot Alley in the Rear of 435-439 East Lafayette Avenue

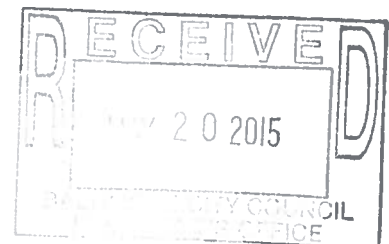
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 15-0517 for form and legal sufficiency. The bill would allow the City to sell all of its interest in the air rights over a portion of an alley in the rear of East Lafayette Avenue, declaring it no longer needed for public use. 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 5(b) of Article V of the City Charter grants the Department of Real Estate in the Comptroller’s Office the power to sell property that the Mayor and City Council deems by ordinance no longer needed for public use, if that sale is approved by the Board of Estimates. If enacted, this bill will be the appropriate ordinance. Therefore, 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, General Counsel Division
Victor Tervala, Chief Solicitor
Jennifer Landis, Assistant Solicitor

