
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW

DANA P. MOORE, ACTING CITY SOLICITOR
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SUITE 101, CITY HALL
BALTIMORE, MD 21202

September 9, 2020

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 19-0435 – Sale of Property – Air Rights over a Portion of
the Public Right of Way of the 200 Block of North Broadway

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0435 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 the public right of way of the 200 block of North Broadway, 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.

Sincerely,

Ashlea Brown
Assistant Solicitor

cc: Dana Moore, Acting City Solicitor
Matt Stegman, Mayor’s Legislative Liaison
Caylin Young, President’s Legislative Director
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor