

File No. 25882

Baltimore, January 20, 1920.

Roland R. Marchant, Esq.,  
City Solicitor.

Dear Sir:

13487

I am in receipt of your letter of January 16th, enclosing letter from Major Shirley in reference to the opening of Remington avenue. In looking over the agreement to which he refers between Messrs. Ware, Sumwalt and Remington, I find that they agreed, among other things, that the street should be 96 feet wide and that 40 feet of the center should be used for carriages, the pavement to be 14 feet wide and the remaining 14 feet on each side to be enclosed by the proprietors of the adjacent ground and to be occupied and used by them for trees, shrubbery and like ornamental purposes, but not to be used for buildings, etc.

This language would not constitute a dedication as it lays out a street and prescribes the width and use of the streets. It is an agreement among the parties and could not be construed as a dedication to public use and we cannot operate under this agreement as suggested by Major Shirley. If, however, the street is now laid out and has been physically opened as prescribed by the Act of 1908, Ch. 582, as amended by the Act of 1912 Ch. 59, and the street is approved by the Topographical Survey, we might accept it by an ordinance under that Act. This is the only plan by which we could accept the dedication but there has been no dedication by the acts of the parties under the agreement referred to.

If there are any obstructions in the bed of the street and if there is a desire to go south of 27th street and this is built upon, we will have to proceed by condemnation but whatever portion of the street has been open to public travel can be accepted by the above mentioned Acts.

Very truly yours,  
(Signed) Frank Driscoll,  
Assistant City Solicitor.