

File No. 46845 Continued

I understand that Mr. Maynadier objects to the imposition of this tax on the ground that the bed of Park Avenue at this location was deeded to the Mayor and City Council of Baltimore by the owners of the fee in 1891 by a deed which, by its terms, obligated the city to pave and curb this avenue without expense to the abutting property owners. I assume that the city fulfilled its obligations in this connection within a reasonable time after the acquisition on its part of the street bed, and that no part of this expense was borne by the grantors under the above deed. If the above assumption is correct, the city by its action terminated its obligations under the deed of 1891, and these properties upon any subsequent repaving of the avenue became subject to the provisions of the Act above referred to.

In light of the above, it is my opinion that if the portion of Park Avenue under consideration has at any time since the original paving and curbing been re-paved, and no special assessment been paid therefor by the abutting property owners, the objection of Mr. Maynadier to the tax in question is not well-founded.

I am returning the file handed to me in this connection.

Very truly yours,

(Signed) EBEN J. D. CROSS, JR.

Deputy City Solicitor

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