

File No. 46845

Baltimore, December 21, 1926

Hon. Howard W. Jackson
 Mayor of Baltimore
 City Hall
 Baltimore, Maryland

Dear Sir:

I transmit Council Ordinance #1269 entitled:

"An ordinance to condemn and close Turners Lane from the northwest side of Montebello Avenue to the southeast side of Reese Street in accordance with a plat thereof filed in the office of the Commissioners for Opening Streets, on the sixth day of October, 1926, and now on file in said office".

The ordinance has been approved by the City Solicitor as to form and method of procedure.

It was suggested to me that the ordinance had not been properly passed by the Council, inasmuch as it had not been referred to the Board of Estimates and the Board of Public Improvements pursuant to Section 85, Article 4, Public Local Laws (Baltimore City Charter). That section provides that when any ordinance for public improvement, not included in the Ordinance of Estimates furnished by the Board of Estimates, exceeding in cost the sum of \$2000 has passed its first reading it shall be referred to the Board of Public Improvements.

I am brought to the conclusion that this objection is not well-founded. That section of Article 4, only applies to cases where the cost of the work is to be borne in whole or in part by the city. In the particular instance the entire cost is assumed by the abutting property owners, and, under those circumstances, Section 85 would have no application. This conclusion is in conformity with an opinion of Hon. William Cabell Bruce, when City Solicitor, dated January 21, 1904, and recorded in Vol. 2, page 360, Official Opinions, of the City Solicitor.

Very truly yours,
 (Signed) CHARLES C. WALLACE
 City Solicitor

W/H
 Encl.

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