

FILE NO. 72545

November 1, 1940

To the Honorable Board of Estimates
City Hall
Baltimore, Maryland

Gentlemen:

On October 22, 1940, the Board of Estimates referred to the undersigned for report letter dated October 12, 1940, from Mr. Oliver H. Swick to His Honor, Mayor Howard W. Jackson, regarding bill sent to Mr. Swick by the City Collector in connection with the paving of Clearview Avenue.

Clearview Avenue was paved under Ordinance No. 739, approved July 19, 1922, as amended by Ordinance No. 735, approved June 14, 1929. In accordance with the provisions of these ordinances, the work was done upon petition of the abutting property owners dated September 2, 1937, which petition was signed by Mr. and Mrs. Swick, among others. I understand that the actual paving was delayed for numerous reasons, one of which was the fact that the owners of the properties in the adjoining block also petitioned to have their block paved and the Highways Engineer desired to pave both blocks at the same time. The contract was awarded May 8, 1940, and the work was started on June 25, 1940, and completed July 23, 1940. In accordance with the provisions of said ordinances the charge was billed at about the time the work was begun but bore the notation that interest would not be charged until August 24, 1940, --sixty days after the beginning of the work.

The attached bill was sent to the owner of 3012 Clearview Avenue in accordance with the provisions of said ordinances and the decision of the Court of Appeals in the Fairmount Building Company Case, 145 Md. 391, which requires that the City Collector shall -

"forthwith warn the owners that if the assessments are not paid within two months, the property will be sold, and that notice of sale shall be published promptly after the expiration of the time fixed for payment"

or the City will lose its right to exercise its power of sale and will have to resort to action at law to collect the amount due.