

FILE NO. 72685

December 19, 1940

Mr. John D. Steele, Chairman  
Commission on City Plan  
Municipal Office Building  
Baltimore, Maryland

Dear Mr. Steele:

Reference is made to your letter of December 13, 1940, regarding the authority of the Commission on City Plan to adopt a master plan for airports outside of the corporate limits of the City of Baltimore.

It is my opinion that the Commission on City Plan has no jurisdiction over privately owned airports outside of the corporate limits of the City; nor do I believe that a master plan would control the building of municipally owned airports outside of the corporate limits of the City. However, I should like to call to your attention Section 264-G of the Charter Amendment creating the Commission on City Plan. This Section reads as follows:

"The Commission shall investigate and study all plans and proposals for the construction of any public improvement or enterprise of the Mayor and City Council of Baltimore and shall determine whether or not such public improvement or enterprise is wise and proper, considering cost, depreciation and maintenance and whether it conforms to whatever Official Detailed Plan may be applicable, and shall report thereon to the Board of Estimates and to the department in charge of the improvement or enterprise, with particular reference to the time, order and general character of said proposed public improvement or enterprise."

Under this authority I believe that it is competent for your Commission to adopt a plan for your future guidance in connection with the development of municipally owned airports outside of the corporate limits of Baltimore City. However, such plan should not be called a master plan as it would not have the legal attributes of a master plan.

Very truly yours,

(SIGNED) CHARLES C. G. EVANS

City Solicitor

CCGE/KRS