

Master Royalties Corp. v. Baltimore, 235 Md. 74 (Md. 1964)

FACTS:

- Under the Maryland Constitution (Article XI-B), the General Assembly may authorize and empower the City to acquire land and property within its limits by purchase, condemnation, or other lawful means for development or redevelopment. Ch. 217 of the Acts of 1949 of the General Assembly implemented Article XI-B and granted powers of urban renewal to the City.
- City Ordinance no. 692 abolished the Baltimore Redevelopment Commission and established the Baltimore Urban Renewal and Housing Agency (BURHA). City Ordinance no. 912 approved an urban renewal plan for Project I of the Mount Royal Fremont Renewal Area. It authorized the condemnation of the fee simple interest in numerous properties, including 208 and 210 McMechen Street owned by Master Royalties Corp., and Master Investment Co.

PROCEDURAL HISTORY:

- The City of Baltimore instituted condemnation proceedings in furtherance of an urban renewal plan to acquire the leasehold interests of land located at 208 and 210 McMechen Street owned by Master Royalties Corp. and others.
- The trial court entered a judgment of condemnation in favor of the City, which awarded damages of \$38,250 to the owners of the condemned properties.
- The owners appealed to the Court of Appeals of Maryland.

ISSUE:

- Whether the condemnation of 208 and 210 McMechen Street in furtherance of the City's urban renewal plan is a valid exercise of its power under the State Constitution?

HOLDING:

- Because the urban renewal plan served a public purpose, the City's taking of the property was within a proper and valid authorization of Article XI-B of the State Constitution.

REASONING:

- Although the Department of Assessment did not initiate or carry out the condemnation proceeding (as required by sec. 53 of the City Charter), such non-compliance was not fatal to the validity of the condemnation proceeding. Under sec. 14A of the City Charter, the City could grant authority to any board, department or agency to exercise the power of condemnation, and the City had authorized BURHA under Ordinance no. 912.
- Ordinance no. 912 was held constitutional because the Maryland Constitution specified that "the power of eminent domain may be exercised by the City (of authorized by the General Assembly) to acquire property for redevelopment." "Public use" meant use benefiting the public, not use by the public.
- The comprehensive renovation and rehabilitation of the condemned area served a public purpose since the area was found to be a slum, and blighted or deteriorated area. Additionally, the taking of property in this case was for the purpose of widening a street as part of the renewal plan, thus the taking was reasonable and constitutional.