

No.

45462

Mayor & City Council vs Louis Carretti
& Lucia Carretti, condemnation
of property, Herring Run,
Bureau of Senses,
Baltimore City Court.

CITY SOLICITOR'S OFFICE

Mayor and City Council of Baltimore,
a municipal corporation,

In the

vs.

Louis Caretti, and
Lucia Caretti, his wife,

and

Baltimore City Court.

Any other person or persons who may have
any right, title, or interest in the
property sought to be condemned.

COPY

The object of this suit is to condemn in fee simple, any land under or above water in which a drain or stream called "Herring Run" flows. The bed of the stream sought to be condemned runs through the property of Louis Caretti, and Lucia Caretti, his wife, and it is the purpose of this suit to condemn all riparian and aquatic rights which exist by reason of the said property binding on said Herring Run. The property sought to be condemned is described as follows, that is to say: All that land over and above water which flows between the shores of the property aforesaid, and which is described as follows:-

BEING all that portion of Herring Run located on the property of L. Caretti, as shown marked "B" on a plat entitled "Plan for the condemnation of Herring Run through the properties of R. Coxon, L. Caretti and W.C. Weber for sewerage purposes", dated October 5, 1925, and numbered B.S.-50-18787, attached hereto and made a part hereof.

That the Mayor and City Council of Baltimore is unable to agree with the owner or owners of said property, upon the price to be paid therefor, and it is necessary that said property, with all improvements

CITY SOLICITOR'S OFFICE

thereon, and the rights and appurtenances aforesaid, and the interest of the owner or owners therein, shall be acquired by condemnation, and that the Petitioner desires to so acquire said property.

It is thereupon ORDERED by the Baltimore City Court, this day of , 1925, that the Sheriff of Baltimore City post a copy of this order on the premises, and the Mayor and City Council of Baltimore cause a copy of the same to be inserted in some daily newspaper, published in the City of Baltimore, once a week for three (3) successive weeks, giving notice to Louis Caretti, and Lucia Caretti, his wife, and to all persons having or claiming any right, title, interest or estate, **COPY** in and to the above mentioned property, of the object and substance of this petition and warning them and each of them, to be and appear in this Court in person or by solicitor on or before the *second* day of *November* 1925, to show cause why said property and their interest therein, should not be condemned, in fee simple, as prayed in this petition.

October 13, 1925.

Messrs. Gilbert & Dennis,
211 New Amsterdam Bldg.,
Baltimore, Md.

Dear Sirs:-

Will you please appraise the property
of William C. Weber, Louis Caretti, and Robert C. Coxon, as we
are condemning their riparian rights in Herring Run.

I would like to have a report on this as
soon as possible.

Very truly yours,

Assistant City Solicitor.

D/H

Caretti
Place in file

CITY SOLICITOR'S OFFICE

Philip B. Perlman, City Solicitor,
Court House.

IN THE BALTIMORE CITY COURT—

Mayor and City Council of Baltimore, a municipal corporation, vs. Louis Caretti and Lucia Caretti, his wife, and any other persons who may have any right, title, or interest in the property sought to be condemned.

The object of this suit is to condemn in fee simple, any land under or above water in which a drain or stream called "Herring Run" flows. The bed of the stream sought to be condemned runs through the property of Louis Caretti and Lucia Caretti, his wife, and it is the purpose of this suit to condemn all riparian and aquatic rights which exist by reason of the said property binding on said Herring Run. The property sought to be condemned is described as follows, that is to say: All that land over and above water which flows between the shores of the property aforesaid, and which is described as follows:

Being all that portion of Herring Run located on the property of L. Caretti, as shown marked "B" on a plat entitled "Plan for the condemnation of Herring Run, through the properties of R. Coxon, L. Caretti and W. C. Weber for sewerage purposes," dated October 5, 1925, and numbered B. S.—50—18787, attached hereto and made a part hereof.

That the Mayor and City Council of Baltimore is unable to agree with the owner or owners of said property, upon the price to be paid therefor, and it is necessary that said property, with all improvements thereon, and the rights and appurtenances aforesaid, and the interest of the owner or owners therein, shall be acquired by condemnation, and that the petitioner desires to so acquire said property.

It is thereupon ordered by the Baltimore City Court, this 9th day of October, 1925, that the Sheriff of Baltimore City post a copy of this order on the premises, and the Mayor and City Council of Baltimore cause a copy of the same to be inserted in some daily newspaper, published in the City of Baltimore, once a week for three (3) successive weeks, giving notice to Louis Caretti and Lucia Caretti, his wife, and to all persons having or claiming any right, title, interest or estate, in and to the above mentioned property, of the object and substance of this petition and warning them and each of them, to be and appear in this Court in person or by solicitor on or before the 2nd day of November, 1925, to show cause why said property and their interest therein, should not be condemned, in fee simple, as prayed in this petition.

WALTER I. DAWKINS.

True Copy—Test:

GEO. CAREY LINDSAY.

Clerk.

o10,17,24

MEMORANDUM.

Mr. Wallace, City Solicitor, told me not
to proceed further in this matter until I saw him. *heard from him*

J. M. [unclear]

MEMORANDUM.

Ordered by Mr. Perlman not to proceed
further in this matter until ordered by him.

Duscal

Mayor and City Council
of Baltimore, a municipal
corporation,

*

In the

vs

*

Baltimore City Court.

Louis Caretti and Lucia
Caretti, his wife, et al.

*

.....

TO THE HONORABLE, THE JUDGE OF SAID COURT:-

Louis Caretti and Lucia Caretti, the defendants in the
above entitled case, by Lewis W. Lake, their attorney say:

(1) That they deny that the Mayor and City Council of
Baltimore City, the plaintiff in the above entitled case, has
any authority or right in consequence of any existing laws to
condemn the property referred to in the petition filed in the
above entitled case for the purposes therein set forth.

(2) That if it is determined that the said Mayor and
City Council of Baltimore, have the right to take the property
of the defendants, then the said defendants say that they are
entitled to the full value of the property and the damage the
defendants will suffer in consequence of the condemning and
taking the said property.

Having fully answered, the defendants pray to be
dismissed hence with costs.

Attorney for Defendants.

llr

An ordinance authorizing the Highways Engineer of Baltimore City to acquire, by purchase or condemnation, any sanitary or storm water sewers or sewage disposal plants as authorized by Chapter 222 of the Acts of the General Assembly of Maryland for the year 1924, and also by Ordinance No. 233 of the Mayor and City Council of Baltimore, approved September 9th, 1924, said Ordinance having been submitted to the Legal Voters of Baltimore City at an Election held in the said City of Baltimore on Tuesday, the fourth day of November, 1924, and by said Voters approved.

Section 1. Be it ordained by the Mayor and City Council of Baltimore That the Highways Engineer of Baltimore City be and he is hereby authorized to acquire, by purchase or condemnation, any sanitary or storm water sewers or sewage disposal plants as authorized by Chapter 222 of the Acts of the General Assembly of Maryland for the year 1924, and also by Ordinance No. 233 of the Mayor and City Council of Baltimore, approved September 9th, 1924, said Ordinance having been submitted to the legal voters of Baltimore City at an election held in the said City of Baltimore on Tuesday, the fourth day of November, 1924, and by said voters approved.

Approved, February 3rd, 1925,
Howard W. Jackson,
Mayor.

*Place in
Copy File*

A TRUE COPY

FEB 5 1925

F. A. DOLFIELD,
CITY REGISTER

~~*[Handwritten signatures and scribbles]*~~

In the Baltimore City Court.

Mayor and City Council
of Baltimore,
a municipal corporation,

vs.

Louis Caretti, et al.,

Order to renew Summons.

Mr. Clerk:-

Please file.

City Solicitor,
Attorney for Mayor and City Council
of Baltimore.

CITY SOLICITOR'S OFFICE

Mayor and City Council of Baltimore,
a municipal corporation,

vs.

Louis Caretti, and
Lucia Caretti, his wife,

and

Any other person or persons who may
have any right, title, or interest in
the property sought to be condemned.

In the

Baltimore City Court.

COPY

TO THE HONORABLE, THE JUDGE OF SAID COURT,-

The petitioner in the above entitled case petitions
the Court to renew summons issued in the above case for Louis Caretti, and Lucia
Caretti, his wife, the defendants, who have been returned "Non Est" by the
Sheriff.

City Solicitor,
Attorney for Mayor and City Council
of Baltimore.

Upon the foregoing petition, it is hereby ORDERED
by the Baltimore City Court, this day of , 1926, that sum-
mons be renewed for Louis Caretti, and Lucia Caretti, his wife, the defendants
named in said petition, returnable on the day of , in the
year nineteen hundred and twenty-six.

CITY SOLICITOR'S OFFICE

Mayor and City Council of Baltimore,
a municipal corporation,

vs.

Louis Caretti, and
Lucia Caretti, his wife,

and

Any other person or persons who may
have any right, title, or interest in
the property sought to be condemned.

In the

Baltimore City Court.

COPY

TO THE HONORABLE, THE JUDGE OF SAID COURT:-

The petitioner in the above entitled case petitions
the Court to renew summons issued in the above case for Louis Caretti, and Lucia
Caretti, his wife, the defendants, who have been returned "Non Est" by the
Sheriff.

City Solicitor,
Attorney for Mayor and City Council
of Baltimore.

Upon the foregoing petition, it is hereby ORDERED
by the Baltimore City Court, this . day of , 1926, that sum-
mons be renewed for Louis Caretti, and Lucia Caretti, his wife, the defendants
named in said petition, returnable on the day of , in the
year nineteen hundred and twenty-six.

CITY SOLICITOR'S OFFICE

Mayor and City Council of Baltimore,
a municipal corporation,

vs.

Louis Caretti, and
Lucia Caretti, his wife,

and

Any other person or persons who may
have any right, title, or interest in
the property sought to be condemned.

In the

Baltimore City Court.

COPY

TO THE HONORABLE, THE JUDGE OF SAID COURT:-

The petitioner in the above entitled case petitions
the Court to renew summons issued in the above case for Louis Caretti, and Lucia
Caretti, his wife, the defendants, who have been returned "Non Est" by the
Sheriff.

City Solicitor,
Attorney for Mayor and City Council
of Baltimore.

Upon the foregoing petition, it is hereby ORDERED
by the Baltimore City Court, this day of , 1926, that sum-
mons be renewed for Louis Caretti, and Lucia Caretti, his wife, the defendants
named in said petition, returnable on the day of , in the
year nineteen hundred and twenty-six.

CITY SOLICITOR'S OFFICE

MAYOR AND CITY COUNCIL
OF BALTIMORE, a municipal
corporation,

vs.

IN THE

LOUIS CARETTI and LUCIA
CARETTI, his wife,

a n d
any other person or persons
who may have any right, title
or interest in the property
sought to be condemned.

BALTIMORE CITY COURT.

TO THE HONORABLE, THE JUDGE OF SAID COURT :-

The petition of the Mayor and City Council of Baltimore, a municipal corporation of the State of Maryland, respectfully represents unto this Honorable Court :-

1. That the Mayor and City Council of Baltimore is authorized by Chapter 222, of the Acts of the General Assembly of Maryland, passed at its Session of the year 1924, and Ordinance No. 233, of the Mayor and City Council of Baltimore, approved September 9th, 1924, passed in pursuance of said Act, said Ordinance having been submitted to the le-

CITY SOLICITOR'S OFFICE

gal voters of Baltimore City, at an election held November 4th, 1924, and by said voters duly approved; and in pursuance to said Act and said Ordinance, the Highways Engineer was authorized by Ordinance No. 330, approved February 3, 1925, to acquire by purchase or condemnation any sanitary or storm water sewers as authorized by Chapter 222 of the Acts of 1924, for the purpose of extending and augmenting the sewerage system of Baltimore City.

2. That pursuant to and in execution of the power and authority vested in the Mayor and City Council of Baltimore, the Chief Engineer, acting through the Bureau of Sewers, said Chief Engineer and the Bureau of Sewers having been invested, under Ordinance No. 450, approved July 17, 1925, with all the powers formerly exercised by the Highways Engineer, and in the municipal officials having charge of the sewerage system of Baltimore City, he and they have determined it to be necessary and proper, and it is in fact necessary and proper to acquire for the purposes hereinbefore mentioned and referred to, and the Mayor and City Council of Baltimore does require for the purposes aforesaid, a stream or drain called "Herring Run", in fee simple, hereinafter more particularly described and mentioned, and all and every the right, title, interest and estate of the parties defendant hereto or either of them, in and to the same, that is to say :-

CITY SOLICITOR'S OFFICE

BEING all that portion of Herring Run located on the property of L. Caretti, as shown marked "H" on a plat entitled "Plan for the condemnation of Herring Run through the properties of R. Coxon, L. Caretti and W.C. Weber for sewerage purposes", dated October 5, 1925, and numbered B.S.-50-18787, attached hereto and made a part hereof.

TOGETHER with all the rights, water ways, privileges and appurtenances thereto, or in anywise belonging thereto, including all riparian and aquatic rights, as well as all land under and above water, lying between the shore lines of said stream or drain called "Herring Run".

3. That the right, title, interest and estate of the parties hereto in and to the property hereinbefore more particularly described and hereby sought to be condemned, is as follows, that is to say :-

COPY
All the right, title and interest of the said LOUIS CARETTI is by virtue of a deed dated November 23, 1918, and recorded among the Land Records of Baltimore City in Liber S.C.L. No. 3287, folio 242 &c.

All the right, title and interest of said LUCIA CARETTI, is by virtue of being the wife of the said LOUIS CARETTI.

A N D any and every other right, title, interest and estate of the parties hereto and each of them, in and to the property hereinbefore more particularly described and referred to, or any part or portion thereof, to the end and intent that the Mayor and City Council of Baltimore may be seized and possessed of said property in fee simple.

CITY SOLICITOR'S OFFICE

T H A T the Mayor and City Council of Baltimore and its proper municipal officers are unable to agree with the owner or owners of said described property upon a price to be paid therefor, and it is therefore necessary that said property, with all improvements thereon, and the rights and appurtenances aforesaid, and the interest of the owner or owners therein, shall be acquired by condemnation, and your petitioner accordingly desires to acquire the same by condemnation.

~~WHEREFORE~~ this proceedings is brought.

COPY
That your petitioner is advised that some person or persons or bodies corporate, other than those herein specifically named as parties defendant, are or may claim to be entitled, seized and possessed of some right, title, interest or estate in and to the land and premises herein described, mentioned and sought to be condemned by the Mayor and City Council of Baltimore, and if any there be, it is the desire and intention of your petitioner to have all such interest, rights, claims and estate condemned, to the end that the Mayor and City Council of Baltimore may be seized and possessed of said property in fee simple, free and discharged of all right, title, interest and estate of any and every person whatsoever, and to the end and for that purpose, your petitioner prays this Honorable Court to pass an order of publication, warning all persons or bodies cor-

CITY SOLICITOR'S OFFICE

porate, having or claiming any right, title, interest or estate in and to the property herein described, mentioned and referred to, and herein sought to be condemned, to be and appear in this Honorable Court, either in person or by solicitor, on a day certain to be named therein, to answer the premises and show cause, if any they have, why the property mentioned in the petition should not be condemned as prayed in said petition, and to abide by and perform such, order, verdict, judgment or determination as may be rendered in the premises.

COPY

Your petitioner therefore prays that this Honorable Court will have said parcel of land particularly described in the foregoing petition, with all improvements thereon, and all rights and appurtenances in anywise appertaining thereto, as described and mentioned in said petition, and every interest therein, condemned in fee simple, for the purpose hereinbefore mentioned, in accordance with the requisites of the law in such cases made and provided, the procedure to be that prescribed by Chapter 463 of the Acts of the General Assembly of Maryland, passed at its Session in the year 1914.

A M D as in duty bound, etc.

Philip B. Salmon
City Solicitor-Attorney for the
Mayor and City Council of Baltimore.

I hereby authorize and approve the institution of the above proceedings.

Howard W. Jackson
Mayor of Baltimore.

CITY SOLICITOR'S OFFICE

Upon the foregoing petition, it is this
_____ day of _____, in the year Nineteen hun-
dred and twenty-five, by the Baltimore City Court
O R D E R E D that summons issue for LOUIS CARETTI
and LUCIA CARETTI, his wife, the Defendants named in
said petition, returnable on the _____ day of
_____, in the year Nineteen hundred
and twenty-five ;

COPY
A N D it is further O R D E R E D
that said Defendants be notified by service upon them
of a copy of this order, that they will be required to
answer the petition within ten (10) days after their
appearance or the return day to which they are summoned,
which ever shall first occur, and show cause, if any they
have, why the property mentioned in the petition should
not be condemned as prayed in said petition.

IN THE SUPERIOR COURT OF BALTIMORE CITY

*The Plaintiff elect to have this case tried
before a Jury.*

vs.

Plaintiff Attorney.

CITY SOLICITOR'S OFFICE

45462

October 17th, 1925.

Mr. Martin G. Shields,
Box 284-A, Colgate,
Baltimore, Maryland.

Dear Sir:-

I am enclosing herewith check No. 17234 of the Mayor and City Council of Baltimore to your order in the sum of \$1.75, in payment of expenses incurred when you were called to the Court House to testify in the case of Carretti vs. the City.

Very truly yours,

Assistant City Solicitor.

WWR/AA.

CITY SOLICITOR'S OFFICE

October 13th, 1925.

Mr. Martin G. Shields,
Box 284-A, Colgate,
Baltimore, Maryland.

Dear Sir:-

I have your letter of October 12th,
in reference to expense incurred when called to the
Courthouse to testify in the case of Carretti vs. Mayor
and City Council of Baltimore.

I sent a voucher for this item to the
Disbursing Department of the City early last week, but
the check has not as yet reached me. As soon as I receive
it, I will forward the same to you.

Regretting the delay, I am

Very truly yours,

Assistant City Solicitor.

WWR-Q

bill forwarded 10/7/25

Baltimore Md

Oct 12 - 1925

City Solicitors Office
Court House

City

Sir - On Sept 28th & 29th

I was a witness for the
City in the case of
Barrett vs Mayor &
City Council, as a
witness those two days

I incurred an extra
expense of \$1.75 for
meals x car fare

I have previously submitted
this bill but have
received no answer

I am determined
that I be reimbursed
accordingly

Resp

Marion G. Shields

Box 136 a Colgate
284

Baltimore

md.

Office of City Solicitor
Court House
Baltimore Md.

Sir -

As witnesses for Mayor
& City Council in the case
of Barrett vs. Mayor & City
Council, case being held
on Sept 28 & 29th will
you allow me \$1.75
as personal expenses
incurred for meals & car
fare

Thanking you
for same I am respectfully
Martin Shields
Box 136 A Colgate, Baltimore