

File No. 10136 Continued.

OPINION.

City vs. Porter, 18 Md. 284.
 Dashiell vs. City, 45 Md. 615.
 City vs. Hook, 62 Md. 371.

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In the present case the system for the opening and condemning of Covington street has been fully and completely followed, and the street has been duly and lawfully condemned. The finality of this condemnation cannot be affected by the fact that the street has never been graded or paved.

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It has, of course, been settled by a long line of decisions that the City has full power to repeal an ordinance authorizing condemnation proceedings, and to abandon the proposed improvement at any time before actual payment, or tender, of the damages assessed, but I think that where, as in the present case, all damages and benefits have been paid, that then it is too late to abandon the condemnation, because the condemnation has been fully completed. When Mr. Ward saw me sometime ago, I remember distinctly that he left me under the impression that the ordinance to condemn Covington street had never been carried out by the payment of damages and benefits.

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Covington street having been duly condemned, one of the other of two things should, I think, be done. Either an ordinance should be passed, providing for the grading and paving of the street, and thus completing the improvement, or else an ordinance should be introduced for the closing of the street in the usual way.

Very truly yours,

(Signed) Albert C. Ritchie,
 Assistant City Solicitor.

File No. 10136.

LAW DEPARTMENT.

Baltimore, June 18th, 1909.

Edward L. Ward, Esq.,
 Fidelity Building.

Dear Sir:-

Mr. Ritchie, Assistant City Solicitor, has considered the ordinance providing for the repeal of ordinance No. 12, passed in

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