

File No. 10140 Continued.

OPINION.

that the street be subsequently opened, in accordance with the official plan.

7803 Mr. Preston is correct in his statement that this Department has held that Mr. Preston's Department has no authority to refuse a permit to build, legal in all other respects, merely because the proposed location of the building is in the bed of a street as laid down on the Topographical Survey Official Plan, so long as the said street has not been opened as a public street, or any steps taken looking to its opening in the near future.

Very truly yours,

(Signed) Edgar Allan Poe,
City Solicitor.

File No. 10140.

LAW DEPARTMENT.

Baltimore, July 1st, 1909.

A. S. Goldsborough, Esq.,
Mayor's Secretary.

Dear Sir:-

7804 Since writing my letter to you of June 12th relative to the form of notice, No. 250, from the Topographical Survey Commission, to be attached to plats filed with the application for permit to build on private property, I have had conferences with agents of several property owners claiming to be injuriously affected by the last clause of the notice relating to the owner or agent assuming the risk of not being allowed compensation, etc.

7805 In one case it is reported to me that on account of this clause in the notice, the owner has been prevented from securing money with which to build, which he, otherwise, would have been able to secure.

In view of these considerations, and in view of the further fact that no real purpose is subserved by including in the notice the last clause above mentioned, it seems to me that there is great force