

File No. 10562 Continued.

CORRESPONDENCE.

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There is an ordinance directing me to have the grades of alleys, public or private, established upon application of an abutting property owner. I then notify the City Surveyor to establish the grade, upon such an application, and the cost of the establishment is charged against the applicant.

The drainage in this alley does not originate with the City but with the property abutting it, and in the event of damage to property by such an establishment, I do not think that the City could be held responsible.

I have submitted your letter, together with a copy of this, my reply, to the Legal Department for further advice. In the matter of grade establishments the ruling of the Courts has been apparently upon the broad general principle that grades must be established for the good of the community at large rather than for the good of any particular piece of property. The whole question is a legal question, and being a layman I am not competent to speak on the subject, and for that reason, as I have stated, I shall submit the case to the City's legal advisor.

Very truly yours,

(Signed) B. T. Fendall,

City Engineer.

File No. 10562.

OPINION.

LAW DEPARTMENT.

Baltimore, October 11th, 1909.

Hon. Edgar Allan Poe,
City Solicitor.

Dear Sir:-

As requested by your favor of October 11th, I have considered Mr. Fendall's inquiry of October 8th.

It appears that Mr. Fendall directed the City Surveyor to establish the grade of the alley in the rear of the premises of Mr. Meushaw. I assume that Mr. Fendall was acting in this respect under

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