

File No. 11281.

OPINION.

LAW DEPARTMENT.

Baltimore , May 7th, 1910.

General Peter Leary, Jr.,
 Chairman, Sewerage
 Commission.

Dear Sir:-

8954 Your favor of the 5th instant, to the City Solicitor, has been referred to me.

You enclose therewith a letter from Mr. John Thorne, in which he states that he is willing to grant a right of way through his property for a sewer, on condition that he is to "be permitted to use the sewer and free connection therewith", and you enclose, also, a description of the right of way.

8955 As to the terms on which Mr. Thorne is willing to grant the right of way, I beg to advise you that the City cannot accept, through your Commission, a grant of an easement on any terms which may, in the future, impose a burden on funds of the City, other than the Sewerage Loan. The City may in the future, instead of paying the cost of maintaining the sewers out of funds secured through the general tax levy, assess specially the property connected with the sewers, for the purpose of maintaining the sewerage system. Such an agreement as that proposed by Mr. Thorne would, if valid, prevent assessment of his property, and the agreement cannot, therefore, be approved.

8956 As to the description of the right of way, it seems to me that, while it is described as a right of way through the property of Mr. Thorne, it extends, for some distance, through the property of Mr. Henry Riefle. It appears to me to be shorter than the distance indicated by the red line on the Blue Print sent with your above mentioned letter, but too long to be confined within the lines of Mr. Thorne's property.

Kindly consider these matters and let me hear from you again.

Very truly yours,

(Signed) Joseph S. Goldsmith,

Assistant City Solicitor.