

File No. 11,698 Continued.

CORRESPONDENCE.

this department. I shall thank you to advise me if, in the event of Tippetts refusing to lay a brick sidewalk, you consider it to be possible to collect the money in Court, should we lay a sidewalk and assess the cost against Tippetts's property.

Yours very truly,

(Signed) B. T. Fendall,

City Engineer.

File No. 11,698.

OPINION.

LAW DEPARTMENT.

Baltimore, August 6, 1910.

Hon. Edgar Allan Poe,  
City Solicitor.

Dear Sir:

9331

Replying to yours of August 4th, requesting a report upon the right of the City Engineer to remove a board sidewalk on Tenth street, in Walbrook, and lay a brick sidewalk and assess the cost thereof against the abutting property owners, I have the following to report:

Tenth street, in Walbrook, was paved by the City Engineer, under Ordinance No. 149, approved May 8, 1903, and has since that date been one of the paved streets of Baltimore City.

9332

Under these circumstances, it would seem that there are two methods of procedure open to the City Engineer. The first one is to proceed under Sections 21, 22, et seq. of Article 35 of the City Code, under the authority of which the City Engineer has the right to order the proprietors of lots fronting on any paved street of the City of Baltimore to pave the footways in front of such lots in the manner the City Engineer may think proper, and, upon their neglect or refusal to do so, the City Engineer can proceed with the work, the cost of which can be recovered by the City Collector as provided in this Article.

The other method of procedure is outlined in Section 28,