

File No. 11,698 Continued.

OPINION.

9341

The City either has to pay for all the sidewalk or none, as it cannot discriminate on account of the hardship in favor of Mr. Tippet against the rest of the lot owners.

In this connection, my attention has been called to the opinion of the former City Solicitor that the City should waive its claim for paving in front of Mr. Tippet's property and bear the expense itself.

9342

I am advised by Mr. Fendall that the reason for this opinion was simply that the necessity of the paving at that time, when the neighborhood was sparsely settled, was not commensurate with the hardship such a requirement would work.

Your correspondence is returned herewith.

Yours very truly,

(Signed) Charles A. Marshall.

File No. 11,698.

LAW DEPARTMENT.

Baltimore, September 2, 1910.

B. T. Fendall, Esq.,  
City Engineer.

Dear Sir:

9343

I beg to reply to your favor of August 29, 1910, enclosing a letter from Messrs. R. B. Tippet & Bro., containing a protest on behalf of Richard B. Tippet, against being compelled by the City to fill up his sidewalk on Tenth street between North avenue and Chesapeake avenue.

9344

Our information, furnished by you over the telephone, we understand to be, that Tenth street is sixty-six feet wide, and is paved, under Ordinance No. 149, approved May 8, 1903, to the total width of thirty-two feet, including gutters, leaving a balance of seventeen feet on each side for sidewalks. All the abutting property owners, except Mr. Tippet, have been compelled to build four-foot sidewalks. Mr. Tippet's lot is in the bed of a stream about twenty feet below the level of the