

File No. 11.698 Continued.

OPINION.

much as the only part of Tenth street which has been graded is the thirty-two feet between the curbs, he contends that he is under no liability to fill in in front of his lot.

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After looking up various sections of the City Code applicable to sidewalks and footways, and after talking the matter over with Mr. Fendall, I have reached the following conclusion.

While it is not absolutely clear, still it is reasonably certain that the City does not have to stand any expense for the building or grading of sidewalks, when a street is opened, graded or paved. Mr. Fendall tells me that, in practically every instance in which a street is graded or paved, the grading or paving has been from curb to curb and not from building line to building line, but that the abutting owners are liable for the construction and grading of sidewalks.

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The City's power to compel an owner to bring his sidewalk to grade is set forth in Sections 21, 22 and 28 of Article 35 of the City Code, and I do not think that anything in those sections pre-supposes the fact that the City had already graded the street for its entire width. Such a construction would render many of the provisions contained in those sections useless. Under these circumstances, I think that the City's rights in the premises are fairly clear, the only fear in my mind being that the circumstances of the present case make it an extreme one, where the hardship upon the abutting owner would be very great and the Court correspondingly lenient.

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However, the legal proposition appears to me to be overwhelming in favor of the City's power to enforce the building of sidewalks in front of the property abutting on its paved streets.

Yours very truly,

(Signed) Charles A. Marshall.

File No. 11.698.

LAW DEPARTMENT.

Baltimore, September 10, 1910.

Richard B. Tippet, Esq.,
Hoffman Building, City.

Dear Sir:

I have considered all the papers in respect to the order given

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