

File No. 11785 Continued.

CORRESPONDENCE.

headway, but I do not think that the City should change the physical conditions of Eutaw St. so as to enable you to lower your track. The same principal, as I see it, will apply to the proposed pipe construction to carry off the water from the three foot alley on the S. side of Hamburg street and China alley, on the same side of Hamburg St.

Yours very truly,

(Signed) B. T. Fendall,  
City Engineer.

File No. 11785.

OPINION.

LAW DEPARTMENT.

Baltimore, September 6, 1910.

Hon. Edgar Allan Poe,  
City Solicitor.

Dear Sir:-

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I am replying to your letter to me of September 1st, referring the letter to you from the City Engineer, dated August 31st, in which he asks to be advised as to the correctness of the position he has taken in a letter to W. F. Straus, Assistant Engineer of the Baltimore and Ohio Railroad Company, dated August 31st, in reply to a letter from Mr. Straus to the City Engineer of August 30th, in the matter of laying a pipe on the south side of Hamburg street, connecting with sewer at Warner street, necessitated by the work contemplated by Ordinance No. 387, approved August 16, 1909.

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In Mr. Straus' letter he states - "As this (laying of the pipe) is an expense incident to the construction of the approaches, which subject is dealt with on pages nine and ten of the Ordinance, there is some doubt in my mind as to whether this cost should be borne by the Railroad Company or the City". Mr. Fendall replies, stating that he does not consider that it is the duty of the City to construct the necessary drain to carry off the water to which Mr. Straus refers in his letter.