

File No. 12107 Continued.

OPINION.

fact that the existing legislation does not sufficiently authorize the expenditures which you have in contemplation.

9796

The Act of Assembly provides that the City shall have power "to open, construct and establish a public highway." The City is also authorized to delegate to the "Commission on City Plan" the power of "opening, constructing and establishing said highway." Section 2 provides that, "before proceeding to open and construct said highway", an ordinance shall be passed providing therefor.

Considering these three provisions together, and keeping in mind the similarity of the wording in them, it appears to me that the conclusion is necessary that the Commission cannot exercise any powers until the Plan has been approved by the City Council, unless the City Council should expressly provide otherwise.

Very truly yours,

(Signed) Joseph S. Goldsmith,

Assistant City Solicitor.

CORRESPONDENCE.

File No. 12107.

LAW OFFICES
CAREY, PIPER & HALL,
CALVERT BUILDING,
BALTIMORE.

Baltimore, December 2, 1910.

Commission on City Plan.

Edgar Allan Poe, Esq.,
City Solicitor, etc.,
Baltimore.

Dear Sir:-

Referring to our personal conference yesterday in regard to the above subject, I beg to say that I have carefully reviewed all of the legislation bearing upon the powers and duties of the Commission on City Plan, of which I am president, including:

- (a) The act providing for the Commission; (Acts of 1910, Chapter 114).

9797