

File No. 12242

Baltimore, January 4, 1911.

Edgar Allan Poe, Esq.,  
City Solicitor.

Dear Sir:

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I enclose herewith a communication from Mr. Mengle, attorney for the Park Board, which states that as part of the boulevard scheme the Park Department proposes to connect Wyman Park and Druid Hill Park by means of a road and bridge. The road passes under the Huntington Avenue Viaduct or Bridge of the United Railways and Electric Company.

The Department has acquired the land, but at the time of acquisition the Viaduct was constructed and owned by the Railways Company and the acquisition by the Park Board was subject to the rights of that Company. In order to construct the proposed road it is necessary to remove four upright supports of the bridge, the removal of which will necessitate the substitution in their place of an arch.

The Railways Company is willing to make the change provided the Park Board pays the cost of reconstruction.

The question presented is whether the Park Board has the right to enter into an agreement with the Railways Company to pay for the necessary change in its bridge without going before the Board of Awards and advertising for bids in accordance with Section 14 of the Charter.

The cost may be in the neighborhood of six thousand dollars (\$6000), and it is proposed by the Park Board to pay it out of the appropriation for New Improvements for the current year.

The real nature of the proposed transaction seems to me to be the acquisition by the Park Board of a right of way across the easement owned by the Railways Company. Such right of way could not be had without compensation to the Railways Company, and the compensation agreed upon is merely the amount which the Railways Company will have to spend in the needed alteration of its bridge.