

File No. 12327 Continued.

Departments, Sub-departments, Board, Commission or Officer of the City of Baltimore as may now or hereafter be clothed with the exercise of the rights and powers of a similar nature, and his or their procedure and rights and powers shall be such as now or hereafter may be prescribed by law in respect to his or their said ordinary duties and powers of a similar nature."

Under this provision the City Engineer would be called upon to grade and pave the streets for which land is to be acquired by the Harbor Board. If the establishment of the grade by the Harbor Board, with the approval of the City Council, is to be regarded as final, which, in my judgment, it was intended by the Act to be, then the City Engineer would not have to call upon the City Surveyor to establish the grade. But, if, on the other hand, the grade of the street cannot be established until after the property has been acquired and the Harbor Board is not to be regarded as having the power under the Act to establish grades, then the City Engineer must call upon the City Surveyor to establish the grades.

As to the necessity for having the condemnation plat drafted by the City Surveyor, after the plan has been drafted by the Harbor Engineer, it appears to me that all doubt can be removed by having the Council provide in the Ordinance for the street opening that the Harbor Engineer shall draft such plats as may be necessary for the use of the Commissioners for Opening Streets, in condemning the property. As I stated above, the duties of the City Surveyor are not prescribed by Statute, except as to establishments of grades and drafting of paving plats, and the City Council is therefore free to authorize the Harbor Engineer to draft such plats as may be needed for the condemnation proceedings, to be conducted by the Commissioners for Opening Streets, to carry out the plans of the Harbor Board.

The foregoing answers, I believe, according to my judgment, all inquiries, except that relating to the ownership of Covington St., North of Hughes Ave. I have not yet secured a report in reference to that matter, and will have to advise the Harbor Engineer in reference to it at a later date.

Very truly yours,  
(Signed) Joseph S. Goldsmith  
Assistant City Solicitor.