

File No. 12470 Continued.

been had, the Court of Appeals, in speaking of the effect which the condemnation proceedings had on the property, said: "The practical effect of this condemnation was to deprive the owners of all beneficial use of the property. They could not thereafter improve it except at the risk of having their improvements taken by the City without compensation, at any time it might choose to proceed with the work of opening the street."

While this is not an adjudication on the subject, it would seem to be at least a plain declaration on the part of the Court of Appeals of its attitude at that time.

Following the suggestion in that case, if the builder is aware of the passage of this Ordinance, he might have serious difficulty in recovering damages for structures built in the bed of the proposed street.

It would therefore be advisable that, when the permit is granted, there should be attached thereto a written notice to the effect that the Ordinance has been applied for.

It would appear from the case of Lanahan v. Heaver, 79 Md. 413, that damages were allowed a contractor for work done on uncompleted houses, and probably in that case the work was done after knowledge was acquired by the contractor that the street was about to be opened.

For this reason we could hardly give an opinion that the law is as suggested in the above quotation from Norris v. Baltimore, but it would certainly seem proper to give notice as to the Ordinance in some authentic manner so that full benefit may be had of whatever the law may be when condemnation proceedings are finally taken.

It is possible that such considerations might also have a deterring effect on the builder himself.

Yours truly,

(Signed) W. H. DeC. Wright.

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