

File No. 12560

Baltimore, March 23, 1911.

To the Honorable,
the Members of the First Branch
of the City Council.

Gentlemen:

I herewith beg to reply to your request that I advise your Body as to the powers of the Paving Commission under the provisions of Chapter 202 of the Acts of 1908, and Chapter 401 of the Acts of 1906; and also as to the limitations that may be imposed by the Mayor and City Council of Baltimore upon the plans that may be devised by said Commission.

I take it for granted that you desire me to advise you upon these matters only in a general way.

The powers of the Paving Commission are set forth in considerable detail in Sections 2 and 3 of Chapter 202 of the Acts of 1908. By virtue of said Sections the Commission is given the power to pave, and grade and repave and regrade, according to such general or comprehensive plan or plans as it may adopt, the public streets, alleys and highways of the City of Baltimore, and to select the kind or kinds of paving material to be used in said paving or repaving.

All contracts, however, involving an expenditure of over five hundred dollars are to be awarded by the Board of Awards in accordance with Sections 14 and 15 of the Charter.

The cost of the work, or any part thereof, may be imposed entirely upon the City; if the Commission shall so determine; or the Commission, at its election, may assess the cost partly upon the City and partly upon the property, binding upon the street or streets so paved or repaved, in such proportions as may be fixed by the Commission. The procedure for ascertaining the amount of assessment to be borne by any particular piece of property must be prescribed by the Mayor and City Council under a proper ordinance or ordinances, which ordinances must provide for reasonable notice and opportunity to be heard, with the right of appeal to the Baltimore City Court and to the Court of Appeals before any assessment shall become final. The power to determine just when the assessments, as finally ascertained,