

File No. 13739

Baltimore, December 16, 1911.

George Weems Williams, Esq.,
President, Park Board.

Dear Sir:

Your letter of the 14th inst., received, and I agree with your conclusions.

Answering your questions specifically -

1. In my judgment, the Mayor and City Council of Baltimore can provide, by Ordinance, for assessing the whole or a part of the cost of establishing a park upon the adjacent property benefitted thereby. It seems to me to make no difference whether the City acquires the property especially for that purpose or whether the City already owns the property and improves it, making a park out of it.

2. In my judgment, the City may provide for assessing the cost of a park road upon the property abutting thereon, and it is proper to include in the cost the value of the land taken for the road. At the same time, if the theory is to assess the cost of the improvement only on abutting owners, then, if the City owned on one side of the road, I suppose we could only assess half the cost of the road on the property owners on the other side of the road. The true theory, it seems to me, would be to measure the amount of the assessment, not by the cost of the improvement but by the benefits conferred on the adjacent property owners. However, the theory and practice in regard to opening streets has been to limit the assessment for benefits to the cost of opening the street, in which is included the value of the land taken and all the expenses attending the opening of the street.

3. I think there would be difficulty in deducting from the value of land taken by condemnation the benefit to the owners of the land. The same result is accomplished, however, if a scheme of assessing benefits is adopted by giving full value for the land taken and charging benefits to the owner on account of his other land as a separate proposition.

4. Your fourth question seems to me to be the same as the first.

As above indicated, I do not think that any additional legislation is needed. In addition to the provisions of the City Code to which you refer, you will find that the Act of 1908, Chapter 166, page 584, gives the City very full and ample powers in the matter. You are