

File No. 24697

Baltimore, September 2, 1919.

St. Paul Association,
Mr. G. O. House, Chairman,
St. Paul, Minnesota.

Dear Sir:

13434 Your letter of August 29th received. Under our practice in Baltimore City we consider a street with parking features, as a street, whether the street is parked in the center or on the sides or simply consists of a paved roadway and side walks. It makes no difference in reference to the question of the costs to be borne by adjacent property.

Under our law we are authorized to assess upon all abutting property the amount such property is benefited; that is, increased in pecuniary value by such opening, therefore when we open a street whether it is a parked street or not we assess upon the abutting property, and upon other nearby property, whatever in the judgment of the Commissioners for Opening Streets such property is enhanced in value by the opening of such street, and of course we allow to any party whose property is taken for the bed of the street, the value of the property so taken. Every party allowed damages or assessed with benefits has a right of appeal within thirty days, to the Baltimore City Court where he can have the question tried either by the Judge or the Jury. The way it works out in practice is that where a street is opened through unimproved land the assessments of benefits about equal the damages allowed for the property taken. In other words, the adjacent property pays practically all of the expense of opening a new street, whether it is a parked street or not, where no improvements have to be torn down to make way for the street:

This has been the aim of the administration with which I have been connected for the past eight years. We have not accomplished it in every case, entirely, but in the main the Commissioners for Opening Streets have acted upon the principle that where a street is opened through unimproved land, the benefit to the abutting property ought to equal the cost of the land taken for the bed