

File No. 25303 Continued.

mates sometime ago and the Board was acquainted with the fact that the Park Board desired to condemn the property upon which Mr. Eastman is constructing certain houses and had advised Mr. Eastman before he began building that they would take the property and had introduced an ordinance in the City Council for this purpose. The Board of Estimates, thereupon, as per letter sent to you, directed that the permit be withheld.

I have gone into the matter further and have conferred with the Mayor because it was suggested at the Board that he was particularly interested in this matter. He tells me that he has no interest except to co-operate with the Park Board and feels that if the property is to be taken everything that could be done should be done to limit the damages, but that he has no desire that other than regular proceedings be taken.

I have come to the conclusion that Mr. Eastman is under the law entitled to have his permit issued, if all of the usual conditions are complied with and that your course in the matter should be the usual course pursued in such cases.

Although I advise you to do this I feel that Mr. Eastman in making improvements to his property in spite of notice given to him in good faith that the property would be condemned for Park Board purposes, endeavored to throw a burden upon the City which was not justified. This, however, is a question which, in my judgment, must be raised in the condemnation proceedings.

Respectfully yours,
(Signed) Roland R. Marchant,
City Solicitor.