

File No. 36404 Continued

the Legislature.

Very truly yours,

(Signed) Philip B. Perlman,  
City Solicitor.

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File No. 36404

Baltimore, December 2, 1924.

Mr. Bernard L. Crozier,  
Highways Engineer,  
City Hall,  
Baltimore, Maryland.

Dear Sir:

13999

I beg to reply to your letter of November 26th, in which you call my attention to the situation arising from the construction of a bridge by the Baltimore & Ohio Railroad Company over Barclay Street. The Railroad Company is constructing this bridge under the obligations imposed by Ordinance #83, approved April 14, 1890.

Section 2 of the Ordinance requires the Company to construct and maintain iron bridges or viaducts for the purpose of carrying Oak Street and Barclay Street, when opened, over said railroad. You inform me that the Company has constructed a concrete arch, instead of an iron bridge, and you desire to be informed whether the Company or the City is obligated to pave over the arch, after the necessary fill has been made.

The Ordinance requires the Company to construct and maintain iron bridges. If this had been done, no obligation to pave would have been imposed on the City. While the Company has carried out the modern practice in substituting a concrete arch for the iron bridge,