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October 25, 1932

R. E. Lee Marshall, Esq.,
City Solicitor.

Dear Mr. Marshall:

The Chief Engineer writes that the Department of Public Works proposes to raze the buildings on property which has been acquired by the City along the route of the proposed East and West Thoroughfare and the Orleans Street Viaduct.

He says:

"The general plan is to have us prepare plans and specifications for the work, contract for which is to be advertised and awarded by the Board of Awards, under the provisions of Sections 14 and 15 of the City Charter. The contractor will be required to tear down the buildings and remove all materials and debris from the premises.

"Will you please advise me what, if any, legal objections there may be to this proposed procedure by this Department. If, in your opinion, this plan cannot be carried out, please advise me what steps the City should take to accomplish the purpose indicated".

This inquiry raises a question that has been considered in this office in one form or another several times, and about which the law officers of the City do not seem always to have been in agreement. The question involves the construction of Sections 176 and 189 of the City Charter, and Sections 17, 18 and 19 of Article 8 of the Baltimore City Code of 1927.

Mr. Driscoll in the accompanying letter to you says he thinks the question raised by the Chief Engineer is answered by Section 17 of Article 8 of the City Code. I set out the three Sections for your convenience:

"17. It shall be the duty of the Comptroller to take charge of and keep an account of all refuse material that may accumulate in the Bureau of Highways, and other departments of the city, the articles laid aside as useless at the said departments, to be taken charge of and accounted for by those having supervision of the same. And it shall also be the duty of the Comptroller to dispose of at private or public sale, to the best advantage, all old metal and refuse materials of every kind, and pay the proceeds over to the City Register, specifying at the same time the articles, price, and to whom sold."