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old material would have to be sold by you under Section 176, and that as to the property purchased by you, under Ordinance No. 114, the old material should be sold by the Comptroller, under Section 12 of Article 6 of the Code of 1906."

This opinion of City Solicitor Field is in accord with the view expressed by City Solicitor Poe (Opinions of City Solicitor, Vol. 17, Page 4776). Under date of March 24th, 1911, the Harbor Engineer wrote the City Solicitor as follows:

"As soon as this Department gets possession of the Susan Brooks property on Pratt Street, needed for the widening of Pratt Street from East Falls Avenue to President Street, I should like to have this building razed. In view of the fact that instead of costing this Department anything for the removal of this building, the Contractor usually pays to the City a certain sum of money, the material from the building becoming the Contractor's, would it not be perfectly right and proper if I wrote to three or four men, or contractors who I know are engaged in the wrecking of buildings, and ask them to submit to the Harbor Board a letter stating how much they are willing to pay to the Harbor Board for the material in the building above mentioned, all material removed to become the property of the contractor. These letters or bids to be opened at a fixed day and hour by this Department and the work given in this instance to the highest bidder. This will enable the Department to have this building razed at the earliest possible moment and avoid the unnecessary expense of advertising."

In reply, Mr. Poe said:

"Inasmuch as Pratt Street is being widened by the Commissioners for Opening Streets, the law requires that the Commissioners themselves shall sell at public auction the old material.

I would suggest, therefore, that you put yourself in communication with the Commissioners and get them to advertise the sale of the building material as soon as the title to the property passes to you."

Section 176 of the Charter applies to a situation where a portion of the lot or of the lot and improvements shall be taken for the widening of a street and the owner shall claim compensation for the whole. If the Commissioners deem it best, they may accept a surrender in writing of the whole of said lot and improvements and pay the owner the value thereof. Thereupon, the Commissioners, after giving