

October 28th, 1932

R. E. L. Marshall, Esq.,
City Solicitor,
Baltimore, Maryland.

Dear Mr. Marshall:

Mr. Henry P. Gifford, Lansdowne P. O., Maryland, has applied for the refund of \$80.00 paid in connection with the extension of water main in Luerksen Avenue, between Moravia Road and Franklin Avenue. The facts are these:

In February of 1930, Mr. Gifford applied for a water main extension on Luerksen Avenue to serve three houses which he owned and which he had moved to that location from what is now the bed of Moravia Avenue. The houses in question were bought from the City by Mr. Gifford. A fourth property abutted on Luerksen Avenue, which also applied for water service.

Under the rules of the Water Department, which were fully set out in the application and contract signed by Mr. Gifford, the applicant for water main extension is required to make a deposit in the amount of \$1.50 per linear foot for the extension applied for, less a credit of \$100. for every house completed and under roof and applying for water service from the proposed main. He is also entitled to refund for similar houses to be erected, the total amount of credits and refund not to exceed the amount of deposit.

In this case, the application called for the construction of 320 linear feet of water main. Under the rules, a deposit of \$480. would be required for this construction.

Mr. Gifford was allowed the credits heretofore referred to, which credits amounted to \$400. for the four houses receiving water service from the main, leaving a balance of \$80. to be paid. Mr. Gifford asks that this deposit of \$80. be returned to him for the reason that a building lot abutting on the said street, which has not yet been improved, is beyond his control, and that he has no knowledge of when water service will be applied for, due to the fact that there is no present indication that the owner of that lot intends to improve it.

While Mr. Gifford is placed in an unfortunate position in this matter, nevertheless I can see no legal justification for making the refund applied