

Continued

ASW
11/19/58

Judge Bond, in his opinion, refers to the fact that the Baltimore City Charter empowers the City to operate, maintain and control the system of water supply for Baltimore City and to "pass all ordinances necessary in the premises" and that the City is "authorized and empowered to assess rates for the supply and use of water * * * and to enforce payment for the use of water * * * by the same process that City and State taxes are collected".

These provisions, in Judge Bond's opinion "must be taken to empower the City to sell the property supplied for unpaid water rents" and it is this "power to sell the property which creates the lien 'which will attach even in the hands of subsequent owners.'" In support of his opinion, Judge Bond quotes the case of Eschbach vs. Pitts, supra, which holds that "it is the right * * * to make the debt out of the land which creates the lien."

In view of the foregoing authorities, it is my opinion that the unpaid water rents against the property known as 3726 Dillon Street are liens against the property affected until paid, and the collection of the amounts due are in no way affected by any statute or ordinance.

The City Collector should, therefore, proceed in the usual manner to enforce the City's lien against the above captioned property for the amount due for unpaid water bills.

Very truly yours,

(signed) HECTOR J. CIOTTI

c/n

Assistant City Solicitor