

Mr. John J. Lang, Deputy Director, Planning Commission of Baltimore (cont'd)

"and also the general location and extent of publicly owned places of recreation, such as playgrounds, squares, and parks, and all public buildings and other public property, including school buildings, and all existing and proposed zoning areas or districts, and all public utilities, services and terminals, such as water, gas, electricity, sewerage, telephone, telegraph and transportation, whether privately or publicly owned or operated."

"110. PLANNING -- COMPLIANCE WITH THE MASTER PLAN.

After the adoption by the Commission of the Master Plan, or part thereof, and prior to the adoption of an Official Detailed Plan, no public improvement or enterprise, including, among other things, streets, highways, boulevards, viaducts, bridges, subways, tunnels, or other uses of land for purposes of public transportation, and piers, wharves, docks, and bulkheads, and buildings or structures thereon, whether publicly or privately owned or operated, and publicly owned places of recreation, such as playgrounds, squares or parks, and public buildings, including school buildings, and public utilities, services or terminals, including gas, water, electricity, sewerage, telephone, telegraph or transportation, whether privately or publicly owned or operated, within the scope of said Master Plan, or part thereof applicable thereto, shall be authorized or constructed in Baltimore City unless the location and grade thereof and, in cases of the use of land for purposes of transportation, the width thereof, shall be in conformity with the Master Plan and have been first approved by the Commission."

On July 26, 1939, this office rendered an opinion to your Commission under File No. 70772, which stated as follows:

"Reference is made to your letter of July 10, 1939, requesting an opinion as to whether or not the duties of the Commission on City Plan apply to city-owned properties outside the corporate limits.

"I am of the opinion that, generally speaking, contemplated purchases of property by the City outside of its corporate limits would come within the purview of the supervision of your Commission insofar as they are connected with and relate to the physical development of Baltimore City."

While the Charter does not specifically prohibit the purchase or the negotiations for an option for the purchase of sites by city departments before obtaining the approval by the Planning Commission, it seems to us that certainly it implies the same. The authorization or construction of any public improvement or enterprise is predicated on the approval of the Planning Commission. Inasmuch as the purchase or the negotiation for an option of a site is a mere carrying out of the authority, necessarily first obtained, and inasmuch as said authority is predicated upon the approval of the Planning Commission as above stated, it follows therefore that City agencies, in our opinion, may not purchase or negotiate an option for the purchase of sites before such sites are approved and adopted as part of the Master Plan by the Planning Commission.