

Mr. Charles A. Hook, Director
Department of Recreation and Parks

(continued)

An examination of the law discloses that there have been two instances where the Court of Appeals of Maryland has considered questions, concerning Baltimore City park property, which were somewhat similar to the proposition now being discussed.

The first of such cases was that of Hanlon v. Levin, 168 Md. 674 (1935). In that case, the Board of Park Commissioners attempted to lease for a period of ten years a parcel of land located in Druid Hill Park to a local broadcasting company for the purpose of constructing thereon a building and broadcasting tower for the exclusive use of the radio station involved. It was held in this case that the Board of Park Commissioners was without power or authority to enter into the lease in question.

However, in examining the opinion of the Court it is found that the Baltimore City Charter (1927 edition), which was then in effect, authorized the Board of Park Commissioners to lease only property which it had acquired on behalf of the City, and the Court said that even then the Board could only execute leases so long as such property had not become a part of the public parks of the City and, therefore, remained undedicated to the public use. It is obvious that the Board of Park Commissioners did not have the same broad power to lease park property under its control as is now possessed by the governing body of the Department of Recreation and Parks, so that this case is not decisive of the question which is now being discussed.

The second of the two cases above mentioned is Green v. Garrett, 192 Md. 52 (1948) which involved the authority of the Department of Recreation and Parks to enter into an agreement with the Baltimore Baseball and Exhibition Company granting to that Company the privilege of using the Baltimore Stadium for professional baseball for a period longer than thirty days with the approval of