

FILE NO. 107366

April 1, 1963

Honorable Phillip H. Goodman
Mayor of Baltimore City
City Hall
Baltimore 2, Maryland

Re: Condemnation of Property
Without Urban Renewal
Ordinance for Resale to
Private Developer

Dear Mayor Goodman:

This letter is in reply to your request for an opinion as to whether or not the City has the power, without a formal renewal program, to acquire and demolish certain properties which are deteriorating, for possible resale for private redevelopment. Your inquiry results from your concern about an area bounded by Franklin Street, Myrtle Avenue, Mulberry Street and Fremont Avenue.

The underlying question raised by the above is whether or not the City, either by the exercise of its general power of eminent domain, hereinafter defined, or under the authority vested in the Baltimore Urban Renewal and Housing Agency by existing legislation, can condemn property within the limits of Baltimore City for resale to private parties or private developers.

Eminent domain is the power of the sovereign to take property for public use without the owner's consent. Nichols on Eminent Domain, Vol. 1, Sec. 1.11.

Section 40 of Article 3 of the Constitution of the State of Maryland provides as follows:

"The General Assembly shall enact no law authorizing private property to be taken for public use without just compensation, as agreed between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation."

Sub-section (2), subtitled "Condemnation", of Section 6, titled "General Powers", of the Baltimore City Charter (1949 Edition), reads as follows: