

Honorable Philip H. Goodman
Mayor of Baltimore City

(continued)

discussed for resale to private individuals under the guise of its general power of eminent domain. It remains only to determine whether the City, under the authority vested in the Baltimore Urban Renewal and Housing Agency, can accomplish the proposed taking.

Keeping in mind that the area involved in this inquiry does not fall within a Redevelopment Area designated by Ordinance and that the Urban Renewal Agency has no plans for developing this area, we shall examine the authority of said Agency as vested in it by the laws of the State of Maryland and the City of Baltimore. Rather than quote various lengthy sections from the Constitution of Maryland and the Baltimore City Charter, we shall quote from a recent Maryland case which traces the authority of the Agency and specifically defines its powers and limitations.

In the case of Herzinger v. M.C.C.B., 203 Md. 48 (1953) the Plaintiff objected to the condemnation of land lying within a renewal area designated by ordinance by the City for purposes of redevelopment, alleging that this amounted to condemnation for private purposes, since after the land is acquired, it was to be turned over to private hands for development.

The Court found the taking to be constitutional, and in so holding, said:

"The constitutional power to condemn for redevelopment purposes is derived from Article XIB of the Maryland Constitution, ratified in 1948, which provided that the General Assembly by public local law may empower the City to acquire land by purchase, gift, condemnation or any other legal means, 'for development or redevelopment, including but not limited to, the comprehensive renovation or rehabilitation thereof'. When acquired the land may be leased, sold or conveyed to private persons. Any land acquired for the purposes mentioned is declared 'to be needed or taken for public use'. By Chapter 217, Acts of 1949, Section 6, Subsection 14A, was added to the City Charter providing that the City may condemn for the purposes specified in Article XIB and may vest authority to exercise the powers conferred in any suitable agency. Ordinance No. 718 (approved June 2, 1949) in turn created the Baltimore Redevelopment Commission to exercise these powers.