

Honorable Philip H. Goodman
Mayor of Baltimore City

(continued)

In conclusion, it is the opinion of this office that the City cannot validly condemn any of the properties located within the area here in question for subsequent sale to private developers by the exercise of its general power of eminent domain, since the taking must be for a public use as defined herein, namely, for a use by the public. That is the law, even though the properties in this area are deteriorating and private developers could conceivably make improvements which would inure to the public benefit. Further, the Urban Renewal Agency does not have the authority to exercise any of the powers vested in it by existing legislation in any area not designated by an ordinance of the Mayor and City Council of Baltimore as a redevelopment area. The area here in question does not lie within an area designated by ordinance as a redevelopment area, and we understand that the Agency does not contemplate any such action in the immediate future. Unless and until it is so designated by ordinance as a redevelopment area, the Agency is powerless to achieve the acquisition of any properties in the area for possible resale to private developers.

Sincerely yours,

/s/ GEORGE W. BAKER, JR.
Acting City Solicitor

/s/ JOSEPH A. LUPERINI
Senior Assistant Solicitor

GWB, JR/JAL/K