

FILE NO. 107411

April 1, 1963

Mr. George E. Finck  
Consultant  
Off-Street Parking Commission  
309 Municipal Building  
Baltimore 2, Maryland

Re: Maryland General Hospital  
Opinion with regard to Easement  
for First Floor Service Area

Dear Mr. Finck:

On February 14, 1963, this office received from your Commission a request for an opinion regarding a proposal submitted by the Maryland General Hospital relative to the tract of land owned by them at the Northeast corner of Linden Avenue and Madison Avenue as a proposed site for a three floored off-street parking facility. The pertinent provisions of their proposal are as follows:

A portion of the proposed facility located on the ground floor thereof is used by the Hospital as a private service area and is to remain a private service area for delivery of supplies to the Hospital. Thus, a portion of the first floor level of the proposed facility cannot be used for parking. The upper two (or three) floors of the proposed facility will have parking over and above the entire area of the land, including that portion proposed to be used as a private area to service the Hospital. Your letter asked if the City could grant an easement to the Hospital for this portion of the ground floor, to be used by the Hospital as a private service area, such easement to continue until the off-street parking loan is paid.

It is generally provided under Ordinance 1279, approved May, 1962, and approved by the voters of Baltimore City at the General Election of November 6, 1962, that loan funds were made available for the acquisition, by purchase, lease, condemnation or any other legal means, of land or property, or any rights or interests therein in the City of Baltimore, for developing, establishing, erecting, etc., structures or other facilities, held or controlled by the Mayor and City Council, for storing, parking and servicing self-propelled vehicles, ----- that where another building, structure or facility may be established adjacent to a parking facility, the Ordinance provided that none of such proceeds shall be used for or in connection with the construction or erection of such additional structure or any part thereof.