

Mr. George E. Finck, Consultant
Off-Street Parking Commission

(continued)

It is to be noted that the proposal as submitted contemplates the use of Off-Street Parking funds for the creation of a facility for public parking, that a part of such facility is proposed to be converted to private use for the benefits of the Hospital, by way of easement.

It is our opinion that such funds can only be used for the specific and limited purposes designated in the enabling legislation as subsequently embodied in the Ordinance submitted to, and approved by the electorate, as previously set forth.

It is clear that the purposes set out in the Off-Street Parking legislation are narrow and restricted, and allow for no such enlargement as have been suggested by the present proposal.

It is therefore the opinion of this office that any act of the City permitting or approving the use of Off-Street Parking funds for the establishment of such facility and upon completion thereof, to grant an easement therein for private use, would be ultra vires, void and of no effect.

Very truly yours,

/s/ FRANCIS B. BURCH
City Solicitor

/s/ LLOYD G. McALLISTER
Chief Assistant Solicitor

HKN:A