

FILE NO. 107600

May 7, 1963

Mr. C. E. Keefer, Sewerage Engineer  
Bureau of Sewers  
312 Municipal Building

Re: Erosion from Herring Run - Power to  
Control City's Liability for Damages -  
The Severn River Construction Company  
Obligation of Riparian Owner -  
Glenlo Corporation

Dear Mr. Keefer:

In your letter of March 19, 1963, supplemented by additional information furnished by your office, you requested the opinion of this office as to the following questions relative to building operations of The Severn River Construction Company located in close proximity to the West Branch of Herring Run:

1. Can the City require the owner of the property on which a portion of the West Branch of Herring Run is situated to construct slope and bottom paving in the Run at that location for the purpose of protecting that and adjacent property against damages from the waters of the stream?

2. Would the City be liable for damages from the flooding or erosion of these properties caused by the waters of Herring Run?

3. Would the City be liable for such damages if the stream bed and contiguous flood zone were owned by a party with very limited assets?

4. What is the legal obligation of a riparian owner with respect to the controlling of erosion of his land, especially when such erosion will likely contribute to the depositing of materials in downstream reaches and thereby cause flooding?

From a review of your letter, the supporting data forwarded with same, our File No. 101638 relating to your similar inquiry under date of October 19, 1959, and as a result of our conferences with you and Mr. John H. Prussing of your office on the matters under consideration, we understand that the following facts are involved in the present situation:

(1) During 1959 the Bureau of Sewers became aware that erosion was occurring along the east bank of the West Branch of Herring Run between Loch Raven Boulevard and the northern City