

## TERMS AND CONDITIONS OF GRANTS AND FRANCHISES.

1898, ch. 123.

9. No franchise or right in relation to any highway, avenue, street, lane or alley, either on, above or below the surface of the same, shall be granted by the Mayor and City Council of Baltimore to any person or corporation for a longer period than twenty-five years, but such grant may, at the option of the city, provide for giving to the grantee the right, on fair re-valuation, including in such re-valuation the value derived from the said franchise or right, to renewals not exceeding in the aggregate twenty-five years. Such grant may provide that upon the termination of the said franchise or right granted by the City, the plant, as well as the property of the grantee situated in, above or under the highways, avenues, streets, lanes or alleys aforesaid, with its appurtenances, shall thereupon be and become the property of the city, without further or other compensation to the grantee; or such grant may provide that upon such determination, there shall be a fair valuation of the plant and property, which shall be and become the property of the city at its election, on paying the grantee said valuation. If, by virtue of the grant, the plant and property are to become the property of the city, without money payment therefor, the city shall have the option, either to take and operate the said property on its own account, or to renew the said grant for not exceeding twenty-five years on a re-valuation, or sell the same to the highest bidder at public sale. If the original grant shall prescribe that the Mayor and City Council of Baltimore shall at its election make payment for such plant and property, such payment shall be at a fair valuation of the same as property, excluding any value derived from the franchise or right and if the city shall make payment for such plant and property, it may, in that event, operate the plant and property on its own account for five years, after which it may determine either to continue such operation on its own account or to lease the said plant and property and the said franchise or right to use the highways, avenues, streets, lanes and alleys or other public property in connection therewith, for limited periods, under such rules and regulations as it may prescribe, or to sell the plant and property to the highest bidder at public sale. Every grant of any such franchise or right shall make provision, by way of forfeiture or otherwise, of the grant for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition, throughout the full term of the grant. The grant shall also specify the mode of determining the valuations and re-valuations which may be provided for therein.

*Purnell v. McLane*, 98 Md. 589. *Brauer v. Refrigerating Co.* 99 Md. 380. *Consolidated Gas Co. v. Schreiber*, 99 Md. 403. *Cf.*, *Mealy v. Mayor of Hagerstown*, 92 Md. 741.

1924, ch. 231.

9A. The Board of Estimates, subject to the ratification and approval by ordinance of the Mayor and City Council of Baltimore, is empowered