

RULING SOUGHT ON LAND TITLE

Recreation Commission Would Use Lake Roland Water Supply Property

Deputy City Solicitor Barnes Detailed To Prepare Legal Opinion

Legal questions concerning the city's titles to some land involved in the Lake Roland water supply system have arisen and the Municipal Law Department has been asked for an opinion regarding the right of the Department of Recreation to use the property.

Robert Garrett, chairman of the commission, has asked F. Murray Benson, city solicitor, for the opinion and the latter has assigned Wilson K. Barnes, his deputy, to the task of preparing it.

Mr. Barnes said yesterday he is having an abstract of all the titles prepared and that city officials are searching records of the municipality to disclose all pertinent information.

Land Acquired By City

The city acquired the land surrounding Lake Roland by virtue of authority conferred by the General Assembly of 1853, Mr. Barnes said yesterday.

This act authorized the city to acquire the title in fee simple, as well as lesser estates in land, for the purpose of conveying water into the city.

The question now being considered is whether the city owns some of the properties in fee simple, which is outright ownership, or whether it has only a lesser estate, which is an easement or right to use the land for water supply purposes.

"Although some land was acquired by the city by purchase, the bulk of the land was acquired by condemnation," Mr. Barnes said.

"The condemnation proceedings, under the act of 1853, were somewhat more loosely conducted than are condemnation proceedings at the present time, and the returns of the condemnation juries in some cases were worded in such a way that some question was raised as to whether the city acquired a fee simple title or some lesser estate in the land condemned," he added.

Auxiliary Water Supply

Lake Roland has not been actively used for several years by the Water Department as a primary source of the city's water supply. Jurisdiction over Lake Roland and the conduit which leads from there to the Hampden reservoir has been in the Water Department since the original creation of the lake.

The Lake Roland supply of water is retained by the Bureau of Water Supply as an auxiliary supply, which may be used by the city in an emergency.

The Water Department has no objection to the use of Lake Roland for public recreational purposes as the proposed uses do not interfere with the use of Lake Roland by the water bureau as an auxiliary water supply.

Mr. Barnes said it is expected the City Law Department will complete its opinion on the title question within the next few weeks.