

Mr. R. Brooke Maxwell, Director, Department of Recreation and Parks (cont'd)

"land or property now or hereafter owned or controlled by the Mayor and City Council of Baltimore, or for establishing, constructing and equipping an entirely new and modern stadium and all facilities and appurtenances necessary or useful in connection with the operation of a modern stadium on the portion of Venable Park bounded on the south by Thirty-third Street, on the west by Ellerslie Avenue, on the north by Thirty-sixth Street and on the east by Ednor Avenue, located in Baltimore City, or for reconstructing, enlarging, extending, improving, renovating and modernizing the existing Baltimore Stadium located within the portion of Venable Park hereinbefore described, including, but not limited to, the construction, erection or installation of all facilities or appurtenances necessary or useful in connection with the operation of a modern stadium and the construction and erection of a roof over all or a portion of said stadium, and for doing any and all things necessary in connection with or pertaining to any or all of the matters or things hereinbefore mentioned."

It will be observed that three alternatives were provided in this section of Chapter 17.

On the other hand, Section 6 of Ordinance No. 1307, provides that the loan funds may be used only for

"reconstructing, enlarging, extending, improving, renovating and modernizing the existing Baltimore Stadium located on the portion of Venable Park, bounded on the south by Thirty-third Street, on the west by Ellerslie Avenue, on the north by Thirty-sixth Street and on the east by Ednor Avenue, including, but not limited to, the construction, erection or installation of all facilities or appurtenances necessary or useful in connection with the operation of a modern stadium and the construction and erection of a roof over all or a portion of said stadium, and for doing any and all things necessary in connection with or pertaining to any or all of the matters or things hereinbefore mentioned."

It is apparent that this section of Ordinance No. 1307 covers only the last of the three alternatives mentioned in Section 2 of Chapter 17, and the loan funds may be used only for the purposes mentioned in the ordinance. Among other things, the ordinance states that the loan funds may be used for the installation of all facilities or appurtenances necessary or useful in connection with the operation of a modern stadium and for doing any and all things necessary in connection with or pertaining to any or all of the matters or things mentioned in the ordinance.

A question of fact, as distinguished from a legal question, is then presented as to whether or not a canvas cover for the playing field of the Baltimore