

the land lying in the bed of Eutaw Place extended, between North Avenue on the southeast and Druid Hill Park on the northwest, in consideration of an agreement on the part of said grantee, to be incorporated therein, that no street car or other railroad tracks shall at any time thereafter be located or placed on any part thereof.

1894, ch. 123.

**837.** That upon the execution of said deed and acceptance thereof by the Mayor and City Council of Baltimore embodying said contract prohibiting the locating or placing car tracks upon any part of the land so to be granted, the said contract shall be and is hereby declared to be forever thereafter inviolable; provided, however, that nothing herein contained shall prevent the Mayor and City Council of Baltimore from authorizing by ordinance the location or construction of car tracks on such part of the bed of said street as are contained within the limits of intersection or cross streets that are now or may hereafter be provided for by ordinance of said Mayor and City Council of Baltimore.

1910, ch. 621.

**837A.** That the Mayor and City Council of Baltimore be and it is hereby authorized and empowered to authorize and direct the Commissioners for Opening Streets, under such system of procedure, including reasonable notice to the propertyholders and the right of appeal by either the propertyholders or the Mayor and City Council of Baltimore, to the Baltimore City Court and the Court of Appeals of Maryland, as it may prescribe, to ascertain and award to the owners of property in the City of Baltimore injuriously affected by the changes in grade provided for by Section 3½ of Ordinance No. 387 of the Mayor and City Council of Baltimore, approved August 16, 1909, commonly known as the "Grade Crossing Ordinance," such damages, if any, as they may find to have been actually sustained by and directly caused to said property by reason of such changes in grade, and at the same time to assess against the same such benefits as they may find to have accrued to said owner by reason thereof; provided, however, that nothing in this Act contained shall be construed as imposing any duty or obligation upon the Mayor and City Council of Baltimore, except in the event that said propertyholders are judicially declared to be disentitled to recover such compensation or damages from the Baltimore and Ohio Railroad Company; and provided further, that in the event of the exercise at any time by the Mayor and City Council of Baltimore of the authority hereby conferred, then nothing in this Act contained shall be construed as depriving the Mayor and City Council of Baltimore of any right it may lawfully have to demand, enforce and receive reimbursement from the Baltimore and Ohio Railroad Company to the full extent of any compensation it may make or damages it may pay in the premises.