

Rule as to damages and benefits.

Baltimore v. Megary, 122 Md. 20. (See Section 175A.)

City not liable for consequential damages to property not abutting on the part of the street closed. Certain rules for determining damages.

Ger. Luth. Church v. Baltimore, 123 Md. 142.

The words "such owner ought to be compensated" construed to mean "such as he ought to be compensated for under the established rules of law and practice."

Ger. Luth. Church v. Baltimore, 123 Md. 149.

When land is condemned for the bed of a public street, the grade thereof should be first established.

Baltimore v. Johnson, 123 Md. 320.

Benefits cannot lawfully be assessed against abutting property until the grade of the proposed street has been first established.

Patterson v. Baltimore, 124 Md. 153.

The rule that damages are not ordinarily recoverable for injury to adjacent lands caused by a lawful change in the grade of a public highway is confined to cases in which no part of the abutting property is taken for that purpose. Where the grade is established for the first time on opening the street, the cost and expense of making the abutting land conform to the use of the street should be considered in determining the extent that such abutting lands are benefited by the opening.

Baltimore v. Johnson, 123 Md. 320.

The measure of damages is the market value of the land actually to be taken, and a due allowance of damages for injury to the remaining land.

Patterson v. Baltimore, 124 Md. 153.

In determining whether property will be benefited by a street which is to be opened, account must be had of the cost of putting the property in condition to render it useful after the street is actually opened.

P., B. & W. Railroad v. M. & C. C. of Balto., 124 Md. 635. *See also*, Balto. v. Canton Co., 124 Md. 620.

The City has no power to assess benefits which materially amount to more than the aggregate of damages and expenses. The Commissioners for Opening Streets may make a proportionate reduction, or the City Court can do so on appeal.

Maryland Trust Co. v. Baltimore, 125 Md. 40. Balto. v. Md. Trust Co., 135 Md. 36.

Mere inconvenience of access, or mere diminution of light and air to property does not constitute a "taking" within the meaning of the Constitution. Such injury to come within the constitutional provision must be such as to amount to their substantial destruction.

Baltimore v. Bregenzer, 125 Md. 78.

Condemnation of Land for Water Supply.—Adaptability of Land for Reservoir Purposes.—Just Compensation includes the Value of the Ground and Due Allowance for Consequential Damages.—The Market Value of Land is to be Estimated in Reference to the Uses and Purposes to which it is Adapted.

Brack v. Baltimore, 125 Md. 378.

As to when lien attaches, *see* Dyer v. Dobler, 137 Md. 682.

1914, ch. 125.

175A. In any ordinance providing for opening, widening, extending, straightening or closing any public highway, the Mayor and City Council may provide that the Commissioners for Opening Streets shall assess upon the property benefited thereby the entire cost of such opening, widening, extending, straightening, or closing, including the damages paid for any property taken therefor and the expenses of the said Commissioners and Court expenses, if any; the property so benefited may be specified in the ordinance or left to be determined by the Commissioners. In the event of the passage of such ordinance, the Commissioners for Opening Streets in carrying out the same shall apportion the entire expense of such opening, widening, extending, straightening or closing among the various prop-