

whole of the improvements of any lot can be taken without destroying the whole of said lot or said improvements, for the purpose for which lot or improvements are used, or for building purposes, the said Commissioners shall only condemn such part of said whole lot or improvements as is necessary for the proposed object, and shall award to the owner or owners of the part of the lot or improvements so taken such damages and assess upon the remainder thereof such benefits as in their judgment shall be right and proper; and provided, further, that in all cases where there are sheds or other obstructions lying and being in beds of streets, lanes, roads or alleys, in process of opening or widening, where the same will not, in the judgment of the Commissioners for Opening Streets, sell by public auction for the amount of the expenses of said sale, then the said Commissioners for Opening Streets may, and they are hereby authorized, to sell the same at private sale.

M. & C. C. of Baltimore v. Merryman, 23 Md. 449. *Mayor v. Clunet*, 23 Md. 464. *Norris v. Balto.*, 44 Md. 603. *Bernei v. Mayor*, 56 Md. 351.

As to right of the city to institute condemnation proceedings before street grades are established, *see Balto. Belt R. R. Co. v. Turner*, *Daily Record*, January 12, 1893.

As to rule for valuation of property in awards in condemnation proceedings, *see Park Board v. White*, *Daily Record*, May 25, 1893.

The inchoate right of dower in fee simple property to be considered in condemning property. *B. & O. R. R. Co. v. Textor*, *Daily Record*, December 25, 1893.

1914, ch. 125.

176A. In any case where a part of a lot, or part of a lot and improvements, is taken for opening, widening, extending, straightening or closing a public highway, the Commissioners for Opening Streets in making their award, and in the event of an appeal, the Court or Jury in making its or their award shall not award damages and assess benefits separately, but shall ascertain and find separately: First—the present value of the entire lot, or the entire lot and improvements of which a part is to be taken, as if the proposed opening, widening, extending, straightening or closing were not to be made; and secondly—what will be the value of the portion of the lot or of the lot and improvements which will remain after the opening, widening, extending, straightening or closing of said highway shall have been made, and the grading thereof shall have been done. If the value so found of the whole exceeds the value so found of the portion which will remain, the owner of said lot, or of said lot and improvements shall be allowed the difference as net damages. If the value so found of the part which will remain shall exceed the value so found of the whole, then the owner of the said lot, or said lot and improvements shall be charged the difference as net benefits, but nothing herein shall prevent the surrender of the whole lot, as provided in Section 176.

Cahill v. M. & C. C., 129 Md. 22. *Con. G. E. L. & P. Co. v. M. & C. C.*, 130 Md. 20.

1912, ch. 32.

177. As soon as the Commissioners aforesaid shall have completed the valuation of damages to be ascertained by them as directed by this Charter, they shall cause a statement thereof to be made out for the inspection