

45. The Mayor and City Council may, when requested in writing by the owners of a majority of the front feet of the property, or any street or alley or parts thereof in said city, cause the same to be graded, paved, sewered or otherwise improved, and levy the expenses thereof on the property binding on such street or alley agreeably to the extent of such lots thereon, and collect the expense thereof of grading, paving, sewerage or otherwise improving the same as directed in the next succeeding section; provided that in estimating the number of front feet upon such street or alley, to be improved in all cases when a portion of such front feet shall be occupied by railroad track or its slopes, the number of front feet so occupied shall not be included in said estimate, nor shall said railroad be assessed with any part of the cost of such improvements, unless such property of said railroad shall be used for other purposes than a track simply, in which case said property shall be estimated and charged in the same manner as the property of other parties bordering on such streets or alleys.

Grade and improve.

When railroads are chargeable.

46. Whenever the Mayor and City Council shall levy any sum of money on the owners of property in said city for grading, paving, sewerage or otherwise improving the streets, lanes or alleys in said city, or any of them, the sum so levied shall be a lien on said property; provided said Mayor and City Council shall, within sixty days after the completion of such grading, paving, sewerage or other improving, cause to be filed with the Clerk of the Circuit Court of Allegany county a statement showing the whole amount expended in such grading, paving, sewerage or other improving, and the names of the persons among whom the said sum has been apportioned and the amount apportioned to each, and a general description of the land owned by each of said parties upon which such sums are intended to operate as a lien, and said statement shall constitute a lien on said property for the space of three years and no longer, unless the same shall be revived or enforced by *scire facias*, as provided in the next succeeding section.

Levy to be a lien.

File statement.

How enforceable.

47. Said lien shall be enforceable by *scire facias* issued out of the Circuit Court of Allegany county,