

THE BOARD OF ROAD COMMISSIONERS SHALL BE CONSTRUED TO MEAN THE COUNTY COMMISSIONERS ACTING AS SUCH BOARD, EXCEPT WHERE SUCH CONSTRUCTION WOULD BE ABSURD OR UNREASONABLE.

104-3. PROCEDURES FOR ACQUIRING PRIVATE PROPERTY FOR DRAINAGE OUTLETS OR WATERCOURSES OR TO UTILIZE GRAVEL BANKS.

A. DRAINAGE OUTLETS OR WATERCOURSES. WHENEVER THE BOARD OF ROAD COMMISSIONERS OF CHARLES COUNTY SHALL FIND IT NECESSARY TO OPEN AN OUTLET OR WATERCOURSE THROUGH PRIVATE PROPERTY IN SAID COUNTY TO SECURE THE PROPER DRAINAGE OF ANY PUBLIC ROAD THEREIN, IT SHALL FORTHWITH NOTIFY THE OWNER OR OWNERS OF SAID LAND. IF SUCH OWNER OR OWNERS AND SAID BOARD OF ROAD COMMISSIONERS SHALL AGREE UPON THE VALUE AND PRICE TO BE PAID FOR THE SAME, THEN SUCH CONSENT AND AGREEMENT SHALL BE ENTERED UPON THE BOOKS OF THE BOARD OF ROAD COMMISSIONERS, AND SUCH OUTLET OR WATERCOURSE SHALL BE OPENED, BUT IF THE OWNER OR OWNERS AND THE BOARD OF ROAD COMMISSIONERS OF CHARLES COUNTY SHALL FAIL TO AGREE AS AFORESAID, THEN SAID BOARD OF ROAD COMMISSIONERS SHALL HAVE SUCH POWER AND AUTHORITY TO CONDEMN THE LAND FOR SUCH OUTLET OR WATERCOURSE IN THE MANNER AS IS NOW OR MAY BE HEREAFTER CONFERRED BY THE CODE OF PUBLIC GENERAL LAWS OF THE STATE OF MARYLAND TO THE COUNTY COMMISSIONERS FOR THE CONDEMNING OF LAND FOR THE OPENING OF PUBLIC ROADS AND SHALL APPOINT THREE (3) EXAMINERS TO GO OVER THE OUTLET OR WATERCOURSE FOR SUCH DRAINAGE AND ESTIMATE THE DAMAGE TO THE OWNER OR OWNERS OF THE LAND THROUGH WHICH SAID OUTLET OR WATERCOURSE SHALL BE RUN AND MAKE THEREOF TO THE BOARD OF ROAD COMMISSIONERS OF CHARLES COUNTY, WHICH, UPON THE TENDER OF THE AMOUNT SO ESTIMATED TO SAID OWNER OR OWNERS, SAID BOARD OF ROAD COMMISSIONERS SHALL IMMEDIATELY CAUSE SUCH OUTLET OR WATERCOURSE TO BE OPENED; PROVIDED, HOWEVER, THAT IF THERE SHALL BE AN APPEAL TO THE CIRCUIT COURT OF CHARLES COUNTY, MARYLAND, FROM THE FINDING OF SAID EXAMINERS, TO BE FILED IN THE OFFICE OF THE ROAD COMMISSIONERS OF CHARLES COUNTY WITHIN TEN (10) DAYS AFTER THE RETURN OF THE SAME, SAID APPEAL, PROVIDED THAT BOND IS GIVEN WITH SUCH SECURITY AS MAY BE APPROVED BY THE ROAD COMMISSIONERS OF CHARLES COUNTY TO PAY THE COST OF THE SAME, SHALL STAY FURTHER PROCEEDINGS UNTIL SAID APPEAL MAY BE HEARD, BUT NO SUCH OUTLET OR WATERCOURSE SHALL BE OPENED SO AS TO PASS THROUGH THE BUILDINGS, GARDENS, YARDS OR BURIAL GROUNDS OF ANY PERSON OR PERSONS WITHOUT THE CONSENT OF THE OWNER OR OWNERS IN WRITING.

B. GRAVEL BANKS. IN CASE SAID BOARD OF ROAD