

which the proposed improvement will be made, or to the owner or occupant of such property or of any right or interest therein, and shall determine in money value, what, if any, amount of benefit will accrue by reason of the proposed improvement to any property over, through, by or near which the proposed improvement will be made, or to the owner or occupant of such property or of any right or interest therein; provided that no benefits shall be assessed to any property not shown on the plat returned by the commission as required by sub-division (7) of this Section or to the owner or occupant of any property not shown on said plat or of any right or interest therein.

The said determination of the Council shall then and there be reduced to writing and signed by the President of the Council and annexed to the report of the said commission, whereupon such writing, or a certified copy thereof, shall become the best evidence of the determination so made.

And the said Council shall, within ten days after making such determination, cause to be published in one or more newspapers printed in the City of Salisbury, for at least two insertions, notice of the fact that such determination has been made and that damages and benefits have been awarded to person, persons, or corporation, and in the amounts to be set forth in the said notice.

(10) At no stage of the proceedings shall the Council have power to depart from the plan, except in some minor details, as set forth in the ordinance required by sub-division (2) of this Section, provided that the Council may depart from such plan by commencing new proceedings under this Section.

(11) If any person shall feel aggrieved by the determination of the Council of damages or benefits or by its failure to award damages to him or his property, he may appeal to the Circuit Court of Wicomico County by giving written notice within ten days after the publication of the notice required by sub-division (9) of this section, which said notice of appeal shall be filed with the Clerk of Salisbury. And upon the filing of the said notice of appeal, it shall be the duty of the said Clerk to deliver to the Clerk of the Circuit Court for Wicomico County a certified copy of the ordinance, commission, report, explanatory plat and written evidence of the determination hereinbefore mentioned and the same proceedings shall be had on appeal as in the case of appeals from the judgments of Justices of the Peace. The Court or Jury, as the case may be, may alter the determination of the said Council of the damages and benefits, or either, and may award costs in its discretion.