

bond, with ample security, conditioned upon the proper performance of said contract or contracts.

SEC. 11. *And be it further enacted*, That said Mayor and City Council of Cumberland for the purpose of carrying out all or any part of the work necessary in putting into effect or completing said Partial Flood Prevention Plan, or in carrying out or exercising any of the powers granted by this Act, shall have a right of eminent domain over all property and property rights to be affected by said Plan, or necessary and proper in carrying out said plan, and shall particularly have the right to condemn any and all walls, foundations, windows, doorways, rights to light or air, sewers, or any outlet or intake, in or along either side of Will's Creek within the limits of the City of Cumberland, any and all sheds, houses, fences, buildings or other structures or improvements in said Will's Creek Flood District, the bed, channel and banks of Will's Creek and any and all riparian rights in or to said Will's Creek within said City Limits, and said right to condemn shall include the right to change, alter, modify or remove any or all of said properties and rights, or any part or parts thereof, and to subject the same to permanent, temporary or partial uses, or any of them. And said Mayor and City Council of Cumberland shall also have a dominant right of eminent domain over the right of eminent domain of any railroad, telegraph, telephone, electric light, gas, water power, canal or other company entitled to exercise a right of eminent domain, provided, however, that in the exercise of this right due care shall be taken to do no unnecessary damage to the property or rights of said public utilities companies and in case of failure to agree upon the terms of interference, not to interfere with the operation or usefulness of said companies beyond the actual necessities of the case, due regard being paid to the other public interests involved, and included within this dominant right of eminent domain shall be the right to condemn such part or parts of the property of the Chesapeake and Ohio Canal Company or rights therein as may be necessary and proper for the purpose of carrying out said Partial Flood Prevention Plan.

SEC. 12. *And be it further enacted*, That for the purpose of carrying out the condemnation powers granted by this Act said Mayor and City Council may proceed as follows: