

after Section 766, said section to authorize the County Commissioners of Montgomery County to acquire by condemnation land and improvements upon which any road, street, bridge, sidewalk or drainage ditch may have been constructed prior to the acquisition by said County Commissioners of any right and interest in and to any such land, and to authorize said County Commissioners to assess the cost of acquiring such land by condemnation against abutting property or against the district in which said improvement shall lie or against all the property in Montgomery County.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That one additional section, to be designated as Section 766A, be and it is hereby added to Article 16 of the Public Local Laws of Maryland, title "Montgomery County," sub-title "Roads," which section shall follow immediately after Section 766 thereof and shall read as follows:

766A. Whenever any road, highway, street, bridge, sidewalk, curb, gutter or drainage ditch shall be constructed in Montgomery County on, through or upon any land in Montgomery County the title to which or the right of way over which shall not have been first secured by said Board of County Commissioners prior to the construction of any such improvement, then the Board of County Commissioners is hereby authorized and empowered to proceed to condemn said land and any and all improvements thereon under the provisions of law relating to the condemnation of land for public purposes by said board as fully as though the improvement thereon had not been constructed prior to the institution of condemnation proceedings. The cost of said land as awarded in such condemnation proceedings, together with all costs, fees and expenses incident to such acquisition may be assessed by said board against property abutting thereon or against all of the property in the Election District or Districts where such improvement shall lie, or against all of the taxable property of Montgomery County in such manner as said board may determine, provided, however, that when said board shall determine to assess the total cost of such acquisition against abutting property, the assessment shall be in the form of a special benefit assessment and shall not exceed in amount against any one parcel or property ownership the direct benefit to the property so assessed derived from the street or road opening