

vate property damaged or destroyed. Such proceedings shall be conducted, and the compensation to be paid shall be ascertained and paid, in the manner provided by or referred to in Sections 4 and 40 of Article 89B of the Annotated Code of Maryland (1939 Edition) and/or by any other present or future law or laws of the State of Maryland relating to condemnation or to the exercise of the power of eminent domain. The Commission is further authorized and empowered to exercise in this State and in any adjoining State, or in the District of Columbia, or in the City of Washington such powers of eminent domain and such franchises as may be conferred upon the State or the Commission by any act of the Congress of the United States now in force or which may hereafter be enacted or which may be granted or assigned to the State or the Commission. Title to any property acquired by the Commission shall be taken in the name of the State. The State shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings, and shall, in no event, pay for the same except from the funds provided under this sub-title; and in any condemnation proceedings, the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the State and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage to be sustained by reason of the failure of the State to accept and pay for the property, but such undertaking or security shall impose no liability upon the State, except such as may be paid from the funds provided under the authority of this sub-title. The State of Maryland hereby consents to the use of all lands lying under water, which are within the State and are necessary for the establishment, construction and operation of the motorway.

If the owner, lessee or occupier of any property to be condemned shall refuse to remove his personal property therefrom or give up possession thereof, the Commission may proceed to obtain possession in any manner now or hereafter provided by law.

With respect to any railroad property or right-of-way upon which railroad tracks are located, any powers of condemnation or of eminent domain may be exercised to acquire only an easement interest therein which shall be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed highway nor any part thereof, including any bridges, abutments, columns, supporting structures and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation or maintenance of the trains,