

City and the State Roads Commission which may devolve upon them under this section shall be final and conclusive unless impeached for fraud in appropriate proceedings instituted in the Circuit Court for Baltimore City, to set aside their findings on such ground. Whenever said Engineers may require and determine that the City of Baltimore shall construct a road to replace any state road diverted, altered, closed or destroyed, or to be diverted, altered, closed or destroyed in the course of the work contemplated by this Act, said City shall have power to agree with the owners of land, property or things to be taken or injuriously affected in the construction thereof, and, in default of agreement, to condemn the right of way under the provisions of this Act, authorizing the condemnation of property, land or things for the purposes of this Act, or may, at its election, make application to the State Roads Commission for the opening or alteration of such state road, in which latter event the proceedings shall be those prescribed by law for the opening or alteration of state roads, except that no land owner shall be assessed for any part of the cost thereof, the whole of such cost to be borne by the City of Baltimore. In the event of disagreement between the said Engineers as to any matter devolved upon them by the terms of this section, they shall call in as a third arbiter, an engineer skilled in the construction or maintenance of highways and bridges, to be selected by the Governor of Maryland, on the application of either of said Engineers, in the event they are unable to agree on such third person, the decision of any two of the board thus selected to be binding on the parties, and to be final and conclusive, unless impeached for fraud as aforesaid.

The powers and duties of the Chief Engineer of Baltimore City under this section may, at any time, with the consent of the Mayor of Baltimore, be delegated by him to one of his assistant engineers, or such powers may be exercised and duties performed by some third party to be named by the municipal agency hereinafter charged with the duty of carrying the work under this Act into execution. The powers conferred and the duties imposed by this section upon the Chief Engineer of the State Roads Commission may at any time, with the consent of the said State Roads Commission, be delegated by him to one of his assistant engineers.

SEC. 2. *And be it further enacted*, That this Act shall take effect June 1, 1941.

Approved May 26, 1941.