

16 of the Code of Public Laws of Maryland, title "Streets and Roads", sub-title "Article II. Construction of Roads by County", to follow immediately after Section 26-36 of said Code authorizing Montgomery County or any city, town, village or special taxing area therein, with the consent of the other, to construct roads or public ways, as defined herein, lying partly within the confines of the other, and providing that said Montgomery County, or any city, town, village or special taxing area therein, may assess the cost of certain road or public way construction against the other, and that rights of protest or appeal be preserved to aggrieved parties thereunder, and the terms, conditions and bases of said assessment, and providing that nothing herein shall affect state roads, except under certain circumstances.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That a new Section 26-36A be and it is hereby added to Chapter 26 of the Montgomery County Code (1955 Edition), the same being also Article 16 of the Code of Public Laws of Maryland, title "Streets and Roads", sub-title "Article II. Construction of Roads by County, said new section to follow immediately after Section ~~26-36A~~ 26-36 of said Code, and to read as follows:

*26-36A*

*(a) Whenever a road lies partly within the unincorporated area of Montgomery County and partly within a city, town, village or special taxing area therein which has jurisdiction over the construction or maintenance of that part of the road lying within such incorporated area, the entire length and width of such road may be constructed by the county or by the said city, town, village or special taxing area in accordance with the laws, ordinances, rules and regulations relating to the construction of county roads, or "public ways" of said city, town, village or special taxing area, as defined in Code, Maryland (1956 Supplement) Art. 23B, Section 74, in the same manner as if said road lay wholly within the unincorporated area of the county or wholly within the said city, town, village or special taxing area, provided, however, that the county council of the said county or the governing body of said city, county, village or special taxing area shall consent thereto to the other of said parties desiring so to construct said road or public way, which consent may be granted without regard to the laws and ordinances of said county or of said city, town, village or special taxing area relating to the construction of roads or public ways and assessment therefor.*

*(b) Whenever Montgomery County or any city, town, village or special taxing area in said county shall authorize the construction of a road or public way, and shall obtain the consent of the other as provided in sub-section (a) of this section, and assesses the cost thereof against abutting property on the basis of benefit to such abutting property, and such assessment is made in accordance with the laws, ordinances, rules and regulations of the county or city, town, village or special taxing area levying said assessment, property which abuts said road or public way but which lies in whole or in part in the said other, whether county or city, town, village or special taxing area, may be assessed for its proportionate share of the cost of construction in the same manner as if the said property lay wholly within the said county or city, town, village or special taxing area levying said assessment, as the case may be, provided*