

the use by the State Roads Commission of the procedure set forth in § 10 through 20, inclusive, of Article 89B of this Code; and provided further that nothing herein shall prevent the use by the City of Baltimore of the procedure set forth in §§ 674 through 685; inclusive, of the Charter and Public Local Laws of Baltimore City.

12-102. Venue.

(a) *A proceeding for condemnation shall be brought in a court of law in the county where the property sought to be condemned is situated.*

(b) *Whenever the property sought to be condemned lies in more than one county, the proceeding for condemnation may be brought in a court of law in any county where any part of the property lies, and that court in which proceedings are first brought shall have jurisdiction.*

12-103. When Property Deemed to have been Taken.

For the purposes of this title property shall be deemed to have been taken:

(1.) *In cases in which the plaintiff is lawfully authorized to take the property before trial pursuant to § 40A or § 40B of Article III of the Constitution of this State, when the payment required thereunder has been made to the defendant or into court and any security required thereunder has been given and the plaintiff has taken possession of the property and actually and lawfully appropriated it to the public purposes of the plaintiff.*

(2.) *In all other cases, upon payment of the judgment and costs by the plaintiff pursuant to Subtitle U of the Maryland Rules.*

12-104. Time as of which Value Determined.

The value of the property sought to be condemned and of any adjacent property of the defendant claimed to be affected by the taking shall be determined as of the date of the taking, if taking has occurred, or as of the date of trial, if taking has not occurred, unless an applicable statute specifies a different time as of which the value is to be determined.

12-105. Damages to be Awarded.

(a) *For taking entire tract.—The damages to be awarded for the takings of an entire tract shall be its fair market value (as defined in Sec. 12-106).*

(b) *Where part of tract taken.—The damages to be awarded where part of a tract of land is taken shall be the fair market value (as defined in Sec. 12-106) of such part taken, but not less than the actual value of the part taken plus the severance or resulting damages, if any, to the remainder of the tract by reason of the taking and of the future used by the plaintiff of the part taken. Such severance or resulting damages are to be diminished to the extent of the value of the special (particular) benefits to the remainder arising from the plaintiff's future use of the part taken.*