

SEC. 41. Section 103-4, Chapter 103, title "Streets and Roads," of the Montgomery County Code 1965, is hereby repealed and re-enacted, with amendments, to read as follows :

103-4. Authority of County Executive to classify road repairs.

The County Executive is hereby given the authority to determine whether a given road repair job should be classed as maintenance or as construction pursuant to the provisions of the Road Construction Code in force at the time.

SEC. 42. Subsection (a) of Section 103-7, Chapter 103, title "Streets and Roads," of the Montgomery County Code 1965, as amended, is hereby repealed and re-enacted, with amendments, to read as follows :

103-7. Optional method of condemnation of lands for streets or roads.

Pursuant to the authority granted by Section 40A of Article III of the Constitution of Maryland, the following is established as a procedure to be followed at the option of the County for the acquisition of land which may be required for right-of-way for County roads or streets :

(a) When in the judgment of and upon a finding by the County Council that there is immediate need to acquire private property for right-of-way for County roads or streets, the County Council shall, by resolution, state such finding, describe the property, list the owner or owners thereof as they shall appear on the assessment records of the County, appoint a licensed real estate broker to estimate the fair market value of such property, and direct the County Attorney to acquire the property under this optional procedure. In such resolution, the County Council shall also guarantee the payment of any further sum above the estimated fair market value, as hereinafter provided for, that subsequently may be awarded by a jury.

SEC. 43. Section 103-7A, Chapter 103, title "Streets and Roads," of the Montgomery County Code 1965, as amended, is hereby repealed and re-enacted, with amendments, to read as follows :

103-7A. Conversion of existing overhead public utility lines to underground locations.

Whenever it shall be necessary as the result of the reconstruction or improvement of any County road to relocate any overhead electric, telephone, telegraph or other overhead lines of any kind, or related facilities, within any such County road right-of-way, the County Executive shall, by written regulation, require that any such lines be installed underground if he determines that such underground installation is required by one or more of the following conditions :