

thereof has not been taken.

16.

(h) In any case in which: (a) a nonconforming use, structure or tree is an airport hazard and it is necessary or desirable to remove, lower or otherwise terminate it; or (b) the aerial approaches to an airport cannot be made safe or maintained in that condition by airport zoning regulations adopted under this subtitle because of constitutional limitations; or (c) it is advantageous to make aerial approaches to an airport safe and maintain them in that condition by the acquisition of property rights or interests rather than by airport zoning regulations; or (d) any zoning regulation or any order, requirement, decision or determination issued or made by an authority having the power to do so interferes with the use or enjoyment of private property or otherwise infringes upon private property rights to such an extent that it would be a taking of private property without just compensation under the provisions of the Constitution of the United States or the Constitution of Maryland, the political subdivision owning, controlling or operating the particular airport affected may acquire by purchase, grant, lease or condemnation in the manner set forth in [Article 33A of the Annotated] TITLE 12 OF ARTICLE 21 OF THIS Code [of Maryland], or in the manner provided by law under which [such] THE political subdivision may be empowered to acquire property for public purposes, other than street purposes, such as air right, easement or other right, title or interest in property as may be necessary or proper to eliminate the airport hazard or to protect the said aerial approaches or to effectuate the purposes of this subtitle.

Article 23.

141.

The corporation may agree with the owners for the lands or property of any kind whatsoever, or interest therein, necessary for the abutments of the bridge and the lands necessary for the digging, constructing and maintaining of a canal, and for roads and ways thereto, and for earth or stone required in the construction of said bridge or of said canal and of said ways, approaches, terminals, docks and wharves; and the rights acquired by agreement shall be conveyed by deed, duly acknowledged and recorded. In case of failure to agree, or of disability of the owners to contract, or of their absence from the State, the corporation may obtain the lands, or property of any kind, or interest therein, earth and stone by condemnation. The corporation may proceed to condemn under the provisions of [Article 33A of the Annotated] TITLE 12 OF ARTICLE 21 OF THIS Code [of Maryland, title "Eminent Domain."].

193.

The [said] president and directors, or their agent or agents, authorized by them, may agree with the owner or owners of any land, earth, gravel, stone, timber, streams or materials, or any improvements which may be wanted for the proper construction or repair of any of [said] THE roads, or any of their works, for the purchase and use and occupation or diversion of the same; and if they cannot agree, or if the owner or owners of any of them be an infant, [feme covert, who is not possessed of the property to her sole and separate use, or authorized to contract, in reference to the same,] non compos mentis, or out of the county where [such] THE property wanted may lie, when [such] THE property may be wanted, or for any other cause be legally incapable of contracting, the company may proceed to condemn under the provisions of [Article 33A of the Annotated] TITLE 12 OF ARTICLE 21 OF THIS Code [of Maryland, title "Eminent Domain."].