

12-101.

All proceedings for the acquisition of private property for public use by condemnation shall be governed by the provisions of this title and of Subtitle U of the Maryland Rules of Procedure; provided, however, that nothing herein shall prevent the State of Maryland or any of its instrumentalities or political subdivisions, acting under statute or ordinance passed in pursuance of § 40A or § 40B of Article III of the Constitution of this State, OR ANY AMENDMENT THERETO, from taking private property for public use immediately upon making the payment required thereunder and giving any security required thereunder; and provided further that nothing herein shall prevent 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.

12-103.

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 OR ANY AMENDMENT THERETO, 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.

12-105.

(a) The damages to be awarded for the [takings] TAKING of an entire tract shall be its fair market value (as defined in § 12-106).

12-107.

(c) In proceedings under [§§ 40A or 40B of] Article III of the Constitution of the State OR ANY AMENDMENTS THERETO the plaintiff shall pay interest at the rate of 6 percent per annum on the difference, if any, between the amount of money initially paid into court for the use of the defendant and the award of the jury as stated in the inquisition, from the date the money was so paid into court and the date of the inquisition or final judgment whichever date is later.

12-112.

(a) Civil engineers, land surveyors and their assistants acting on behalf of the State or of any of its instrumentalities or of any body politic or corporate having the power of eminent domain have the right:

(1) To enter upon any private land to make surveys, to run lines or levels, or to obtain information relating to the acquisition or future public use of the property or for any governmental report, undertaking, or improvement, and

(2) To set stakes, markers, monuments, or other suitable landmarks or reference points where necessary.

(b) If any civil engineer, surveyor, or assistant to a civil engineer or surveyor is refused permission to enter or remain upon any private land for the purposes set out in subsection (a) hereof, any such person, or the State or its instrumentality, or