

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 9 of Article 89B of the Annotated Code of Maryland (1969 Replacement Volume), title "State Roads," subtitle "In General," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

9.

Upon the adoption by the legal and qualified voters of this State of the amendment to Article III of the Constitution of this State, in addition to the power and authority provided by § 7 of this article, ONLY AFTER EXHAUSTING EVERY AVENUE OF NEGOTIATION AND ONLY AFTER EVERY REASONABLE AND BONA FIDE EFFORT TO NEGOTIATE AND UPON THE FILING OF A PETITION FOR CONDEMNATION IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED, OR THE SUPERIOR COURT OF BALTIMORE CITY IF THE PROPERTY IS LOCATED IN BALTIMORE CITY, MAY the State Roads Commission [is hereby] BE authorized to enter upon and take possession of such property, and rights-of-way as the State Roads Commission may deem necessary, and proceed with the highway construction, provided the said State Roads Commission shall first pay to the owner or owners thereof or into court, for his, her or their benefit, such sum as the said State Roads Commission shall estimate to be the fair value of the land and improvements taken and damage done, if any; provided, however, if said sum is so paid into court, the property owner, upon written request to the clerk of said court, shall be entitled to receive said sum without prejudice to any of these rights if said property owner agrees to pay back to the State Roads Commission the difference between said sum and the final award, if such final award be less than the sum paid into court; such payment, however, shall in no wise limit the amount to be allowed under subsequent condemnation proceedings, and the State Roads Commission shall pay to the owner or owners of such property and rights-of-way from any funds, in its possession or under its control, any further sum that may subsequently be finally awarded in a subsequent condemnation proceedings. [Within sixty (60) days after the completion of the construction of such highway, if the State Roads Commission and the owner or owners of such land are unable to agree as to compensation and damages, if any, caused thereby, the said State Roads Commission shall institute condemnation proceedings in the manner prescribed by the provisions of Article 33A of the Annotated Code of Public General Laws; provided, however, the owner or owners at any time subsequent to the payment of such sum into court request, in writing to the State Roads Commission, that such condemnation proceedings be instituted and in such case it shall be the duty of the State Roads Commission within thirty days after receipt of such notice to institute such proceedings and the duty of the court to hear and determine such proceedings as soon thereafter as practicable. It is the intention of this section to provide that such property and rights-of-way, in an emergency, in the discretion of the Commission, be condemned after construction of the highway has been commenced as well as prior thereto, although so far as possible all rights-of-way shall be acquired or contracted for before any route is definitely located. This section to apply only to acquisition of property by the State Roads Commission.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 21, 1973.

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