

of motorists to use U.S. Route 40 between Hancock and the Pennsylvania line and in order to promote and enhance the economic welfare of the westernmost counties of Maryland the State Roads Commission is authorized to acquire by purchase, gift or condemnation real property or any interest in such property adjacent to or near U.S. Route 40 between Hancock in Washington County and the Pennsylvania line in Garrett County for the purpose of providing areas suitable for roadside parks and recreational areas, provided that such authorization shall be limited to ten roadside parks and recreational areas each not to exceed an area of twenty acres, and provided further that no such area shall be acquired by the State Roads Commission until written approval is received from the Department of Natural Resources to the effect that the land is appropriate for and will be developed by said Department as a park or recreational area.

The State Roads Commission may not acquire such property other than by purchase or gift unless the Commission [,] determines that the property is necessary in its judgment for such roadside parks or recreational areas, the acquisition by condemnation to be in accordance with the provisions of Title 12 of Article 21 of this Code.

9.

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 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,