

paid by the board of managers in lieu of the damages awarded by the drainage viewers.

114.

If it is necessary to acquire a right-of-way or an outlet over and through lands not affected by the drainage, and it cannot be acquired by purchase, the power of eminent domain is conferred, and the right-of-way may be condemned. The procedure shall be as provided for in Title 12 of THE REAL PROPERTY Article [21] of [this] THE Code. The damages awarded as compensation shall be paid by the board of drainage commissioners out of the first funds available from the proceeds of sale of bonds or otherwise.

138.

Whenever the county commissioners decide that it is expedient that a road be opened as provided in § 137 of this article they may contract with the owner of the land through which the road is intended to run for the right-of-way over the land necessary for the road, if the owner is competent to contract; and in case the county commissioners shall so contract they shall cause a plat of the said road to be made by a competent surveyor and filed and recorded in the office of the clerk of the circuit court for the county in which the deed or deeds conveying the lands are required to be recorded, which plat shall be referred to in, and shall be a part of the deed or deeds, and the lands so conveyed shall be and become thenceforth the property of the county, in the same manner and to the same extent as other county roads, and no further, subject to the public rights-of-way over the same; and it shall be lawful for the county commissioners of any county so to contract for land for a public wharf, drains for county roads or other public use or uses, which land shall be the property of the county, subject to said use or uses; and whenever the county commissioners shall deem it expedient that examiners should be appointed to view the grounds for the purpose of opening, altering or closing a road, they shall appoint three persons as examiners, who shall be freeholders in the county, and not interested in or holding lands through which the road is proposed to be opened, altered or closed; but the appointment of examiners shall not prevent the county commissioners at any time thereafter from contracting with the owner, as above provided; and the county commissioners of any county are authorized, when the county roads cannot be conveniently drained by drains along the said county roads, to make drains upon the property outside the limits of the roads; and they shall contract for the lands that may be required for that purpose, as above