

15-5.

(a) Whenever it is deemed necessary by the [Commission] COUNTY to take or acquire any land, structure, or buildings, or any stream bed, waterway, water rights, or watershed, either in fee or as an easement, within or without Carroll County, for the construction, extension or maintenance of any water main, sewer, or appurtenance thereof, or any sewage treatment plant, reservoir, water treatment plant, storage tank, or pumping station OR ANY SURFACE WATER DRAINAGE FACILITY or for the execution by the [Commission] COUNTY of any other power or function vested in it by this subtitle, the [Commission] COUNTY, if it be unable to acquire the property or right by purchase, may condemn the property or right by proceedings in the Circuit Court for the county in which the property or right is located, as provided for condemnation of land by public service corporations in the Public General Laws of Maryland, now or hereafter in effect; and the [Commission] COUNTY may likewise condemn the interest of any tenant, lessee, or other person having any right or interest in the property or right. [The power of condemnation provided for by this subtitle shall not be exercised unless it shall have been first approved by a resolution of the Board.] At any time after ten days after the return and recordation of the verdict or award in such proceeding, the [Commission] COUNTY may enter and take possession of the property so condemned, upon first paying to the Clerk of the Court the amount of the award and all costs taxed to that date, notwithstanding any appeal or further proceedings upon the part of the defendant. At the time of said payment, however, the [Commission] COUNTY shall give its corporate undertaking to abide by and fulfill any judgment in any such appeal or further proceedings provided, however, that the [Commission] COUNTY shall have (1) no authority to condemn, take or acquire any stream bed, waterway, water rights or drainage area used by or for which plans are being made to be used by any municipal corporation [existing] WHICH EXISTED on June 1, 1967, without the approval of such municipal corporation [and the Board] and (2) no authority to condemn sewerage, water, or drainage [facilities] SYSTEMS owned and operated by any municipal corporation [existing] WHICH EXISTED on June 1, 1967.

(b) In the condemnation of privately-owned water, [or] sewerage OR DRAINAGE systems the jury shall take into consideration as a part of its award any payment, contribution, or tax upon the respective lot owners or purchasers toward the construction of said system, and where said system or systems have been built in connection with or for the purpose of developing home sites, subdivisions, or villages, or by any individuals, firm, or corporation, and such system or systems have been offered as an inducement for the purchase of lot or land therein, the jury shall deduct from the determined value of the plant or system such sum as it may reasonably determine was added to the purchase price of the land or lots in the sale thereof for the