

(4) (I) A COUNTER PETITION MAY BE PRESENTED TO THE COUNTY COMMISSIONERS.

(II) THE COUNTY COMMISSIONERS SHALL TAKE INTO CONSIDERATION THE REASONS SET FORTH IN THE COUNTER PETITION AND OTHER TESTIMONY THAT MAY COME BEFORE THEM AND DETERMINE THE CASE IN THE MANNER THAT THEY DEEM RIGHT AND PROPER.

(5) A PUBLIC HEARING CONDUCTED UNDER THIS SUBSECTION RELATIVE TO PUBLIC ROADS SHALL BE CONDUCTED AS A LEGISLATIVE HEARING, AND RULES OF PROCEDURE APPLICABLE TO QUASI-JUDICIAL HEARINGS DO NOT APPLY.

(6) THE PROVISIONS UNDER ARTICLE 25 OF THE ANNOTATED CODE OF MARYLAND PERTAINING TO PUBLIC ROADS, TO THE EXTENT OF ANY INCONSISTENCY, DO NOT APPLY IN ST. MARY'S COUNTY.

(7) A PUBLIC OR PRIVATE STREET OR ROAD OR ANY PRIVATE ROAD TO BE IMPROVED VIA A ROAD IMPROVEMENT TAXING DISTRICT MAY NOT BE CONSTRUCTED OR FINALLY AUTHORIZED UNTIL APPROVED BY THE PLANNING COMMISSION IN ACCORDANCE WITH ARTICLE 66B, § 3.08 OF THE ANNOTATED CODE OF MARYLAND AND INCLUDED IN THE COUNTY'S CAPITAL IMPROVEMENT PLAN. PLANNING COMMISSION APPROVAL IN THE FORM OF AN AMENDMENT TO THE TRANSPORTATION PLAN ELEMENT OF THE COMPREHENSIVE PLAN SHALL BE OBTAINED PRIOR TO THE NOTICE FOR THE PUBLIC HEARING REQUIRED UNDER THIS SUBSECTION. THIS PARAGRAPH MAY NOT BE CONSTRUED TO APPLY TO NEW SUBDIVISION STREETS THAT MAY BE APPROVED BY THE PLANNING COMMISSION OR ZONING ADMINISTRATOR AS PART OF THE COUNTY'S SUBDIVISION APPROVAL PROCESS.

[B.] C. The County Commissioners may contract with the owner or owners of the land for the purpose of laying out, opening, extending and making new PUBLIC roads, bridges or drains; or for altering, straightening, widening, grading, improving or for closing up, in whole or in part, any existing public road, bridge or drain; or for the right-of-way over the land necessary therefor [if he, she or they be competent to contract; and, if]. IF the County Commissioners contract in this manner, they shall cause a plat of the road to be made, filed and recorded in the office of the Clerk of the Circuit Court for St. Mary's County[, with the]. IF A deed or deeds conveying the land acquired[, and] IS USED IN LIEU OF A PLAT CONVEYING TITLE, the plat shall be referred to in and is a part of the deed or deeds[, and the]. THE lands conveyed are thenceforth the property of St. Mary's County and subject to the purposes and uses for which granted.

[C. Petition.] D. (1) The County Commissioners may construct and improve roads and drainage incident to construction or improvement on or along private roads after the approval of a petition of the majority of the property owners whose property will benefit from the proposed construction or improvement, requesting that the roads be taken into the county road system. In addition, when requested by the property owners and on receipt of a petition signed by a majority of the property owners affected, the County Commissioners may construct and install sidewalk systems. In the exercise of the powers