

provide an optional procedure for land acquisition for County road or street right-of-way in Montgomery County, Maryland, and to submit this amendment to the qualified voters of the State for adoption or rejection.

**SECTION 1.** *Be it enacted by the General Assembly of Maryland, (Three-fifths of all members elected to each of the two Houses concurring), That the following section be and the same is hereby proposed as an amendment to Section 40A of Article 3 of the Constitution of Maryland, title "Legislative Department", sub-title "Eminent Domain", the same, if adopted by the legal and qualified voters of the State as herein provided, to become Section 40A of Article 3 of the Constitution of Maryland.*

40A. Same—Baltimore City [.] and Montgomery County.

The General Assembly shall enact no law authorizing private property to be taken for public use without just Compensation, to be agreed upon between the parties, or awarded by a Jury, being first paid or tendered to the party entitled to such compensation, but where such property is situated in Baltimore City and is desired by this State or by the Mayor and City Council of Baltimore, the General Assembly may provide for the appointment of appraisers by a Court of Record to value such property, and that, upon payment of the amount of such valuation to the party entitled to compensation, or into Court and securing the payment of any further sum that may be awarded by a jury, such property may be taken [.]; and where such property is situated in Montgomery County and in the judgment of and upon a finding by the County Council of said County that there is immediate need therefor for right of way for County roads or streets, the County Council may provide that such property may be taken immediately upon payment therefor to the owner or owners thereof, or into court, such amount as an appraiser appointed by a Court of Record shall estimate to be the fair market value of such property, provided that the Council shall secure the payment of any further sum that may subsequently be awarded by a jury. THIS SECTION SHALL NOT APPLY IN MONTGOMERY COUNTY IF THE PROPERTY ACTUALLY TO BE TAKEN INCLUDES BUILDINGS OR IMPROVEMENTS.

**SEC. 2.** *And be it further enacted, That the foregoing section hereby proposed as an amendment to the Constitution of this State shall be, at the next general election, to be held in this State in the year 1960, submitted to the legal and qualified voters thereof for their adoption or rejection in pursuance of directions contained in Article 14 of the Constitution of this State, and at the said general election, the vote on the said proposed amendment shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment", as now prescribed by law, and immediately after said election, due returns shall be made to the Governor of the vote for and against said proposed amendment, as directed by said Article 14 of the Constitution, and further proceedings had in accordance with said Article 14.*

Approved April 28, 1959.