

CHAPTER 621.

AN ACT to empower the Mayor and City Council of Baltimore to compensate the owners of property in the City of Baltimore injuriously affected by the changes in grade provided for in Section three and one-half of Ordinance No. 387 of the Mayor and City Council of Baltimore, approved August 16, 1909, commonly known as the "Grade Crossing Ordinance," subject to the provisos in this Act contained.

Whereas, By Ordinance No. 387 of the Mayor and City Council of Baltimore, approved August 16, 1909, commonly known as the "Grade Crossing Ordinance," the Mayor and City Council of Baltimore, in Section 18 of said ordinance, obligated itself to urge the Legislature of Maryland, at its session in January, 1910, to pass an Act authorizing the Mayor and City Council of Baltimore to compensate the property owners for damages actually sustained by them by reason of the changes in grades authorized and provided for by Section three and one-half of said ordinance.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That the Mayor and City Council of Baltimore be and it is hereby authorized and empowered to authorize and direct the Commissioners for Opening Streets, under such system of procedure, including reasonable notice to the property holders and the right of appeal by either the property holders or the Mayor and City Council of Baltimore, to the Baltimore City Court and the Court of Appeals of Maryland, as it may prescribe, to ascertain and award to the owners of property in the City of Baltimore injuriously affected by the changes in grade provided for by Section three and one-half of Ordinance No. 387 of the Mayor and City Council of Baltimore, approved August 16, 1909, commonly known as the "Grade Crossing Ordinance," such damages, if any, as they may find to have been actually sustained by and directly caused to said property by reason of such changes in grade, and at the same time to assess against the same such benefits as they may find to have accrued to said owner by reason thereof; provided, however, that nothing in this Act contained shall be construed as imposing any duty or obligation upon the Mayor and City Council of Baltimore, except in the event that said property holders are judicially declared to be disentitled to recover such compensation or damages from the Baltimore and Ohio Railroad Company; and provided further, that in the event of the exercise at any time by the Mayor and City Council of Baltimore of the authority hereby conferred, then nothing in this Act contained shall be construed as depriving the Mayor and City Council of Baltimore of any right it may lawfully have to