

## Article - Local Government

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§12–514.

(a) If the governing body of a county decides to open, alter, or close a road, the governing body may appoint three examiners to view the property through which the road is intended to run.

(b) (1) An examiner:

(i) shall own real property in the county; but

(ii) may not have an interest in any property through which the road is proposed to be opened, altered, or closed.

(2) (i) An examiner shall take an oath to faithfully and impartially execute the commission of examiner.

(ii) The oath shall be endorsed on the commission, which shall be returned to the examiner.

(c) The appointment of examiners does not preclude the governing body of the county from contracting with a property owner as provided in § 12–513 of this subtitle.

(d) (1) The examiners shall give 30 days' notice of their intent to examine the property by publication once a week for 3 successive weeks in a newspaper of general circulation in the county.

(2) After expiration of the 30 days' period, at least two of the examiners shall examine the property and determine whether the public convenience requires that the road be opened, altered, or closed.

(e) If a petition is submitted to open or alter a road, the examiners shall locate the road so that the public convenience is best promoted.

(f) The examiners shall submit to the governing body of the county:

(1) a plat showing:

(i) the proposed new or altered road; and

(ii) for a petition to alter or close a road, the old road; and

(2) a report detailing:

(i) the examiners' proceedings;

(ii) the findings of the examiners regarding the proposal to open,

alter, or close a road;

(iii) if the examiners recommend not opening, altering, or closing the road, the reasons for the recommendation; and

(iv) a determination of the cost of any damages under § 12–515 of this subtitle.

(g) (1) Each examiner is entitled to compensation not to exceed \$2 per day, as determined by the governing body of the county, for the examiner's services.

(2) The governing body shall determine whether the compensation of the examiners and all costs arising from the survey, attendance of witnesses, or other expenses shall be:

(i) paid by the petitioner;

(ii) paid by the county; or

(iii) apportioned between the petitioner and the county.

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