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§5–405.

(a) A railroad company or its authorized agent may agree with the owner to purchase, use, occupy, or divert the owner's land, earth, gravel, stone, timber, streams, materials, or improvements that the company wants for the proper construction or repair of the railroad company's roads or works.

(b) The company may acquire the property by condemnation under Title 12 of the Real Property Article if:

(1) the company cannot agree with the owner of the property; or

(2) an owner:

(i) is a minor, is adjudged to be mentally incompetent, or is under any other legal disability to contract; or

(ii) is absent from the county in which the property is located when the company wants the property.

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