

SECTION 5. Nothing in this act shall be construed to limit the powers of the department of public health, or of any local board of health, under any general or special law.

*Approved May 25, 1951.*

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A RIGHT OF WAY FOR PUBLIC ACCESS TO LOON POND IN THE CITY OF SPRINGFIELD. Chap. 343

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners of Hampden county are hereby authorized and directed to lay out a right of way for public access to Loon pond in the city of Springfield, in accordance with plans to be approved by the department of public works and showing the location and dimensions of such right of way. If it is necessary to acquire land for the purpose of laying out such right of way, said county commissioners shall at the time such right of way is laid out take such land by eminent domain under chapter seventy-nine of the General Laws. Any person sustaining damages in his property by the laying out of such right of way, or by specific repairs or improvements thereon, shall be entitled to recover the same under said chapter seventy-nine; provided, that the right to recover damages, if any, by reason of the laying out of such right of way, shall vest upon the recording of the order of taking by said county commissioners and that no entry or possession for the purpose of constructing a public way on land so taken shall be required for the purpose of validating such taking or for the payment of damages by reason thereof.

SECTION 2. The city of Springfield, from time to time, may make specific repairs on or improve such right of way to such extent as it may deem necessary, but neither the county of Hampden nor any city or town therein shall be required to keep such right of way in repair, nor shall they be liable for injury sustained by persons traveling thereon; provided, that sufficient notice to warn the public is posted where such way enters upon or unites with an existing public way.

SECTION 3. All expenses incurred by said county commissioners in connection with such right of way shall be borne by the county of Hampden, or by such cities and towns therein, and in such proportions, as said county commissioners may determine.

SECTION 4. Said right of way shall not be discontinued or abandoned without authority therefor from the general court.

SECTION 5. Nothing in this act shall be construed to limit the powers of the department of public health, or of any local board of health, under any general or special law.

*Approved May 25, 1951.*