

HOUSE No. 135

By Mr. Valentine of Chelmsford, petition of John H. Valentine and George T. Walsh that the Department of Public Works be authorized to lay out a state highway extending from the town of Arlington to the city of Lowell and the town of Tyngsborough. Highways and Motor Vehicles.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT AUTHORIZING THE LAYING OUT OF A STATE HIGHWAY EXTENDING FROM ARLINGTON TO LOWELL AND TYNGSBOROUGH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 469 of the acts of 1935 is
2 hereby amended by striking out section 1 and insert-
3 ing in place thereof the following:—

4 *Section 1.* The department of public works, herein-
5 after called the department, is hereby authorized and
6 directed to lay out a state highway under the pro-
7 visions of chapter eighty-one of the General Laws,
8 Tercentenary Edition, except as herein otherwise pro-
9 vided, over public and private lands and public and
10 private ways and substantially in the following loca-
11 tion; beginning at a point on the Cambridge-Concord
12 turnpike, so called, in the town of Lexington or the
13 town of Arlington, thence by a route to be determined

14 by the department, in part substantially over the
15 route of the old Middlesex turnpike, so called, to a
16 point on the state highway known as route three in
17 the town of Chelmsford or the town of Tyngsbrough,
18 north of the village of North Chelmsford, with suitable
19 connections to the city of Lowell and to such other
20 towns and cities as the department may deem nec-
21 essary.

1 SECTION 2. Section 2 of said chapter 469 is hereby
2 amended by inserting after the word "outlets" the
3 following:— and including the rights of abutting
4 property owners to easements of access from and to
5 the state highway,— so as to read as follows:—
6 *Section 2.* The department may, on behalf of the
7 commonwealth, take by eminent domain under chap-
8 ter seventy-nine of the General Laws, or acquire by
9 purchase or otherwise, such public or private lands,
10 cemeteries, or parts thereof or rights therein, and
11 public ways, as it may deem necessary for carrying
12 out the provisions of section one, including such land
13 or rights in land as may be necessary for the construc-
14 tion of any necessary drainage outlets and including
15 the rights of abutting property owners to easements
16 of access from and to the state highway; provided,
17 that no damages shall be paid for public lands so taken.

1 SECTION 3. Said chapter 469 is hereby further
2 amended by striking out section 3 and inserting in
3 place thereof the following:—

4 *Section 3.* The cost of laying out said proposed
5 state highway and of land takings for the same in-
6 cluding any damages awarded or paid on account of
7 any taking of land or property therefor, or any injury

8 to the same, and any sums paid for lands or rights
9 purchased, and all other expenses incurred in carry-
10 ing out the provisions of this act, shall be deemed to
11 be the cost of the work authorized by this act; pro-
12 vided, that such cost shall not exceed, in the aggre-
13 gate, dollars. The cost of the work shall
14 be paid by the commonwealth from such appropria-
15 tions as may hereafter be made.

