

SENATE No. 182

To accompany the petition of Joseph A. Melley, Jeremiah Kamens and Michael LoPresti for legislation to provide for payment of damages for seizure of public property by the Mystic River Bridge Authority under the eminent domain law. Highways and Motor Vehicles.

The Commonwealth of Massachusetts

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

AN ACT TO PROVIDE FOR PAYMENT OF DAMAGES FOR SEIZURE OF PUBLIC PROPERTY BY THE MYSTIC RIVER BRIDGE AUTHORITY UNDER THE EMINENT DOMAIN LAW.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, which is to provide for
3 reimbursement to political sub-divisions of the com-
4 monwealth for certain public property taken subse-
5 quently to its effective date under the eminent domain
6 law, therefore it is hereby declared to be an emergency
7 law, necessary for the immediate preservation of the
8 public convenience.

*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 5 of chapter 562 of the acts of 1946 is hereby
2 amended by striking out paragraph (f) and inserting
3 in place thereof the following paragraph:—

4 (f) To acquire in its own name by purchase or other-
5 wise, on such terms and conditions and in such manner

6 as it may deem proper, or by the exercise of the power
7 of eminent domain in accordance with the provisions
8 of chapter seventy-nine of the General Laws in so far
9 as such provisions may be applicable, such public or
10 private lands, public parks, playgrounds or reserva-
11 tions, or parts thereof or rights therein, including lands
12 or rights therein under the control of the metropolitan
13 district commission, and public or private ways as it
14 may deem necessary for carrying out the provisions of
15 this act; provided, that damages shall be paid for
16 public lands or playgrounds, parks, parkways or
17 reservations so taken; and provided, that the members
18 of the authority shall act in its name and on its behalf
19 in exercising its functions under this clause; and pro-
20 vided, further, that before taking any property the
21 authority shall give security to the state treasurer, in
22 such amount and in such form as may be determined
23 by the department of public works, for the payment
24 of such damages as may be awarded in accordance
25 with law for such taking, and that the provisions of
26 section forty of said chapter seventy-nine, in so far as
27 the same may be applicable, shall govern the rights
28 of the authority and of any person whose property
29 is so taken;