
To accompany the petition of Paul H. Benoit that provision be made for the establishment of a right of way for public access to Hardwick Pond in the town of Hardwick. Harbors and Public Lands.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A RIGHT OF WAY FOR PUBLIC ACCESS TO HARDWICK POND IN THE TOWN OF HARDWICK.

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. The county commissioners of Worcester county
2 are hereby authorized and directed to lay out a right of way for
3 public access to Hardwick pond in the town of Hardwick, with
4 plans to be approved by the department of public works and
5 showing the location and dimensions of such right of way. If
6 it is necessary to acquire land for the purpose of laying out such
7 right of way, said county commissioners shall at the time such
8 right of way is laid out take such land by eminent domain under
9 chapter seventy-nine of the General Laws. Any person sus-
10 taining damages in his property by the laying out of such right
11 of way, or by specific repairs or improvements thereon, shall be
12 entitled to recover the same under said chapter seventy-nine;
13 provided, that the right to recover damages, if any, by reason
14 of the laying out of such right of way, shall vest upon the re-
15 cording of the order of taking by said county commissioners and
16 that no entry of possession for the purpose of constructing a
17 public way on land so taken shall be required for the purpose of
18 validating such taking or for the payment of damages by reason
19 thereof.

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

1 SECTION 3. All expenses incurred by said county commis-
2 sioners in connection with such right of way shall be borne by
3 the county of Worcester, or by such cities and towns therein
4 and in such proportions, as said county commissioners may de-
5 termine.

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

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