

SENATE No. 373

To accompany the petition of Frederick Butler, chairman of the county commissioners of Essex County, that provision be made for the reconstruction of a portion of the Essex Bridge over the Danvers River between the cities of Salem and Beverly. Counties.

The Commonwealth of Massachusetts

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

An Act to provide for the Reconstruction of a Portion of the Essex Bridge over the Danvers River between the Cities of Salem and Beverly.

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 the
2 county of Essex, subject to the provisions of all laws
3 which may be applicable, are hereby authorized to
4 reconstruct, of such type and dimensions as they may
5 determine, the drawspan of the Essex bridge, so-
6 called, over the Danvers river between the cities of
7 Salem and Beverly, and so much of the fixed approach
8 structure as may be necessary to properly connect
9 with the new drawspan, and as a part of said recon-
10 struction they may provide temporary accommoda-
11 tions for traffic in such manner and by such means
12 as they deem best, and they may provide in the new
13 bridge any necessary supports or other means upon
14 or in which the city of Salem may lay a water pipe.

1 SECTION 2. The costs and expenses incurred under
2 this act shall not exceed the sum of thou-
3 sand dollars, and shall be paid in the first instance
4 by the county of Essex. Said county commissioners
5 may borrow by a temporary loan or loans, on the
6 credit of the county, such sums, not exceeding, in
7 the aggregate, the said amount, as may from time to
8 time be required for the costs and expenses aforesaid,
9 including interest, and may issue bonds or notes of
10 the county therefor, bearing interest or discounted
11 as may be deemed advisable, and the county treas-
12 urer of said county may sell such bonds or notes at
13 public or private sale upon such terms and condi-
14 tions as said county commissioners may deem proper.
15 Such notes may be renewed from time to time for
16 such period as may be necessary. All money so
17 borrowed shall be deposited in the county treasury
18 and said county treasurer shall pay out the same as
19 ordered by said commissioners and shall keep a sep-
20 arate, accurate account of all money so borrowed and
21 expended, including interest or discount, as the case
22 may be.

1 SECTION 3. From time to time after April first,
2 nineteen hundred and thirty-eight, and upon com-
3 pletion of said bridge, the county commissioners
4 shall file in the office of the clerk of the courts of said
5 county a detailed statement, certified under their
6 hands, of the actual costs and expenses of recon-
7 structing said bridge, including interest or discount,
8 as the case may be, on all money borrowed under
9 authority of section two. Within three months after
10 the filing of any such statement of the costs and ex-
11 penses of reconstructing said bridge said county com-
12 missioners shall, after such notice as they may deem

13 proper and a hearing, apportion and assess upon said
14 county an amount equal to forty per cent of said
15 costs and expenses, and shall apportion and assess
16 upon the city of Salem an amount equal to
17 per cent of said costs and expenses, and shall appor-
18 tion and assess upon the city of Beverly an amount
19 equal to per cent of said costs and expenses.
20 Said county commissioners shall file in the office of
21 said clerk of the courts the report of the said appor-
22 tionment and assessment, and said clerk shall trans-
23 mit a true and attested copy thereof to the mayor
24 of each of said cities, and said cities shall each pay its
25 proportion of said costs and expenses, determined by
26 said county commissioners as aforesaid, into the
27 treasury of said county within sixty days thereafter;
28 and if said cities, or either of them, shall refuse or
29 neglect to pay any proportion determined as afore-
30 said, said county commissioners shall, after notice
31 to the city, issue a warrant against said city for its
32 proportion, determined as aforesaid, with interest and
33 costs of the notice and warrant, and the same shall
34 be collected in the same manner as executions in
35 actions at law, and paid into the treasury of said
36 county. For the purpose of paying said county's ul-
37 timate share of said costs and expenses, said county
38 treasurer, with the approval of said county commis-
39 sioners, may borrow from time to time such sums as
40 may be necessary, not exceeding, in the aggregate,
41 thousand dollars, and may issue bonds or
42 notes of said county therefor, which shall bear on
43 their face the words, County of Essex, Essex Bridge
44 Loan, Act of 1937. Such loans shall be payable by
45 such annual payments, beginning not more than
46 one year after the respective dates thereof, as will
47 extinguish each loan within twenty years from its

48 date, and the amount of such annual payment in any
49 year shall not be less than the amount of the prin-
50 cipal of the loan payable in any subsequent year.
51 Each authorized issue shall constitute a separate
52 loan. For the purpose of paying the amounts as-
53 sessed respectively against the city of Salem and the
54 city of Beverly each of the said cities may borrow
55 from time to time such sums as may be necessary,
56 not exceeding, in the aggregate, thousand
57 dollars for the city of Salem and thousand
58 dollars for the city of Beverly, and said cities may
59 issue bonds or notes therefor which shall bear on
60 their face the words Essex Bridge Loan, Act of 1937.
61 Each authorized issue shall constitute a separate
62 loan, and such loans shall be payable within twenty
63 years from their dates. Indebtedness incurred by
64 said cities under this act shall be in excess of the
65 statutory limit, but shall, except as otherwise pro-
66 vided herein, be subject to chapter forty-four of the
67 General Laws. Said county and said cities may
68 each sell said securities at public or private sale upon
69 such terms as they may deem proper, but not for less
70 than their par value, and the proceeds of the loans
71 issued by said county shall be used to pay temporary
72 loans in accordance with the provisions of section
73 two or for reconstructing said bridge, and the pro-
74 ceeds of the securities issued by each of said cities
75 shall be paid into said county treasury to be applied
76 to payment of notes or bonds issued by said county
77 in accordance with section two.

1 SECTION 4. Should it become necessary in connec-
2 tion with the work herein authorized to encroach
3 either temporarily or permanently upon the location
4 of the water pipe belonging to the city of Salem,

5 across and near the channel in said river, the cost of
6 supporting in its present location or of relocating
7 said water pipe upon the new structure or elsewhere
8 shall be included in the cost of reconstructing said
9 bridge, and before beginning construction an agree-
10 ment between said county and said city of Salem
11 shall be entered into as to the facilities to be provided
12 and the future maintenance of the water pipe and
13 its appurtenances, but said county commissioners
14 shall not be required to so conduct their work that
15 continuous uninterrupted water service may be main-
16 tained in such pipe, and may remove or cause to be
17 removed such sections of such pipe for such period
18 or periods of time as may be reasonably necessary.

1 SECTION 5. Said county commissioners may take
2 by eminent domain under chapter seventy-nine of
3 the General Laws, or acquire by purchase or other-
4 wise, such lands, or rights or easements, as may be
5 required to carry out the provisions of this act. They
6 may in anticipation of future needs and without
7 petition, layout, alter or relocate and discontinue,
8 as provided in chapter eighty-two of the General
9 Laws, such ways or parts of ways as may be neces-
10 sary to provide at some future time approaches con-
11 sistent with the width of the new drawspan, and may
12 construct such ways insofar as they deem necessary.
13 The costs and expenses incidental to the takings and
14 purchase of lands, rights and easements and the costs
15 and expenses incidental to any other acts authorized
16 by this section shall be included as a part of the costs
17 and expenses of the work authorized by this act.

1 SECTION 6. Upon the completion of the recon-
2 struction of the said bridge said county commis-

3 sioners shall have full control of said bridge, and the
4 provisions of chapter four hundred and thirty-six of
5 the acts of nineteen hundred and seven shall apply
6 to the new bridge and to the remaining portions of
7 the old bridge.

1 SECTION 7. This act shall take effect upon its
2 acceptance during the current year by the county
3 commissioners of the county of Essex.



