

HOUSE No. 248.

[Accompanying petition of the selectmen of Arlington. Towns.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Ninety-six.

AN ACT

Relating to Public Parks in the Town of Arlington.

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 board of park commissioners of the
2 town of Arlington, at any time within one year after the
3 passage of this act, may take and hold by purchase or
4 otherwise any and all such real estate and lands not
5 exceeding thirty acres in extent as said board may deem
6 advisable within that part of said town which is bounded
7 by Spring street on the south-west, Highland avenue on
8 the north-west, Gray street and the extension thereof to
9 Highland avenue on the north-east, and Pleasant street
10 on the south-east, and also any and all such real estate
11 and lands not exceeding ten acres in extent as said board
12 may deem advisable within that part of said town which

13 is bounded on the south-east by a new street leading from
14 Chestnut street to Mt. Pleasant cemetery and by said
15 cemetery and other land of said town, on the east and
16 north-east by lower Mystic pond and by land of Niles,
17 on the north-west by Mystic and Chestnut streets from
18 land of Niles to said new street, and may lay out, main-
19 tain and improve the same as a public park or parks.

1 SECT. 2. Said board shall within sixty days after the
2 taking of any lands and real estate as aforesaid under
3 this act, otherwise than by purchase or gift, file and cause
4 to be recorded in the registry of deeds of the southern
5 district of the county of Middlesex a description thereof
6 sufficiently accurate for identification with a statement of
7 the purpose for which the same were taken.

1 SECT. 3. Said board shall estimate and determine all
2 damages sustained by any person by the taking of land
3 or by other acts of said board in the execution of the
4 power vested in it by this act; but a person aggrieved
5 by any such determination of said board may have his
6 damages assessed by a jury of the superior court in the
7 same manner as is provided by law with respect to
8 damages sustained by reason of the laying out of ways.
9 If upon trial damages are increased beyond the award,
10 the party in whose favor the award was made shall
11 recover his costs; otherwise he shall pay costs; and the
12 costs shall be taxed as in civil cases.

1 SECT. 4. The fee of any land taken or purchased by
2 said board for a park under this act shall vest in said
3 town of Arlington; and said town shall be liable to pay
4 all damages assessed or determined as provided in the
5 preceding section and all costs and expenses incurred by
6 said board of park commissioners in the execution of the
7 powers vested in said board by this act.

1 SECT. 5. At any time within two years after any land
2 is taken or purchased for a park or parks under this act
3 said board of park commissioners, if in its opinion any
4 real estate in said town receives any benefit and advan-
5 tage from such taking or purchasing or from the locating
6 or laying out of a park or parks under this act beyond
7 the general advantage to all real estate in said town, may
8 adjudge and determine the value of such benefit and
9 advantage to any such real estate and may assess upon
10 the same a proportional share of the cost of land so pur-
11 chased or taken and of the expense of laying out, grad-
12 ing and making such park or parks ; but in no case shall
13 the assessment exceed one-half of the amount of such
14 adjudged benefit and advantage. Said real estate sub-
15 ject to such assessment may include the remainder of the
16 land of which a part is taken for said public park or
17 parks and real estate which does not abut upon the park,
18 from the laying out of which the betterments accrue, or
19 upon a street or way bounded upon said park.

1 SECT. 6. Assessments made under the preceding
2 section shall constitute a lien upon the real estate so
3 assessed and shall be collected and enforced with the
4 same rights to owners to surrender their estates, and the
5 same proceedings thereupon and with the same rights of
6 and proceedings upon appeal, as are provided by chapter
7 fifty-one of the Public Statutes.

1 SECT. 7. For the purpose of defraying the expenses
2 incurred under the provisions of this act or under the
3 provisions of chapter one hundred and fifty-four of the
4 acts of the year eighteen hundred and eighty-two, the
5 board of selectmen of said town of Arlington shall have
6 authority to issue from time to time in excess of the limit
7 allowed by law scrip or bonds to be denominated on the

8 face thereof "Arlington Park Loan" to the amount of fif-
9 teen thousand dollars, and to a further amount not exceed-
10 ing the sums hereafter appropriated by said town for the
11 purchase or taking of lands for a park or parks, bearing in-
12 terest at a rate not exceeding four per centum per annum
13 payable semi-annually, the principle to be payable at
14 periods of not more than fifty years from the issuing of
15 such scrip or bonds respectively. Said board of select-
16 men may sell the same from time to time or pledge the
17 same for money borrowed for the above purposes; but
18 the same shall not be sold or pledged for less than the par
19 value. For the redemption of said loan said town at its
20 next annual meeting or any special meeting called for the
21 purpose during the current year shall establish a sinking
22 fund sufficient with the accumulating interest to provide
23 for the payment of such loan at maturity. All premiums
24 received on the sale of said bonds and scrip and all
25 amounts received for betterments shall be paid into such
26 sinking fund until such fund shall amount to a sum suffi-
27 cient with its accumulations to pay at maturity the bonds
28 for the security of which the fund was established.

1 SECT. 8. This act shall not be construed to limit the
2 power of said board of park commissioners to take in
3 addition to the land herein specified other lands in said
4 town for park purposes in accordance with the provisions
5 of chapter one hundred and fifty-four of the acts of the
6 year eighteen hundred and eighty-two.

1 SECT. 9. This act shall take effect upon its passage.