

HOUSE No. 1076.

Mr. Conway of Boston gives notice that he will move to substitute this bill for the report of the committee on Cities, reference to the next General Court.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Five.

AN ACT

Relative to Assessments of Betterments for Certain
Public Improvements in the City of Boston.

*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. Section one of chapter five hun-
2 dred and twenty-seven of the acts of the year
3 nineteen hundred and two is hereby amended by
4 striking out in the second line thereof the words
5 "one year," and inserting in place thereof the
6 words: — six months; by striking out in the sixth
7 and seventh lines of said act the words "com-
8 pleted by the city within six years before said
9 day," and inserting in place thereof the words: —

10 ordered by said board and completed within six
11 years before the first day of June, nineteen hun-
12 dred and three, not reassessed under the provi-
13 sions of chapter five hundred and twenty-seven of
14 the acts of the year nineteen hundred and two;
15 by adding after the word "assessment" in the
16 twenty-seventh line of said section the words: —
17 Said board of street commissioners, within three
18 months after the time that any assessment for such
19 public improvement ordered by said board of street
20 commissioners within said time is declared invalid
21 by the supreme judicial court, may reassess for
22 said public improvement as above provided; by
23 striking out in the thirty-first, thirty-second and
24 thirty-third lines of said section the words "has
25 not been wholly paid, or has been paid under
26 protest and a suit brought within three months
27 after the payment for recovery thereof be pend-
28 ing," and inserting in place thereof the words: —
29 paid in whole or in part; and by striking out in
30 the thirty-eighth line of said section "under pro-
31 test," so as to read as follows: —

32 *Section 1.* The board of street commissioners
33 of the city of Boston, within six months after
34 the passage of this act, may determine the value
35 of the benefit or advantage to each and every
36 parcel of real estate in said city beyond the
37 general advantage to all real estate therein from
38 any public improvement ordered by said board
39 and completed within six years before June first,
40 nineteen hundred and three, not reassessed under
41 the provisions of chapter five hundred and twenty-

42 seven of the acts of the year nineteen hundred and
43 two, consisting of laying out, relocating, altering or
44 widening, with or without construction or sewer,
45 a highway, or a highway and parkway, public
46 way or public alley, or of changing the grade of,
47 or constructing with or without a sewer, a high-
48 way, or a highway and parkway, and may assess
49 on each such parcel a proportional share of such
50 part, not exceeding one-half, as the board shall
51 deem just, of the expenses incurred by the city
52 for such improvement, exclusive of the expenses
53 for sewers and their connections, in excess of four
54 dollars per linear foot thereof, and exclusive of
55 all expenses for surface drainage and for water
56 pipes, gas pipes and their connections: *provided*,
57 *however*, that no assessment on any parcel of
58 real estate shall exceed the value of said
59 benefit for that parcel, and that no parcel
60 of real estate for which any assessment on
61 account of any such improvement shall have
62 been paid and not recovered back shall be sub-
63 ject to the payment of another assessment for
64 that improvement; and *provided, further*, that
65 no land within any location of a railroad com-
66 pany shall be subject to such assessment. Said
67 board of street commissioners, within three months
68 after the time that any assessment for such public
69 improvement ordered by said board of street
70 commissioners within said time is declared invalid
71 by the supreme judicial court, may reassess for
72 said public improvement as above provided. If
73 said board shall make, under the provisions of this

74 act, a new assessment for any such improvement,
75 any person on whose real estate a prior assess-
76 ment on account of such improvement has been
77 made, and paid in whole or in part, may file
78 with the board an application for a revision of
79 the prior assessment; and the board shall, if
80 necessary to make the prior assessment conform
81 to the new assessment, revise and reduce the
82 amount thereof, and give a certificate for pay-
83 ment of any part of a prior assessment paid,
84 or remit any unpaid excess of a prior assess-
85 ment over the amount of the new assessment;
86 and the city treasurer shall repay any amount
87 authorized by the certificate from the appropria-
88 tion from which said expenses were paid.