

HOUSE No. 1426.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 30, 1908.

The committee on Water Supply to whom was referred the petition (taken from the files of last year with accompanying bill, House, No. 88) of James H. McMahon, mayor, for legislation to provide for protecting the water supply of the city of Fitchburg, report the accompanying bill.

For the committee,

THOMAS S. WALSH.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Eight.

AN ACT

To provide for protecting the Water Supply of the
City of Fitchburg.

*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 city of Fitchburg may, with the
2 consent and approval of the state board of health,
3 given after due notice and a hearing, take, by pur-
4 chase or otherwise, and hold any lands, buildings,
5 rights of way and easements within the watersheds
6 of Meetinghouse pond, in the town of Westminster,
7 and of Wachusett lake, in the towns of Westmin-
8 ster and Princeton, or either of them, which may
9 be deemed necessary to protect and preserve the
10 purity of the water supply of the city.

1 SECTION 2. If any lands, buildings, rights or ease-
2 ments are taken under authority hereof otherwise
3 than by purchase, the said city shall, within ninety
4 days thereafter, file and cause to be recorded in
5 the registry of deeds for the district in the county
6 of Worcester in which the land lies, a description
7 thereof sufficiently accurate for identification, with

8 a statement of the purpose for which the same are
9 taken, signed by the water commissioners of said
10 city. Upon the filing of said description and state-
11 ment the title in fee simple to the lands, buildings,
12 rights or easements so taken, shall vest in the city.
13 All lands taken, purchased or acquired in any way
14 under the provisions of this act shall be under the
15 control of the board of water commissioners of the
16 city of Fitchburg, who shall manage and improve
17 them in such manner as they shall deem for the
18 best interest of the city.

1 SECTION 3. The city of Fitchburg shall pay all
2 damages sustained by any person or corporation
3 by the taking of any lands, buildings, rights or
4 easements under the authority of this act; and if
5 the parties cannot agree upon the amount of the
6 same, they may be recovered in the manner pro-
7 vided by law in the case of land taken for the lay-
8 ing out of highways: *provided*, that application
9 therefor is made within three years after the said
10 taking.

1 SECTION 4. After the actual taking of any prop-
2 erty in the towns of Westminster or Princeton, by
3 the city of Fitchburg under authority of this act,
4 the same may be valued by the assessors of said
5 towns, respectively, on the basis of the average
6 of the assessed values of the water rights, real es-
7 tate and easements so taken, for the three years
8 last preceding the acquisition thereof; and said
9 city shall annually pay to said towns, respectively,
10 taxes or sums in lieu of taxes, at the rate per thou-
11 sand of all taxes in said town for that year, on the
12 valuations so determined.

1 SECTION 5. All damages to be paid by the said
2 city by reason of any act done under the authority
3 of this chapter may be paid out of the proceeds of
4 the sale of bonds issued under the authority of
5 chapter one hundred and ninety-nine of the acts
6 of the year nineteen hundred and seven.

1 SECTION 6. This act shall take effect upon its
2 passage.