

SENATE . . . . . No. 452

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By Mr. MacKenzie, a petition of George Bixby, Jr., for legislation to authorize cities to spend money to purchase land in excess of assessed valuation. Local Affairs.

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*The Commonwealth of Massachusetts*

In the Year One Thousand Nine Hundred and Seventy-Two.

AN ACT AUTHORIZING CITIES TO SPEND MONEY TO PURCHASE LAND  
IN EXCESS OF AVERAGE ASSESSED VALUATION.

*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. Chapter 40 of the General Laws is hereby  
2 amended by striking out section 14, as appearing in chapter  
3 283 of the acts of 1933, and inserting the following section: —  
4 *Section 14.* The aldermen of any city, except Boston, or the  
5 selectmen of a town may purchase, or take by eminent domain  
6 under chapter seventy-nine, any land, easement or right there-  
7 in within the city or town not already appropriated to public  
8 use, for any municipal purpose for which the purchase or tak-  
9 ing of land, easement or right therein is not otherwise author-  
10 ized or directed by statute; but no land, easement or right  
11 therein shall be taken or purchased under this section unless  
12 the taking or purchase thereof has previously been authorized  
13 by the city council or by vote of the town, nor until an appro-  
14 priation of money, to be raised by loan or otherwise, has been  
15 made for the purpose by a two-thirds vote of the city council  
16 or by a two-thirds vote of the town, and no lot of land shall  
17 be purchased for any municipal purpose by any city subject to  
18 this section for a price more than twenty-five per cent in  
19 excess of its average assessed valuation during the previous  
20 three years, except that if requested in writing by the owner  
21 of record of the lot of land contemplated to be purchased, the

22 aldermen or city council shall appoint three independent real  
23 estate appraisers or evaluator firms having no interest as de-  
24 fined under chapter two hundred and sixty-eight A, who shall  
25 conduct three separate evaluations and file such appropriate  
26 reports with the aldermen or city council; and pursuant to  
27 discharge of these conditions, the lot of land subject to said  
28 conditions may be purchased for a price not more than twenty-  
29 five per cent in excess of the average of the three appraisals  
30 or evaluations.

1 SECTION 2. Section 30 of chapter 43 of the General Laws is  
2 hereby amended by striking out the second sentence and in-  
3 serting in place thereof the following sentence: — Whenever  
4 the price proposed to be paid for land for any municipal pur-  
5 pose is more than twenty-five per cent higher than its average  
6 assessed valuation during the previous three years, the land  
7 shall not be purchased, but taken as aforesaid, except that if  
8 requested in writing by the owner of record of the lot of land  
9 contemplated to be so purchased, the city council shall appoint  
10 three independent real estate appraisers or evaluator firms  
11 having no interest as defined under chapter two hundred and  
12 sixty-eight A, who shall conduct three separate evaluations  
13 and file such appropriate reports with the city council; and  
14 pursuant to discharge of these conditions, the lot of land sub-  
15 ject to said condition may be purchased for a price not more  
16 than twenty-five per cent in excess of the average of the three  
17 appraisals or evaluations.