
By Mr. Wall, a petition (accompanied by bill, Senate, No. 755) of Jean C. Campopiano, Esq., for legislation to amend the statutory provisions on eminent domain. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT AMENDING STATUTORY PROVISION ON EMINENT DOMAIN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Notwithstanding any provision of the General Laws to the
2 contrary, agencies with a power of taking property by eminent
3 domain are hereby authorized to exercise that right upon the
4 following conditions: —

5 a. the agency will vote to take necessary real estate for the
6 public purpose designated without deciding where and when
7 said real estate will be taken.

8 b. proper legal steps must be taken to provide by bond issue
9 or other financing methods to pay for the taking of property.

10 c. appropriation must be made to pay for appraisers to ap-
11 praise the properties that must be taken.

12 d. designation of the property to be taken shall be made
13 after the above provisions are complied with.

14 e. within thirty days thereof, the agency must vote the
15 taking of such property.

16 In the event after the disclosure of the real estate to be
17 taken, the owner of said property is hereby granted the right
18 to recover damages of the full value under the constitutional
19 clause and of taking the property without due processes of the
20 law.

21 Further, the property owner may sue the agency, and if it is
22 a city or town, hold personally responsible the members of the
23 city government and the mayor thereof, and the members of
24 the town government, and the selectmen thereof to recover
25 losses sustained by the property owner such as losses of income
26 and depreciation of value of the property.

