

HOUSE . . . . . No. 524.

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[Bill accompanying the petition of the mayor of the city of Somerville.  
Cities.]

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Commonwealth of Massachusetts.

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

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AN ACT

To authorize the City of Somerville to lay out and maintain  
a Parkway.

*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 Somerville by its city council  
2 may at any time within three years after the passage of  
3 this act take in fee or otherwise from time to time any  
4 lands and rights in lands within the limits of said city  
5 upon such terms and conditions as said city council may  
6 deem advisable by gift or by purchase or by right of  
7 eminent domain or otherwise and hold the same in fee or  
8 otherwise, and maintain them for the purpose of a park-  
9 way or boulevard. The said parkway or boulevard may  
10 extend from Nathan Tuft's park at the junction of Broad-  
11 way and Elm streets in Somerville by such route and

12 courses and of such width and to such part of the  
13 boundary line of said city on Mystic River or Alewife  
14 Brook as said city council may determine.

1 SECTION 2. Said city council shall have power to lay  
2 out and improve said parkway, to make rules for the use  
3 and government thereof, and to fix for breaches of such  
4 rules penalties not exceeding twenty dollars for each  
5 offence; to establish a building line in said parkway,  
6 and to exercise all other powers which are given to  
7 boards of park commissioners constituted under chapter  
8 one hundred and fifty-four of the acts of the year eigh-  
9 teen hundred and eighty-two by said chapter one hundred  
10 and fifty-four and by all other acts relating to the author-  
11 ity of such boards.

1 SECTION 3. Said city council may make agreements  
2 with the metropolitan park commission, the metropolitan  
3 water board, the board of metropolitan sewerage com-  
4 missioners, the city of Boston, or with any officer or  
5 board of said city of Boston, having the care or control  
6 of any lands, rights, easements or interests in lands  
7 within the limits of said parkway for the care and con-  
8 trol and disposition of said lands, rights, easements or  
9 interests in lands, for such period and upon such terms  
10 and conditions as the parties to such agreements may  
11 deem expedient. The said city council may, from time  
12 to time make agreements with the metropolitan park  
13 commission for the care and control of the whole or any  
14 part of said parkway.

1 SECTION 4. The said city of Somerville shall within  
2 sixty days after the taking of any lands or rights in  
3 lands as aforesaid, otherwise than by purchase or gift,  
4 cause to be recorded in the registry of deeds for the

5 southern district of the county of Middlesex, a descrip-  
6 tion thereof sufficiently accurate for identification, with  
7 a statement of the purpose for which the same were  
8 taken, which statement shall be signed by the mayor of  
9 the said city. The title to all lands and rights in lands  
10 so taken shall vest in the city of Somerville as provided  
11 in section one of this act.

1 SECTION 5. The said city of Somerville shall pay all  
2 damages sustained by any person or corporation by the  
3 taking of any lands or rights in lands or by any other  
4 thing done by said city under the authority of this act.  
5 Any person or corporation sustaining damages as afore-  
6 said, who fails to agree with the said city as to the  
7 amount of damages so sustained, may have the damages  
8 assessed and determined in the manner provided by law  
9 when land is taken for the laying out of highways, pro-  
10 vided that he or it makes application at any time within  
11 two years from the taking of such land or other property,  
12 or the doing of any other injury under the authority of  
13 this act.

1 SECTION 6. At any time within five years after the  
2 final taking of lands and rights in lands for said park-  
3 way has been made, whether or not the same is then  
4 fully constructed, the said city council shall have the  
5 same authority to determine the value of, and to assess  
6 upon real estate the betterments accruing to said real  
7 estate by such takings and by the laying out and con-  
8 struction of a parkway under this act so far as the same  
9 at the time of said assessment has been constructed, that  
10 is conferred by chapter fifty-one of the Public Statutes  
11 upon boards of city or town officers authorized to lay  
12 out streets or ways; and the provisions of the first eight  
13 sections of said chapter fifty-one shall apply to such

14 assessments by said city council, except as to the time and  
15 manner of making said assessment as hereinbefore pro-  
16 vided.

1 SECTION 7. This act, except as provided in the fol-  
2 lowing section, shall not take effect unless accepted by  
3 said city of Somerville by a majority vote of each branch  
4 of the city council, taken by yeas and nays.

1 SECTION 8. So much of this act as authorizes the  
2 submission of the question of its acceptance to the city  
3 council of said city shall take effect upon its passage,  
4 and, if duly accepted, this act shall take full effect on  
5 the date of such acceptance.