

By Ms. Swift, a petition (accompanied by bill, Senate, No. 2396) of Jane M. Swift and others for legislation relative to authorizing the Massachusetts Highway Department to take by eminent domain additional land in connection with the Merrill Road reconstruction project in Pittsfield. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Six.

AN ACT AUTHORIZING MASSACHUSETTS HIGHWAY DEPARTMENT TO TAKE BY EMINENT DOMAIN ADDITIONAL LAND IN CONNECTION WITH THE MERRILL ROAD RECONSTRUCTION PROJECT IN PITTSFIELD.

*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. Notwithstanding restrictions contained in chapter  
2 seventy-nine and chapter eighty-one of the General Laws, the  
3 Massachusetts Highway Department is hereby authorized and  
4 directed to take by eminent domain the land and structures thereon  
5 located near a portion of Merrill Road which lies between Junc-  
6 tion Road and New York Avenue in the City of Pittsfield. The  
7 takings are subject to receipt by the Massachusetts Highway Depart-  
8 ment of written requests signed by the owners of record of such  
9 land.

10 The land is described in a plan entitled Plan and Profile of Mer-  
11 rill Road in the city of Pittsfield, Berkshire County — Right-of-  
12 Way prepared by Fay, Spofford and Thorndike, Inc., which is on  
13 file with the Right-of-Way Division of the Massachusetts High-  
14 way Department and more particularly described as follows:

15 (1) The land and structures, if any, now or formerly of Giacomo  
16 Dalo and Theresa Dalo as described in a deed recorded in Book 556,  
17 Page 376 at the Berkshire Middle District Registry of Deeds  
18 also known as 281 Merrill Road, Pittsfield, containing approxi-  
19 mately 13,045 square feet of land.

20 (2) The land and structures, if any, now or formerly of Russell W.  
21 Blake and Mary N. Blake as described in a deed recorded in  
22 Book 874, Page 320 at the Berkshire Middle District Registry of  
23 Deeds also known as 286 Merrill Road, Pittsfield, containing  
24 approximately 3,310 square feet of land.

25 (3) The land and structures, if any, now or formerly of Cecilia  
26 Lazzari and Mary M. Lazzari as described in a deed recorded in  
27 Book 587, Page 53 at the Berkshire Middle District Registry of  
28 Deeds also known as 288 Merrill Road, Pittsfield, containing  
29 approximately 7,565 square feet of land.

30 Any person whose property has been taken or injured by the  
31 exercise of the power to take by eminent domain under the  
32 authority of this act may recover from the commonwealth under  
33 chapter seventy-nine of the General Laws such damages therefore  
34 as he may be entitled.

35 The Massachusetts Highway Department shall take all steps  
36 necessary to secure any federal assistance which may be available  
37 for the purposes of this act.

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