

HOUSE No. 1365

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher N. Speranzo

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to eminent domain.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christopher N. Speranzo</i>	<i>3rd Berkshire</i>	<i>1/20/2011</i>

HOUSE No. 1365

By Mr. Speranzo of Pittsfield, a petition (accompanied by bill, House, No. 1365) of Christopher N. Speranzo relative to the taking of real estate or of any interest therein by right of eminent domain. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1583 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to 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 SECTION 1. Section 1 of chapter 79 of the General Laws, as appearing in the most
2 recent edition, is hereby amended by striking out section 1 and inserting in place thereof the
3 following section:-

4 Section 1. Order of Taking; contents.

5 The taking of real estate or of any interest therein by right of eminent domain may be
6 effected in the following manner. A board of officers upon whom authority to take real estate by
7 eminent domain on behalf of any body politic or corporate has been conferred by law, having
8 first complied with all the preliminary requirements prescribed by law, may adopt an order of
9 taking, which shall contain a description of the land taken sufficiently accurate for identification,
10 and shall state the interest therein taken and the purpose for which such property is taken, and

11 shall contain the names and addresses of the putative owners of all land taken as shown on the
12 records of the assessors of the municipality in which such land is taken as of the January first
13 immediately preceding the municipal fiscal year in which such land is taken, and in case such
14 taking is for an improvement for which betterments may be assessed, shall state whether
15 betterments are to be assessed therefor. In case there are trees upon the land taken, or structures
16 affixed thereto, the order of taking shall state whether the same are to be included in the taking,
17 and, if they are not so included, shall allow the owner a reasonable time after the date of the
18 order or after entry or possession to remove the same, to be specified in the order. The failure to
19 include the names and addresses of one or more of said owners of the land taken as provided for
20 in the preceding sentence, or the incorrect identification of any such owner, shall not affect the
21 validity of the taking. The naming of a putative owner in an order of taking shall not constitute
22 evidence of any ownership interest; or otherwise relieve any owner of the burden of proving the
23 right to damages in an action under this chapter.

24 SECTION 2. This act shall take effect upon its passage.