

SENATE No. 2169

The Commonwealth of Massachusetts

PRESENTED BY:

Donald F. Humason, Jr.

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 the acceptance of Paper Mill road as a public way in the city of Westfield.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Donald F. Humason, Jr.

Second Hampden and Hampshire

John Velis

4th Hampden

SENATE No. 2169

By Mr. Humason, a petition (accompanied by bill, Senate, No. 2169) of Donald F. Humason, Jr. and John Velis (with the approval of the mayor and city council) for legislation relative to the acceptance of Paper Mill Road as a public way in the city of Westfield. Transportation. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act relative to the acceptance of Paper Mill road as a public way in the city of Westfield.

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. (a) Notwithstanding sections 1 to 13, inclusive, of chapter 82 of the General
2 Laws, or any other general or special law to the contrary, the City of Westfield may accept as a
3 public way, under the terms of this section, Paper Mill Road, provided, however that acceptance
4 as a public way shall only become final after:

5 (1) The layout of the way has been ordered and approved by the city council after a duly
6 called public hearing of which 14 days prior notice in a newspaper of general circulation in the
7 city has been given, and of which notice is sent by mail, postage prepaid to the owners of record,
8 as determined by the assessors' records, who abut said street or way; and

9 (2) An order of layout has been filed in the office of the city clerk, containing a
10 description of or reference to a plan showing the boundaries and measurements of the way,
11 which may be an existing approved and recorded definitive subdivision plan; and

12 (3) Either (i) the city council has determined that the city holds land or easements for the
13 purposes for the public way and has filed that determination with the city clerk; provided,
14 however that there shall be a presumption that the city holds the easements

15 or land for these purposes with respect to any way that has been open to public use and
16 maintained by the City of Westfield for 20 years or more; or (b) the city council has determined
17 it is necessary to acquire land or easements for the purposes of the public way and the city
18 council has acquired the land or easements by purchase or eminent domain; provided, further,

19 that notwithstanding chapter 79 of the General Laws, an appraisal of damages shall not be
20 required before any taking for the purposes of this act.

21 (b) The street for consideration of acceptance is Paper Mill Road.

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