

SENATE No. 2241

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 authorizing the city of Westfield to categorize all certain private ways a public streets.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Donald F. Humason, Jr.

Second Hampden and Hampshire

John C. Velis

4th Hampden

SENATE No. 2241

By Mr. Humason, a petition (accompanied by bill, Senate, No. 2241) of Donald F. Humason, Jr. and John C. Velis (with approval of the mayor and city council) for legislation to authorize the City of Westfield to categorize all certain private ways as public streets. Transportation. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act authorizing the city of Westfield to categorize all certain private ways a public streets.

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 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
3 as public ways, in accordance with the terms hereof, any one or more of the streets and ways
4 listed in this act: provided, however, that acceptance as a public way shall become final only
5 after:

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

10 (b)An order of layout has been filed in the office of the City Clerk, containing a
11 description of, reference to a plan showing the boundaries and measurements of the way- which
12 may be an existing approved and recorded definitive subdivision plan: and

13 (c) Either (1) the City Council has determined that the City already holds land or
14 easements for the purposes of the public way and has filed that determination with the City
15 Clerk, provided, however, that there shall be a presumption that the City already holds said
16 easements or land for these purposes with respect to any way that has been opened to public use
17 and maintained by the City for 20 years or more; or (2) the City Council has determined it is
18 necessary to acquire land or easement for the purposes of the public way and the City Council
19 has acquired said land or easement by gift, purchase or eminent domain, provided, further, that
20 notwithstanding Chapter 79 or the General Laws, no appraisal of damages shall be required prior
21 to any taking for the purposes of this act.

22 These purposes with respect to any way that has been opened to public use and
23 maintained by the City for 20 years or more, or (2) the City Council has determined it is
24 necessary to acquire land or easement for the purposes of the public way and the City has
25 acquired said land or easement by gift, purchase or eminent domain, provided, further, that
26 notwithstanding Chapter 79 or the General Laws no appraisal or damages shall be required prior
27 to any taking for the purposes of this act.