

SENATE NO. 839

AN ACT REQUIRING THAT NAMES AND ADDRESSES OF THE OWNERS OF LAND TAKEN BY EMINENT DOMAIN BE INCLUDED IN THE ORDER OF TAKING

*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. Chapter 79 is hereby amended by striking out section 1 and inserting in place thereof the
2 following section:-

3 Section 1. Order of Taking; contents.

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

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

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

