

**HOUSE . . . . . No. 3473**

**[LOCAL APPROVAL RECEIVED.]**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**William M. Straus**

*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 passage of the accompanying bill:

An Act Authorizing the town of Fairhaven to assess as a betterment to those affected properties, the costs incurred by the Town to provide design and construction data to the Federal Emergency Management Agency in order to credit the Fairhaven portion of the New Bedford hurricane barrier with protection of certain areas of the Town of Fairhaven from flood hazard.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William M. Straus	10th Bristol
Michael Silvia	40 Center Street Fairhaven, MA 02719
Dr. Brian K. Bowcock	40 Center Street Fairhaven, MA 02719
Charles Murphy, Sr.	40 Center Street Fairhaven, MA 02719

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AUTHORIZING THE TOWN OF FAIRHAVEN TO ASSESS AS A BETTERMENT TO THOSE AFFECTED PROPERTIES, THE COSTS INCURRED BY THE TOWN TO PROVIDE DESIGN AND CONSTRUCTION DATA TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN ORDER TO CREDIT THE FAIRHAVEN PORTION OF THE NEW BEDFORD HURRICANE BARRIER WITH PROTECTION OF CERTAIN AREAS OF THE TOWN OF FAIRHAVEN FROM FLOOD HAZARD.

*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 any general or special law to the contrary, the Town may assess as a  
2 betterment to the those affected properties, the costs incurred by the Town to provide design and  
3 construction data to the Federal Emergency Management Agency in order to credit the Fairhaven portion  
4 of the New Bedford hurricane barrier with protection of certain areas of the Town of Fairhaven from  
5 flood hazard. The costs incurred by the Town to provide such data shall include all engineering, legal and  
6 other professional fees, and all other expenses related thereto.

7 SECTION 2. The betterment shall be assessed to each affected parcel on the basis of the assessed value of  
8 the improvements on such parcel, and in the case of unimproved, buildable parcels on the basis of the  
9 aggregate value of improvements upon all improved parcels assessed hereunder, expressed as a per square  
10 foot average of the aggregate improved land area assessed hereunder.

11 SECTION 3. This act shall take effect upon its passage without further ratification by the Town.