§ 15-1523. Indirect damages; decision and payment as to Rochester.

1. Whenever the department shall decide that the execution of any water supply project by the city of Rochester will result in damages to persons and property, the determination of and payment for which are not otherwise provided for by law, the department shall so state in its decision and it may order that such damages be determined and paid in accordance with the provisions of this section.

2. Whenever the department shall make such a decision relating to the determination and payment of damages pursuant to the provisions of this section, any person who is on the date of such decision, the owner of any real estate not taken by the applicant, or the owner of any established business, directly or indirectly decreased in value by reason of the acquiring of land for or on account of a new or additional water supply project, his heirs, personal representatives and assigns, shall have a right to damages for such decrease in value. The city of Rochester may agree with such person as to the amount of such damages, and, if such agreement cannot be made, such damages, if any, shall be determined in the manner provided in the eminent domain procedure law for the ascertaining and determining of the value of the real estate taken for such project, and the court shall not be limited in the reception of evidence to the rules regulating the proof of direct damages. The amount of such damages so agreed upon, or determined, as aforesaid, shall be paid and collected in the same manner as is provided for the payment of awards in condemnation proceedings as provided in the charter of the city of Rochester for the taking of real property.

3. A person employed in a manufacturing establishment, or in an established business, or upon any lands, who is not the owner or part owner thereof, which manufacturing establishment, or established business, is injured or destroyed, or which lands are taken or acquired under or on account of the carrying out of such project, and who has been so employed continuously for at least six months prior to the date of the decision of the department and who continues in such employment up to the time of such injury, destruction, taking or acquisition, shall have a claim for damages against the city of Rochester equal to the

salary or wages paid to such employee for the six months immediately preceding the date of such decision. Such damages may be determined by agreement with the city of Rochester, or, in case such agreement cannot be made, such employee may maintain an action against the city of Rochester in the Supreme Court to recover such damages, not, however, to exceed the sum of the salary or wages paid him for the six months immediately preceding the date of the decision of the department.

4. If the department shall so approve of a project, or a part of a project, the execution of which is to be deferred, or, if for any reason such execution shall thereafter be deferred, the department shall in its decision, or in a modification thereof, fix a date, other than the date of the decision, which shall be held to be applicable to all damages arising from the execution of such project, or of such part of a project.

5. The powers, rights, privileges and duties granted, conferred and imposed by the provisions of this section are hereby granted, conferred and imposed notwithstanding any inconsistent provision in this or any other general or special law.