

HOUSE No. 2118

The Commonwealth of Massachusetts

PRESENTED BY:

David T. Vieira

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 town of Mashpee to convey certain town owned conservation land to Jacques and Rosalie Fresco.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>1/18/2023</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>7/20/2023</i>

HOUSE No. 2118

By Representative Vieira of Falmouth, a petition (accompanied by bill, House, No. 2118) of David T. Vieira (by vote of the town) relative to authorizing the town of Mashpee to convey certain town owned conservation land to Jacques and Rosalie Fresco. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act authorizing the town of Mashpee to convey certain town owned conservation land to Jacques and Rosalie Fresco.

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 the provisions of any general or special law to the
2 contrary and pursuant to the provisions of Article 97 of the Amendments to the Constitution of
3 the Commonwealth of Massachusetts, and in recognition of the fact that the transfer of right, title
4 and interest in and to the below-described land by the Town of Mashpee will not derogate from
5 or otherwise impact the protections of Article 97 which limit and restrict the use of said property
6 to use for open space, conservation and passive recreation purposes, consistent with the
7 provisions of Massachusetts General Laws, Chapter 40, Section 8C and said Article 97, the
8 Select Board and Conservation Commission of the Town of Mashpee are hereby authorized to
9 transfer and convey by sale or exchange a portion of that certain parcel of Town owned
10 conservation land designated on the Mashpee Assessors' Map 30 as Block 19-0, located at

11 0 Santuit Lane in Mashpee, Barnstable County, Massachusetts, consisting of Two
12 Thousand Nine Hundred and Forty (2,940) square feet, more or less, as shown on the Plan of
13 Land dated _____ prepared for Jacque And Rosalie Fresco by
14 _____ (the “Plan”), and, in consideration of
15 said transfer, the Town shall be authorized to acquire title to a portion of that certain parcel of
16 land designated on Mashpee Assessors' Map 30 as Block 20-0, located at 3 Santuit Lane, in
17 Mashpee, Barnstable County, Massachusetts, consisting of Two Thousand Nine Hundred and
18 Forty (2,940) square feet, more or less, as more specifically shown on said Plan by purchase
19 from or exchange with owners thereof for open space, conservation and passive recreation
20 purposes, consistent with the provisions of Mass. Gen. Laws. Ch. 40, Section 8C and Article 97
21 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

22 SECTION 2. No document or instrument conveying any interest in the subject property
23 described hereinabove shall be valid unless such document or instrument provides that the
24 interest in the land designated on Mashpee Assessors' Map 30 as Block 20-0, presently located at
25 3 Santuit Lane, shall, upon transfer to the Town of Mashpee, be held and maintained by the
26 Town solely for open space, conservation and passive recreation purposes, consistent with the
27 provisions of Massachusetts General Laws, Chapter 40, Section 8C and Article 97 of the
28 Amendments to the Constitution of the Commonwealth of Massachusetts.

29 SECTION 3. This act shall take effect upon passage.