HOUSE DOCKET, NO. 106 FILED ON: 1/10/2011

HOUSE . . . . . No. 3338

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis and Katherine M. Clark

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:

An Act regarding proceeds from railroad right of way.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jason M. Lewis	*31st Middlesex*
Katherine M. Clark	*Middlesex and Essex*
James J. Dwyer	*30th Middlesex*

HOUSE DOCKET, NO. 106 FILED ON: 1/10/2011

HOUSE . . . . . No. 3338

By [SPONSOR PREFIX] [SPONSOR NAME] of [SPONSOR CITY], a petition (accompanied by bill, House, No. 3338) of [PETITIONERS LIST] relative to the use of certain proceeds from the former railroad right-of-way in the town of Stoneham. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

An Act regarding proceeds from railroad right of way.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, any proceeds to the Town of Stoneham from the licensing (including use and occupancy agreements) of the former Railroad Right-of-Way, described in Section 2 below, paid for the period of time no longer than the earlier of the following: (i) the commencement of construction of the former Railroad Right-of-Way as a bikeway or linear park, or (ii) June 30, 2014, shall be deposited in a special account to be used at the determination of the Town Administrator for capital improvements to, or maintenance or repair of, the bikeway or linear park to be constructed on said Railroad Right-of-Way property.

SECTION 2. Said former Railroad Right-of-Way land being as follows:

Approximately 6599 linear feet of railroad right-of-way, being shown on plans 128L, 128R, 129L and 129R in plan book 442C on file at the Middlesex South District Registry with accompanying instrument recorded in Book 13117, Page 113 on December 27, 1976, and further described as follows:

Parcel 1: Beginning at the northerly sideline of Maple Street, a public way, and running northeasterly approximately 1070 feet to station 60 + 28.3, said portion being 41.25 feet in width. Thence continuing in a northeasterly direction from station 60 + 28.3, approximately 510 feet to the southerly sideline of Montvale Avenue, a public way, said portion being 33.00 feet in width.

Parcel 2: Beginning at a northerly sideline of the aforementioned Montvale Avenue and running northeasterly approximately 820 feet to the southerly sideline of Cottage Street, a public way, said portion currently shown on the zoning map of the Town of Stoneham as commercial land being 49.50 and 54.50 feet in width; and including a triangular area bounded on the north by

the southerly sideline of Lindenwood Road, a public way, on the west by the easterly sideline of Cottage Street, a public way, and on the east by land now or formerly of Bradford.

Parcel 3: Beginning at the northerly sideline of the aforementioned Lindenwood Road and running northeasterly approximately 730 feet to the westerly sideline of William Street, a public way, said portion being of variable widths of approximately 50 feet.

Parcel 4: Beginning at the north easterly sideline of the aforementioned William Street and running northeasterly approximately 225 feet to the westerly sideline of Main Street, Route 28, a state highway, said portion being 49.50 feet in width.

Parcel 5: Beginning at the easterly sideline of Central Street, a public way, and running in a southeasterly direction approximately 1,570 feet to the northerly sideline of Pomeworth Street, being 49.50 feet in width.

Parcel 6: Beginning at the southerly sideline of the aforementioned Pomeworth Street and running southerly approximately 780 feet to the northerly sideline of Pleasant Street, a public way, said portion being of variable width of approximately 50 feet.

Parcel 7: Beginning at the southerly sideline of the aforementioned Pleasant Street and running southwesterly approximately 340 feet to the northerly sideline of Gould Street, a public way, said portion being 49.50 feet in width.

Said parcels 1 through 7 containing a total area of 302,550 square feet, more or less and meaning to include herein all property now owned by the Town of Stoneham (and previously owned by the MBTA) along the railroad right-of-way between Maple Street and the end of Gould Street in Stoneham, Massachusetts.

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