HOUSE . . . . . No. 3797

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

AN ACT AUTHORIZING THE RELEASE OF CERTAIN LAND IN THE TOWN OF DARTMOUTH FROM THE OPERATION OF AN AGRICULTURAL PRESERVATION RESTRICTION.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to release certain land erroneously included in an agricultural preservation restriction, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Pursuant to section 40 E of chapter 7 and section 32 of chapter 184 of the General Laws, and notwithstanding any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of agricultural resources, may execute a certificate releasing from restriction certain portions of land erroneously included and incorporated by reference in "EXHIBIT A" to an Agricultural Preservation Restriction (the "APR") conveyed by the town of Dartmouth (the "Town") to the commonwealth, acting by and through the department of agricultural resources, dated December 27, 2006 and recorded in book 8638, page 153 in the Bristol county southern district registry of deeds. The land described in "EXHIBIT A" of the recorded restriction consists of all or portions of the town's so called "Souza/Lagasse Farm" located at Hixville road in the town of Dartmouth conveyed to the town by deed from Theresa B. Lagasse dated October 30, 2003, and recorded in the said Bristol registry in book 6633, page 275. The land acquired by the town and described in said deed and "EXHIBIT A" of the APR is also shown on a plan of land entitled "Plan of Land in Dartmouth, MA. Assessor's Map 61, Lot 42, for Theresa B. Lagasse" dated 10/21/2003 and prepared by Seguin Associates of Marshfield, Massachusetts and recorded in the Bristol county southern district registry of deeds in plan book 152, page 71.

SECTION 2. The areas of land to be released from the provisions of the APR consist of all of the land described in 'Parcel One' and 'Parcel Two' of "EXHIBIT A" of the restriction recorded in said registry at book 8638, page 164, except the following areas that shall remain under restriction:

1. "Lot 1", containing 74.69 acres, more or less;

2. "Parcel B", containing 1,501.2 square feet, more or less; and

3. "Parcel C", containing 1,834.8 square feet, more or less.

"Lot 1", and "Parcels 'B' and 'C' " are also depicted on the plan of land referenced in section 1.

SECTION 3. The commonwealth's access easement over the easterly portion of "Estate Lot 2" as shown on said plan, acquired by the commonwealth as appurtenant to and for the benefit of the aforesaid APR and for the benefit of the commonwealth and its successors and assigns, shall continue in full force and effect as an encumbrance on "Estate Lot 2".

SECTION 4. Except as partially released by the commonwealth in accordance with this act, the APR shall remain in full force and effect.