SENATE DOCKET, NO. 2266 FILED ON: 7/2/2012

SENATE . . . . . No. 2343

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin B. Downing

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 authorizing the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Benjamin B. Downing	*Berkshire, Hampshire, and Franklin*
Paul W. Mark	*2nd Berkshire*

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By Mr. Downing, a petition (subject to Joint Rule 12) (accompanied by bill, Senate, No. [BILL NUMBER]) of Benjamin B. Downing and Paul W. Mark for legislation to authorize the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale. Rules of the two branches, acting concurrently.

The Commonwealth of Massachusetts

An Act authorizing the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to [Emergency Preamble Text] [Emergency Preamble Context].

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

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the acquisition of a certain parcel of land by the Massachusetts Department of Transportation from the division of fisheries and wildlife to facilitate the reconstruction of a bridge in the town of Hinsdale, therefore it is, hereby, declared to be an emergency law, necessary for the immediate preservation of the public convenience.

SECTION 1. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation may acquire by purchase or otherwise a certain parcel of land in the town of Hinsdale which is shown as Parcel “1-3” on the plan described in subsection (b) from the division of fisheries and wildlife. Once acquired, the parcel shall be diverted from its present use as a reserve for the protection of wildlife and habitat and for conservation and recreation purposes to a highway use for the reconstruction of a bridge over the CSX railroad tracks on Washington road in the town of Hinsdale.

(b) The parcel referenced in subsection (a) is bounded and described as follows:

a certain parcel in the town of Hinsdale dedicated to use as a nature reserve which is supposed to be owned by the Division of Fisheries and Wildlife and shown as Parcel “1-3” on a plan entitled “Plan and Profile of Route 8, Bridge No. H-16-014, in the Town of Hinsdale, Berkshire County, Preliminary Right of Way Plan, sheets 1-8, prepared by Beta, Inc. dated May 26, 2011 and revised on September 22, 2011, September 28, 2011 and October 12, 2011”, a copy

of which is on file with the Massachusetts Department of Transportation and further bounded and described as follows: Beginning at a point on the westerly location line of the August 31, 1926 State highway layout of North Washington Road (Route 8) at N 2984369.1605, E 220751.9133, said point bearing N 45°26’59” W and being 30.00 feet distant from station 123+75.76 of the 1926 baseline of said location line; Thence, leaving said location line

S 50°31’15” W 30.62 feet to a point bearing N 45°26’59” W and 33.18 feet distant from station 124+06.21; Thence by a curve to the right of 1186.00 feet radius 120.86 feet to a point bearing N 45°26’59” W and 51.85 feet distant from station 125+25.57; Thence by a curve to the left of 630.00 feet radius 180.64 feet to a point bearing N 14°33’14” W and 108.14 feet distant from station 127+63.46; Thence S 83°27’10” W 37.57 feet to a point bearing N 32°43’12” W and 119.32 feet distant from said station; Thence southeasterly about 102 feet to the point of ending thereof, again on the westerly location line of the aforesaid 1926 State highway layout; Thence about 396 feet along the westerly location line of the aforesaid 1926 State highway layout; Thence about 396 feet along the westerly location line of the aforesaid 1926 State highway layout to the point of beginning.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation, in consideration of its acquisition of the land under section 1, shall convey a portion of a certain parcel of land in the town of Hinsdale dedicated to highway use which is shown as Parcel “1-LT-1” on the plan described in said section 1 to the division of fisheries and wildlife for use as a reserve for the preservation and protection of wildlife and habitat and for conservation and recreation purposes.

(b) The referenced in subsection (a) is bounded and described as follows:

a certain parcel in the town of Hinsdale dedicated to highway use which is owned by the Massachusetts Department of Transportation and shown as Parcel 1-LT-1

on a plan entitled “Plan and Profile of Route 8, Bridge No. H-16-014, in the Town of Hinsdale, Berkshire County, Preliminary Right of Way Plan, sheets 1-8, prepared by Beta, Inc. dated May 26, 2011 and revised on September 22, 2011, September 28, 2011 and October 12, 2011”, a copy of which is on file with the Massachusetts department of Transportation and further bounded and described as follows: Beginning at a point on the easterly location line of the August 31, 1926 State highway layout of North Washington Road (Route 8) at N 2984274.9217, E 220743.3369, said point bearing S 45°26’59”E and being 30.00 feet distant from station 124+48.93 of the 1926 baseline of said location line; Thence leaving said location line southwesterly by a curve to the right of 150.00 feet radius 43.74 feet to a point bearing S 45°26’59” E and 23.67 feet distant from station 124+92.06; Thence still southwesterly by a curve to the left of 565.00 feet radius 298.17 feet to a point bearing N 61°04’49” W and 20.62 feet distant from station 127+84.59; Thence S 17°10’50” E 70.25 feet to the point of ending thereof, again on the easterly location line of the aforesaid 1926 State highway layout, also being

on the southeasterly location line of the aforesaid 1931 State highway layout (Layout No. 2787) at N 2983977.3002, E 220516.8142, said point bearing S 61°04’49” E and being 30.00 feet distant from station 128+33.31 of the 1931 baseline of location (Layout No. 2787); Thence about 376 feet along the easterly location line of the aforesaid 1926 State highway layout to the point of beginning.

SECTION 3. Notwithstanding any general or special law to the contrary, prior to the conveyance authorized in section 1 and in further consideration of said conveyance, SPS New England, Inc. shall convey or cause to be conveyed a certain parcel of land, totaling 10.5 acres located at South street, Lot 4, in the town of Hinsdale, to the commonwealth to be held by division of fisheries and wildlife for conservation and recreation purposes. The parcel is identified in the town of Hinsdale site map and assessors record as Map 107, Lot 4 and is described in a deed recorded in the central Berkshire registry of deeds in Book 751, Page 377.