

# SENATE . . . . . No. 2385

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The committee on Ways and Means, to whom was referred the Senate bill authorizing the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale (Senate, No. 2343); reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2385).

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve  
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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 provide forthwith 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.

□

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

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

10 a certain parcel in the town of Hinsdale dedicated to use as a nature reserve owned by the  
11 division of fisheries and wildlife and shown as Parcel "1-3" on a plan entitled "Plan and Profile  
12 of Route 8, Bridge No. H-16-014, in the Town of Hinsdale, Berkshire County, Preliminary Right  
13 of Way Plan, sheets 1-8, prepared by Beta, Inc. dated May 26, 2011 and revised on September  
14 22, 2011, September 28, 2011 and October 12, 2011", a copy of which is on file with the  
15 Massachusetts Department of Transportation and further bounded and described as follows:  
16 Beginning at a point on the westerly location line of the August 31, 1926 State highway layout of  
17 North Washington Road (Route 8) at N 2984369.1605, E 220751.9133, said point bearing N  
18 45°26'59" W and being 30.00 feet distant from station 123+75.76 of the 1926 baseline of said  
19 location line; Thence, leaving said location line S 50°31'15" W 30.62 feet to a point bearing N  
20 45°26'59" W and 33.18 feet distant from station 124+06.21; Thence by a curve to the right of  
21 1186.00 feet radius 120.86 feet to a point bearing N 45°26'59" W and 51.85 feet distant from  
22 station 125+25.57; Thence by a curve to the left of 630.00 feet radius 180.64 feet to a point  
23 bearing N 14°33'14" W and 108.14 feet distant from station 127+63.46; Thence S 83°27'10" W  
24 37.57 feet to a point bearing N 32°43'12" W and 119.32 feet distant from said station; Thence  
25 southeasterly about 102 feet to the point of ending thereof, again on the westerly location line of  
26 the aforesaid 1926 State highway layout; Thence about 396 feet along the westerly location line  
27 of the aforesaid 1926 State highway layout; Thence about 396 feet along the westerly location  
28 line of the aforesaid 1926 State highway layout to the point of beginning.

29 SECTION 2. (a) Notwithstanding any general or special law to the contrary, the  
30 Massachusetts Department of Transportation, in consideration of its acquisition of the land under  
31 section 1, shall convey a portion of a certain parcel of land in the town of Hinsdale dedicated to

32 highway use which is shown as Parcel “1-LT-1” on the plan described in said section 1 to the  
33 division of fisheries and wildlife for use as a reserve for the preservation and protection of  
34 wildlife and habitat and for conservation and recreation purposes.

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

36 a certain parcel in the town of Hinsdale dedicated to highway use which is owned by the  
37 Massachusetts Department of Transportation and shown as Parcel 1-LT-1 on a plan entitled  
38 “Plan and Profile of Route 8, Bridge No. H-16-014, in the Town of Hinsdale, Berkshire County,  
39 Preliminary Right of Way Plan, sheets 1-8, prepared by Beta, Inc. dated May 26, 2011 and  
40 revised on September 22, 2011, September 28, 2011 and October 12, 2011”, a copy of which is  
41 on file with the Massachusetts Department of Transportation and further bounded and described  
42 as follows: Beginning at a point on the easterly location line of the August 31, 1926 State  
43 highway layout of North Washington Road (Route 8) at N 2984274.9217, E 220743.3369, said  
44 point bearing S 45°26’59”E and being 30.00 feet distant from station 124+48.93 of the 1926  
45 baseline of said location line; Thence leaving said location line southwesterly by a curve to the  
46 right of 150.00 feet radius 43.74 feet to a point bearing S 45°26’59” E and 23.67 feet distant  
47 from station 124+92.06; Thence still southwesterly by a curve to the left of 565.00 feet radius  
48 298.17 feet to a point bearing N 61°04’49” W and 20.62 feet distant from station 127+84.59;  
49 Thence S 17°10’50” E 70.25 feet to the point of ending thereof, again on the easterly location  
50 line of the aforesaid 1926 State highway layout, also being on the southeasterly location line of  
51 the aforesaid 1931 State highway layout (Layout No. 2787) at N 2983977.3002, E 220516.8142,  
52 said point bearing S 61°04’49” E and being 30.00 feet distant from station 128+33.31 of the  
53 1931 baseline of location (Layout No. 2787); Thence about 376 feet along the easterly location  
54 line of the aforesaid 1926 State highway layout to the point of beginning.

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

62           SECTION 4. The commissioner shall, 30 days before the execution of any conveyance  
63 authorized by this act, or any subsequent amendment thereto, submit the proposed conveyance or  
64 amendment and a report thereon to the inspector general for review and comment. The inspector  
65 general shall issue such review and comment within 15 days after receipt of the proposed  
66 conveyance or amendment. The commissioner shall submit the proposed conveyance or  
67 amendment and the reports and the comments of the inspector general to the house and senate  
68 committees on ways and means and the joint committee on state administration and regulatory  
69 oversight at least 15 days before execution of the conveyance.