

**HOUSE . . . . . No. 3801**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Timothy R. Madden and Daniel A. Wolf***

*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 county and town of Nantucket to convey a certain parcel of land.

PETITION OF:

| NAME:                    | DISTRICT/ADDRESS:                      | DATE ADDED: |
|--------------------------|--|-------------|
| <i>Timothy R. Madden</i> | <i>Barnstable, Dukes and Nantucket</i> |             |

**HOUSE . . . . . No. 3801**

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By Representative Madden of Nantucket and Senator Wolf, a joint petition (subject to Joint Rule 12) of Timothy R. Madden (by vote of the town) for legislation to authorize the conveyance of certain property by the county and town of Nantucket, notwithstanding the uniform procurement law. State Administration and Regulatory Oversight. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act authorizing the county and town of Nantucket to convey a certain parcel of land.

*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. The County of Nantucket is hereby authorized to convey without consideration  
2 the fee in a parcel of land shown on the Nantucket Board of Assessors’ Map 82, as Parcel 22,  
3 Heller Way/Smooth Hummocks, from the County of Nantucket for beach purposes to the Town  
4 of Nantucket for beach and open space purposes.

5           Section 2. The Board of Selectmen is hereby authorized to sell, convey or otherwise  
6 dispose of the fee or lesser interests of any portion of Assessor Map 82, Parcel 22, Heller  
7 Way/Smooth Hummocks to the Nantucket Islands Land Bank for beach and open space  
8 purposes, any such disposition to be on such terms and conditions the Board of Selectmen deem  
9 appropriate, which may include the reservation of easements and restrictions and provided that  
10 the following easements and restrictions are placed on the property prior to its conveyance: (1)  
11 an easement for purposes of access to the beach and for use as a beach, otherwise known as the  
12 “One Big Beach Easement”; (2) an easement preserving the right to use two (2) traveled ways  
13 that cross the subject property for all purposes for which public ways are commonly used; (3) the  
14 right to dedicate, construct, or otherwise establish parking areas consistent with the purpose of  
15 restriction (1) above; and (4) a right of reverter clause for a reversion of title to the Town in the  
16 event the above restrictions are violated, all as shown on a map entitled “2013 Annual Town  
17 Meeting Warrant Article 60” dated January 2013 and filed herewith at the Office of the Town  
18 Clerk.

19           Section 3. The provisions of Chapter 30B of the Massachusetts General Laws and any  
20 rights of first refusal of the Commonwealth under the provisions of Section 14 of Chapter 34 of  
21 the General Laws shall not be applicable to any conveyance authorized hereunder.

22           Section 4. This Act shall take effect upon passage.