

HOUSE No. 3579

The Commonwealth of Massachusetts

PRESENTED BY:

David T. Vieira

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 town of Mashpee to convey an interest in certain town owned land to the town of Barnstable.

PETITION OF:

NAME:

David T. Vieira

DISTRICT/ADDRESS:

3rd Barnstable

DATE ADDED:

HOUSE No. 3579

By Mr. Vieira of Falmouth, a petition (accompanied by bill, House, No. 3579) of David T. Vieira (by vote of the town) that the town of Mashpee be authorized to convey an interest in certain land to the town of Barnstable. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act authorizing the town of Mashpee to convey an interest in certain town owned land to the town of Barnstable.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize the town of Mashpee to convey an interest in certain town owned land to the town of Barnstable, 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. Notwithstanding the provisions of any general or special law to the
2 contrary, the town of Mashpee may transfer to the town of Barnstable such right, title and
3 interest as its board of selectmen shall deem appropriate in and to the real property acquired by
4 the town of Mashpee pursuant to the deed recorded at the Barnstable county registry of deeds in
5 book 24535, page 313 on May 7, 2010, containing 15 and 24/100 (15.24) acres of land, more or
6 less, said parcel of land being further described as follows:

7 The land with any buildings and improvements thereon, designated on Mashpee
8 Assessors' Map 23, as Blocks 20, 30, 36, 51, 54, 68 and 212; and on Map 30, as Blocks 48, 53,
9 85, 91, 94, 97, 108, 111 and 143, located in Mashpee, Barnstable County, Massachusetts,
10 consisting of 15 and 24/100 (15.24) acres of land, more or less, together with any rights in public
11 ways or sand rights appurtenant thereto, as described in the deed dated May 2, 2010 from
12 Elwood Oakley Mills, Jr. and Emma-Jo Ann Mills Brennan to the town of Mashpee, recorded at
13 the Barnstable county registry of deeds in book 24535, page 313.

14 SECTION 2. The transfer authorized in section 1 shall be subject to the town of
15 Barnstable's contribution toward the subject property's purchase price as agreed upon by the
16 town of Barnstable and the town of Mashpee.

17 SECTION 3. No document or instrument conveying any interest in the subject property
18 described hereinabove shall be valid unless such document or instrument provides that said
19 interest shall be held and maintained by the town of Barnstable solely for open space,
20 conservation and passive recreation purposes, consistent with the provisions of section 8C of
21 chapter 40 of the General Laws and Article 97 of the Amendments to the Constitution.

22 SECTION 4. Pursuant to the provisions of section 7 of chapter 44B of the General
23 Laws, any sums paid to Mashpee by Barnstable in consideration of any interest transferred or
24 conveyed pursuant hereto shall be deposited into the Mashpee Community Preservation Fund.

25 SECTION 5. This act shall take effect upon passage.