

**HOUSE . . . . . No. 3619**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Stephen Kulik and 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 adoption of the accompanying bill:

An Act relative to certain parcels of land in the city of Northampton and the town of Williamsburg.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Stephen Kulik</i>	<i>1st Franklin</i>	
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>7/31/2013</i>
<i>Stanley C. Rosenberg</i>	<i>Hampshire, Franklin and Worcester</i>	<i>7/31/2013</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>7/31/2013</i>

**HOUSE . . . . . No. 3619**

By Representative Kulik of Worthington and Senator Downing, a joint petition (subject to Joint Rule 12) of Stephen Kulik, Benjamin B. Downing and others (with the approval of the mayor and city council of the city of Northampton and by vote of the town of Williamsburg) that the town of Williamsburg may acquire a perpetual easement to be held jointly with the city of Northampton for the purposes of a multi-use recreation trail. Municipalities and Regional Government. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to certain parcels of land in the city of Northampton and the town of Williamsburg.

*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 town of  
2 Williamsburg, through its board of selectmen, may acquire by gift, purchase or eminent domain,  
3 a perpetual easement to be held jointly with the city of Northampton for the purposes of an active  
4 and passive recreation multi-use trail. The easement may include, but not be limited to, the right  
5 to construct, reconstruct, install, repair, maintain, operate, use, inspect, patrol and allow the  
6 public to use such easement for multi-use, non-motorized trail purposes, upon property now or  
7 formerly of Karen J. McElroy, on the easterly side of South Main street of Williamsburg and  
8 further described in a deed recorded with the Hampshire registry of deeds in Book 7994, Page  
9 185. The design of the active and passive recreation multi-use trail shall be at the discretion of  
10 the Williamsburg board of selectman and the city of Northampton.

11 (b) Notwithstanding any general or special law to the contrary, the Williamsburg board of  
12 selectmen and the city of Northampton may enter into all agreements and take all actions  
13 necessary or appropriate to: (1) carry out the acquisition in subsection (a); (2) convey a parcel of  
14 land shown on a plan entitled "Plan of Land in Williamsburg (Haydenville), MA," dated  
15 December 11, 2012, prepared by Northeast Survey Consultants, said plan on file with the clerk  
16 of the town of Williamsburg, and a portion of property of the town acquired by a deed from  
17 Northampton, recorded with the Hampshire registry of deeds in Book 10329, Page 57, upon  
18 which property Northampton has an easement for multi-use trail purposes, as reserved in the

19 deed recorded with the Hampshire registry of deeds in Book 10329, page 57, which property  
20 includes a portion of garage now or formerly of Karen J. McElroy, and such other property so  
21 that said garage complies with the setback provisions of a Williamsburg zoning by-law and such  
22 conveyance shall be contingent upon the conveyance to Williamsburg of the active and passive  
23 recreation multi-use trail easement described in subsection (a); (3) authorize the town of  
24 Williamsburg to convey said parcel on such terms and conditions, and for such consideration,  
25 including no consideration, as the board deems appropriate; and (4) for the town of Williamsburg  
26 to convey a fee interest, and for a release by the city of Northampton of an easement interest in  
27 the parcel described in clause (2) if such approval is required by the Williamsburg board of  
28 selectmen.

29 SECTION 2. (a) Notwithstanding any general or special law to the contrary and for the  
30 purposes of this act, the city of Northampton may convey to Karen J. McElroy of 45 South Main  
31 street, Williamsburg a portion of its interest in and to a certain easement held by the city over,  
32 across, upon and under a parcel of land acquired for the purpose of laying out and maintaining an  
33 active and passive recreation multi-use trail. The parcel authorized to be conveyed contains an  
34 area of 0.03 acres or 1,245.1 square feet, more or less, and is shown as Parcel A on a plan  
35 entitled "Plan of Land in Williamsburg (Haydenville), MA, Hampshire Registry Prepared for  
36 Karen McElroy," dated December 11, 2012, by Northeast Survey Consultants. This plan is on  
37 file with the city of Northampton office of planning and sustainability and shall be recorded in  
38 the Hampshire registry of deeds together with the deed conveying the interests authorized in this  
39 act.

40 (b) The purpose of the conveyance is to convey sufficient property for Karen J. McElroy  
41 to maintain a pre-existing garage that encroaches on a portion of the easement land held by the  
42 city that is not necessary for the layout of the multi-use trail referred to in this act.

43 SECTION 3. This act shall take effect upon its passage.