

HOUSE No. 4191

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 certain town owned conservation land to Mark and Donna Lopez.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------|-----------------------|-------------------|
| <i>David T. Vieira</i> | <i>3rd Barnstable</i> | <i>10/31/2019</i> |

HOUSE No. 4191

By Mr. Vieira of Falmouth, a petition (accompanied by bill, House, No. 4191) of David T. Vieira (by vote of the town) that the town of Mashpee be authorized to convey certain town owned conservation land to Mark and Donna Lopez. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act authorizing the town of Mashpee to convey certain town owned conservation land to Mark and Donna Lopez.

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 and pursuant to the provisions of Article 97 of the Amendments to the Constitution of
3 the Commonwealth of Massachusetts, and in recognition of the fact that the transfer of right, title
4 and interest in and to the below-described land by the Town of Mashpee will not derogate from
5 or otherwise impact the protections of Article 97 which limit and restrict the use of said property
6 to use for open space, conservation and passive recreation purposes, consistent with the
7 provisions of Massachusetts General Laws, Chapter 40, Section 8C and said Article 97, the
8 Selectmen and Conservation Commission of the Town of Mashpee are hereby authorized to
9 transfer and convey by sale or exchange a portion of that certain parcel of Town owned
10 conservation land designated on the Mashpee Assessors' Map 45 as Block 9-0, located at 127
11 Meeting House Rd. in Mashpee, Barnstable County, Massachusetts, consisting of Three and

12 Seventy Two One Hundredths (3.72 ac.) acres, more or less, as shown on the Plan of Land
13 originally dated April 13, 2017, as updated on April 29, 2019, prepared for Mark and Donna
14 Lopez by Cape & Islands Engineering (the “Plan”), and, in consideration of said transfer, the
15 Town shall be authorized to acquire title to a portion of that certain parcel of land designated on
16 Mashpee Assessors' Map 45 as Block 50-0, located at 103 Meeting House Rd. in Mashpee,
17 Barnstable County, Massachusetts, consisting of Three and Seventy Two One Hundredths (3.72
18 ac.) acres, more or less, as more specifically shown on said Plan by purchase from or exchange
19 with owners thereof for open space, conservation and passive recreation purposes, consistent
20 with the provisions of Mass. Gen. Laws. Ch. 40, Section 8C and Article 97 of the Amendments
21 to the Constitution of the Commonwealth of Massachusetts.

22 SECTION 2. No document or instrument conveying any interest in the subject property
23 described hereinabove shall be valid unless such document or instrument provides that the
24 interest in the land designated on Mashpee Assessors' Map 45 as Block 50-0, located at 103
25 Meeting House Rd. shall be held and maintained by the Town of Mashpee solely for open space,
26 conservation and passive recreation purposes, consistent with the provisions of Massachusetts
27 General Laws, Chapter 40, Section 8C and Article 97 of the Amendments to the Constitution of
28 the Commonwealth of Massachusetts.

29 SECTION 3. This act shall take effect upon passage.