

# SENATE . . . . . No. 2486

---

Senate, January 30, 2020 --Text of the Senate amendment (Senator Montigny) to the House Bill authorizing the town of Fairhaven to transfer an interest in certain park land (House, No. 4009).

---

## The Commonwealth of Massachusetts

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

1           SECTION 1. Notwithstanding any general or special law to the contrary, the town of  
2 Fairhaven, acting by and through the board of selectmen, may convey a parking, access and  
3 utility easement, or any lesser interest, for the purpose of creating low-income and moderate-  
4 income housing pursuant to chapter 30B, in that portion of Livesey park bounded and described  
5 as follows:

6           commencing at a point on the easterly sideline of Livesey parkway, and the southerly  
7 sideline of Morton street, thence turning and running;

8           S12°56'05"E, ten and no hundredths (10.00) feet along the sideline of said Livesey  
9 parkway, to the point of beginning; thence turning and running

10           N76°16'33"E, sixty nine and seventy hundredths (69.70) feet to a point; thence turning  
11 and running:

12           N12°03'14"W, fourteen and twenty nine hundredths (14.29) feet to a point; thence  
13 turning and running:

14 N64°31'53"E, twenty six and forty one hundredths (26.41) feet to a point; thence turning  
15 and running:

16 S14°36'26"E, two hundred eighty four and four hundredths (284.04) feet to a point;  
17 thence turning and running:

18 S76°07'22"W, one hundred four and no hundredths (104.00) feet to a point on the  
19 easterly sideline of Livesey street; thence turning and running along the sideline of said Livesey  
20 street:

21 N12°56'05"W, two hundred sixty four and sixty five hundredths (264.65) feet to the point  
22 of beginning.

23 The above described parcel contains an area of approximately 26,930 square feet or 0.618  
24 +/- acres, more or less, and is shown on the plan entitled "Oxford Residences Easement Plan"  
25 dated March 10, 2017 and prepared by CHA Consulting, Inc.

26 SECTION 2. In consideration for the conveyance authorized in section 1, to ensure a no-  
27 net-loss of lands protected for open space and recreation purposes, and as a condition of the  
28 conveyance authorized in section 1, the town of Fairhaven, acting by and through the board of  
29 selectmen, shall dedicate as replacement park land the property at 87 Main street appearing as  
30 Lot 50 on Fairhaven Assessors' Map 11, and more fully described in a deed recorded with the  
31 Bristol southern district registry of deeds in book 2934, page 9. The subject property was  
32 acquired by the town for non-payment of taxes under an instrument of taking dated December  
33 19, 1995, and recorded on January 4, 1996, with the Bristol southern district registry of deeds in  
34 book 3593, page 103 and a subsequent judgment in tax lien case entered November 27, 2013,

35 and recorded on January 6, 2014, with the Bristol southern district registry of deeds in book  
36 10987, page 180.

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