

# HOUSE . . . . . No. 4958

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Dylan A. Fernandes***

*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 transfer of Martha's Vineyard Land Bank Commission Land in Oak Bluffs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>6/17/2022</i>

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By Mr. Fernandes of Falmouth, a petition (subject to Joint Rule 12) of Dylan A. Fernandes for legislation to authorize the transfer of land granted to the Martha's Vineyard Land Bank Commission in the town of Oak Bluffs to the Massachusetts Department of Transportation. Municipalities and Regional Government.

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

An Act authorizing the transfer of Martha's Vineyard Land Bank Commission Land in Oak Bluffs.

*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, but subject  
2   to section 32 of chapter 7C of the General Laws, the Martha's Vineyard Land Bank Commission  
3   may transfer a portion of the land granted to the Martha's Vineyard Land Bank Commission by  
4   Quitclaim Deed dated December 13, 2013 from Main Street Trust, recorded with the Dukes  
5   County Registry of Deeds in Book 1337, Page 622 and a portion of the land granted to the  
6   Martha's Vineyard Land Bank Commission by Quitclaim Deed dated March 31, 2021 from W.  
7   Temple Jorden, recorded with the Dukes County Registry of Deeds in Book 1572, Page 1031, to  
8   the Department of Transportation in connection with the reconstruction of Beach Road in Oak  
9   Bluffs. The transfer of such land shall be subject to and completed in accordance with the  
10   requirements of this act.

(b) The lands to be transferred are shown as parcels 4-2, 4-3, 4-4, 4-PUE-5, 4-PUE-6, 4-TE-3, 4-TE-4, 4-TE-5, 4-TE-6 and 4-TE-7 on a plan entitled "Massachusetts Department of Transportation Plan of Land in the Town of Oak Bluffs, Dukes County Showing Location Of Easements Taken By The Massachusetts Department Of Transportation, Highway Division Scale: 20 Feet To The Inch (Except As Noted)" to be filed with the Chief Engineer of the Highway Division of the Massachusetts Department of Transportation, and to be recorded with the Dukes County Registry of Deeds.

Said lands to be transferred are located on the southerly line of Beach Road in Oak Bluffs and are more particularly described as follows:

PARCEL 4-2: A parcel of land supposed to be owned by Martha's Vineyard Land Bank Commission in the Town of Oak Bluffs, County of Dukes, comprising a portion of the October 26, 1954 (Layout No. 4216) State highway layout of Beach Road and bounded as follows: Northerly by the southerly location line of the aforesaid October 26, 1954 (Layout No. 4216) State highway layout of Beach Road about 327 feet; Easterly by the property line dividing land of said Martha's Vineyard Land Bank Commission and other land now or formerly of Martha's Vineyard Land Bank Commission about 8 feet; Southerly by remainder land of said Martha's Vineyard Land Bank Commission about 333 feet; containing about 1,171 square feet.

PARCEL 4-3: A parcel of land supposed to be owned by Martha's Vineyard Land Bank Commission in the Town of Oak Bluffs, County of Dukes, comprising a portion of the October 26, 1954 (Layout No. 4216) State highway layout of Beach Road and bounded as follows: Northerly by the southerly location line of the aforesaid October 26, 1954 (Layout No. 4216) State highway layout of Beach Road about 125 feet; Easterly by the property line dividing land

of said Martha's Vineyard Land Bank Commission and other land now or formerly of Martha's Vineyard Land Bank Commission about 8 feet; Southerly by remainder land of said Martha's Vineyard Land Bank Commission about 125 feet; Westerly by the property line dividing land of said Martha's Vineyard Land Bank Commission and other land now or formerly of Martha's Vineyard Land Bank Commission about 8 feet; containing about 1,045 square feet.

PARCEL 4-4: A parcel of land supposed to be owned by Martha's Vineyard Land Bank Commission in the Town of Oak Bluffs, County of Dukes, comprising a portion of the October 26, 1954 (Layout No. 4216) State highway layout of Beach Road and bounded as follows: Northerly by the southerly location line of the aforesaid October 26, 1954 (Layout No. 4216) State highway layout of Beach Road about 175 feet; Easterly by the property line dividing land of said Martha's Vineyard Land Bank Commission and land now or formerly of Owner Unknown about 8 feet; Southerly by remainder land of said Martha's Vineyard Land Bank Commission about 176 feet; Westerly by the property line dividing land of said Martha's Vineyard Land Bank Commission and other land of now or formerly of Martha's Vineyard Land Bank Commission about 8 feet; containing about 1,157 square feet.

PARCEL 4-PUE-5: A parcel of land supposed to be owned by Martha's Vineyard Land Bank Commission in the Town of Oak Bluffs, County of Dukes, on the southerly side of the October 26, 1954 (Layout No. 4216) State highway layout of Beach Road, adjoining the location line of the proposed 2021 State highway alteration of said Beach Road, bounded by the lines described as follows: Beginning at a point on the proposed 2021 State highway alteration of Beach Road, said point bearing S 33°27'53" E and being 28.44 feet distant from station 9+09.99 of the baseline location of the October 26, 1954 (Layout No. 4216) State highway layout of Beach Road, and extends thence, leaving said location line S 35°46'33" E 16.59 feet; thence N

54°13'26" E 6.00 feet; thence N 35°46'19" W 16.43 feet to a point, again on the location line of the proposed 2021 State highway alteration of Beach Road; thence, following said location line southwesterly by a curve to the right of 827.50 feet radius 6.00 feet to the point of beginning; containing about 99 square feet.

PARCEL 4-PUE-6: A parcel of land supposed to be owned by Martha's Vineyard Land Bank Commission in the Town of Oak Bluffs, County of Dukes, on the southerly side of the October 26, 1954 (Layout No. 4216) State highway layout of Beach Road, adjoining the location line of the proposed 2021 State highway alteration of said Beach Road, and bounded by the line described as follows: Beginning at a point on the proposed 2021 State highway alteration of Beach Road, said point bearing S 46°13'48" E and being 26.35 feet distant from station 10+24.55 of the baseline location of the October 26, 1954 (Layout No. 4216) State highway layout of Beach Road, and extends thence, leaving said location line S 41°55'58" E 16.47 feet; thence N 48°04'27" E 6.00 feet; thence N 41°55'33" W 16.54 feet to a point, again on the location line of the proposed 2021 State highway alteration of Beach Road; thence, following said location line southwesterly by a curve to the right of 827.50 feet radius 6.00 feet to the point of beginning; containing about 99 square feet.

Said lands also include the temporary right to use and occupy parcels 4-TE-3, 4-TE-4, 4-TE-5, 4-TE-6 and 4-TE-7, all as shown on the plan referenced above.

SECTION 2. To ensure a no-net loss of lands protected for Art. 97 purposes and as a condition of, and full compensation for, the transfer authorized in this act, and to compensate for the costs associated with the acquisition of protected lands for land bank purposes, the Massachusetts Department of Transportation shall compensate the Martha's Vineyard Land

78 Bank Commission in the amount of \$10,000 to be deposited into the Martha's Vineyard Land  
79 Bank Commission Trust to be used to acquire additional land bank property or to preserve  
80 existing land bank property. All parcels to be used temporarily for this construction project shall  
81 be restored to their condition prior to the construction project in order to protect the conservation  
82 values of the surrounding lands.

83 SECTION 3. The Massachusetts Department of Transportation shall assume all costs  
84 associated with engineering, surveys, appraisal, deed preparation and other expenses necessary to  
85 execute the conveyances authorized by this act.

86 SECTION 4. This act shall take effect upon its passage.