

HOUSE No. 4958

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>

HOUSE No. 4958

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.

The Commonwealth of Massachusetts

**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 Jordan, 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.

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

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

20 PARCEL 4-2: A parcel of land supposed to be owned by Martha’s Vineyard Land Bank
21 Commission in the Town of Oak Bluffs, County of Dukes, comprising a portion of the October
22 26, 1954 (Layout No. 4216) State highway layout of Beach Road and bounded as follows:
23 Northerly by the southerly location line of the aforesaid October 26, 1954 (Layout No. 4216)
24 State highway layout of Beach Road about 327 feet; Easterly by the property line dividing land
25 of said Martha’s Vineyard Land Bank Commission and other land now or formerly of Martha’s
26 Vineyard Land Bank Commission about 8 feet; Southerly by remainder land of said Martha’s
27 Vineyard Land Bank Commission about 333 feet; containing about 1,171 square feet.

28 PARCEL 4-3: A parcel of land supposed to be owned by Martha’s Vineyard Land Bank
29 Commission in the Town of Oak Bluffs, County of Dukes, comprising a portion of the October
30 26, 1954 (Layout No. 4216) State highway layout of Beach Road and bounded as follows:
31 Northerly by the southerly location line of the aforesaid October 26, 1954 (Layout No. 4216)
32 State highway layout of Beach Road about 125 feet; Easterly by the property line dividing land

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

38 PARCEL 4-4: A parcel of land supposed to be owned by Martha's Vineyard Land Bank
39 Commission in the Town of Oak Bluffs, County of Dukes, comprising a portion of the October
40 26, 1954 (Layout No. 4216) State highway layout of Beach Road and bounded as follows:
41 Northerly by the southerly location line of the aforesaid October 26, 1954 (Layout No. 4216)
42 State highway layout of Beach Road about 175 feet; Easterly by the property line dividing land
43 of said Martha's Vineyard Land Bank Commission and land now or formerly of Owner
44 Unknown about 8 feet; Southerly by remainder land of said Martha's Vineyard Land Bank
45 Commission about 176 feet; Westerly by the property line dividing land of said Martha's
46 Vineyard Land Bank Commission and other land of now or formerly of Martha's Vineyard Land
47 Bank Commission about 8 feet; containing about 1,157 square feet.

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

56 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
57 the proposed 2021 State highway alteration of Beach Road; thence, following said location line
58 southwesterly by a curve to the right of 827.50 feet radius 6.00 feet to the point of beginning;
59 containing about 99 square feet.

60 PARCEL 4-PUE-6: A parcel of land supposed to be owned by Martha's Vineyard Land
61 Bank Commission in the Town of Oak Bluffs, County of Dukes, on the southerly side of the
62 October 26, 1954 (Layout No. 4216) State highway layout of Beach Road, adjoining the location
63 line of the proposed 2021 State highway alteration of said Beach Road, and bounded by the line
64 described as follows: Beginning at a point on the proposed 2021 State highway alteration of
65 Beach Road, said point bearing S 46°13'48" E and being 26.35 feet distant from station 10+24.55
66 of the baseline location of the October 26, 1954 (Layout No. 4216) State highway layout of
67 Beach Road, and extends thence, leaving said location line S 41°55'58" E 16.47 feet; thence N
68 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
69 the proposed 2021 State highway alteration of Beach Road; thence, following said location line
70 southwesterly by a curve to the right of 827.50 feet radius 6.00 feet to the point of beginning;
71 containing about 99 square feet.

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

74 SECTION 2. To ensure a no-net loss of lands protected for Art. 97 purposes and as a
75 condition of, and full compensation for, the transfer authorized in this act, and to compensate for
76 the costs associated with the acquisition of protected lands for land bank purposes, the
77 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.