

# **HOUSE . . . . . No. 5049**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 20, 2022.

The committee on Ways and Means, to whom was referred the Bill authorizing the transfer of Martha's Vineyard Land Bank Commission Land in Oak Bluffs (House, No. 4958), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5049).

For the committee,

AARON MICHLEWITZ.

**HOUSE . . . . . No. 5049**

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**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, in accordance with the requirements of this act: (i) a portion of the land granted to  
4 the Martha’s Vineyard land bank commission by quitclaim deed dated December 13, 2013 from  
5 Main street trust, recorded with the Dukes county registry of deeds in book 1337, page 622; and  
6 (ii) a portion of the land granted to the Martha’s Vineyard land bank commission by quitclaim  
7 deed dated March 31, 2021 from W. Temple Jordan, recorded with the Dukes county registry of  
8 deeds in book 1572, page 1031, to the Massachusetts Department of Transportation in  
9 connection with the construction of Beach road in the town of Oak Bluffs, both of which were  
10 acquired by the land bank pursuant to section 5 of chapter 736 of the acts of 1985.

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 Road in the Town/City of Oak Bluffs Dukes County”, dated October 6,

14 2021, recorded with the Dukes county registry of deeds in book 19, page 88 and filed with the  
15 chief engineer of the highway division of the Massachusetts Department of Transportation.

16 (c) Said lands to be transferred pursuant to subsections (a) and (b) are located on the  
17 southerly line of Beach road in the town of Oak Bluffs and are more particularly described as  
18 follows:

19 (i) PARCEL 4-2: A parcel of land supposed to be owned by Martha's Vineyard land bank  
20 commission in the town of Oak Bluffs, Dukes county, comprising a portion of the October 26,  
21 1954 (Layout No. 4216) state highway layout of Beach road and bounded as follows: northerly  
22 by the southerly location line of the aforesaid October 26, 1954 (Layout No. 4216) state highway  
23 layout of Beach road about 327 feet; easterly by the property line dividing land of said Martha's  
24 Vineyard land bank commission and other land now or formerly of Martha's Vineyard land bank  
25 commission about 8 feet; southerly by remainder land of said Martha's Vineyard land bank  
26 commission about 333 feet; containing about 1,171 square feet.

27 (ii) PARCEL 4-3: A parcel of land supposed to be owned by Martha's Vineyard land  
28 bank commission in the town of Oak Bluffs, Dukes county, comprising a portion of the October  
29 26, 1954 (Layout No. 4216) state highway layout of Beach road and bounded as follows:  
30 northerly by the southerly location line of the aforesaid October 26, 1954 (Layout No. 4216)  
31 state highway layout of Beach road about 125 feet; easterly by the property line dividing land of  
32 said Martha's Vineyard land bank commission and other land now or formerly of Martha's  
33 Vineyard land bank commission about 8 feet; southerly by remainder land of said Martha's  
34 Vineyard land bank commission about 125 feet; westerly by the property line dividing land of

35 said Martha's Vineyard land bank commission and other land now or formerly of Martha's  
36 Vineyard land bank commission about 8 feet; containing about 1,045 square feet.

37 (iii) PARCEL 4-4: A parcel of land supposed to be owned by Martha's Vineyard land  
38 bank commission in the town of Oak Bluffs, Dukes county, comprising a portion of the October  
39 26, 1954 (Layout No. 4216) state highway layout of Beach road and bounded as follows:  
40 northerly by the southerly location line of the aforesaid October 26, 1954 (Layout No. 4216)  
41 state highway layout of Beach road about 175 feet; easterly by the property line dividing land of  
42 said Martha's Vineyard land bank commission and land now or formerly of Owner Unknown  
43 about 8 feet; southerly by remainder land of said Martha's Vineyard land bank commission about  
44 176 feet; easterly by the property line dividing land of said Martha's Vineyard land bank  
45 commission and other land of now or formerly of Martha's Vineyard land bank commission  
46 about 8 feet; containing about 1,157 square feet.

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

57 southwesterly by a curve to the right of 827.50 feet radius 6.00 feet to the point of beginning;  
58 containing about 99 square feet.

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

71 (d) Said lands to be transferred pursuant to subsection (a) and (b) also include the  
72 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  
73 shown on the plan referenced above. All parcels temporarily used for this construction project in  
74 connection with the construction of Beach road in the town of Oak Bluffs, shall be restored to  
75 their condition prior to the construction project in order to protect the conservation values of the  
76 surrounding lands.

77 SECTION 2. As a condition of, and full compensation for, the transfers authorized in this  
78 act, and to compensate for the costs associated with the acquisition of protected lands pursuant to

79 section 5 of chapter 736 of the acts of 1985 , the Massachusetts Department of Transportation  
80 shall compensate the Martha's Vineyard land bank commission in the amount of \$10,000 to be  
81 deposited into the Martha's Vineyard land bank commission trust to be used to acquire additional  
82 land bank property or to preserve existing land bank property pursuant to said section 5 of said  
83 chapter 736.

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

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