

HOUSE No. 04320

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas J. Calter and Thomas P. Kennedy

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 passage of the accompanying bill:

An Act authorizing the Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Halifax.

PETITION OF:

NAME:

Thomas J. Calter

DISTRICT/ADDRESS:

12th Plymouth

HOUSE No. 04320

By Representative Calter of Kingston and Senator Kennedy, a joint petition (subject to Joint Rule 12) of Thomas J. Calter (by vote of the town) relative to authorizing the Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Halifax. State Administration and Regulatory Oversight. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing the Commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land to the town of Halifax.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to transfer a certain parcel of land in the town of Halifax, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

□

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 sections 40E to 40J, inclusive, of chapter 7 of the General Laws or
2 any general or special law to the contrary, the commissioner of capital asset management and
3 maintenance, in consultation with the department of fish and game, may convey a certain parcel
4 of state-owned land in the town of Halifax to the town. The parcel contains approximately 17.65
5 acres, as shown on a plan entitled “Burrage Pond WMA – Elm Street Entrance, Halifax,
6 Proposed Conveyance,” a copy of which is on file at the department of fish and game and the

7 boundaries of which shall be agreed upon by the department of fish and game and the town of
8 Halifax; provided, however, that the department of fish and game shall retain no less than
9 seventy (70) feet of frontage on Elm Street for the purpose of public access to the Burrage Pond
10 Wildlife Management Area parking lot. The conveyance is made in consideration of a
11 settlement agreement for equitable relief in a complaint in Plymouth Superior Court, Docket
12 number CV2002-00557. The agreement was entered into between Northland Cranberries, Inc.,
13 the department of fisheries, wildlife and environmental law enforcement, now known as the
14 department of fish and game, and the town of Halifax in June, 2002. The exact boundaries of the
15 parcel shall be determined by the commissioner of capital asset management and maintenance in
16 consultation with the commissioner of the department of fish and game after completion of a
17 survey. The parcel shall be conveyed by deed without warranties or representations by the
18 commonwealth.

19 SECTION 2. Notwithstanding any general or special law to the contrary, the department of fish
20 and game shall be responsible for all costs and expenses of the transaction authorized in this act,
21 up to \$10,000, subject to appropriation. Such expenses shall include but not be limited to, the
22 costs of any engineering, surveys, title examinations, recording fees and deed preparation related
23 to the conveyance of the parcel and all costs, liabilities and expenses of any nature and kind for
24 its ownership. The town of Halifax shall acquire the property thereon in its present condition.

25 SECTION 3. Notwithstanding any general or special law to the contrary, the town of Halifax
26 and the commissioners of capital asset management and maintenance and fish and game shall
27 take all actions they deem necessary or advisable in their sole discretion to carry out the
28 conveyance as set forth in this act, including, without limitation, the execution of any and all
29 documents relative thereto.