

SENATE No. 02250

Senate, May 3, 2012 -- Recommended new draft from the Senate committee on Ways and Means for the Senate Bill authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the city of Worcester (Senate, No. 2029)

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the city of Worcester.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize the Massachusetts Department of Transportation to acquire certain parcels of land in the city of Worcester to facilitate bridge construction, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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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
2 laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the commissioner of conservation and
4 recreation, may convey to the Massachusetts Department of Transportation certain parcels of
5 land in the city of Worcester described in section 2. The parcels shall be diverted from their
6 present use as conservation and recreation land to a highway use.

7 SECTION 2. The parcels referenced in section 1 are as follows, subject to verification
8 and approval by the commissioner of capital asset management and maintenance:

9 Parcel 61-1: A parcel of land dedicated to conservation and recreation use owned by the
10 commonwealth, under the care and control of the department of conservation and recreation,
11 adjoining the northerly sideline of the City Layout of Belmont Street (Route 9) and bounded as
12 follows: Beginning on the northerly line of said City Layout at the southwesterly corner of the
13 parcel hereinafter described; thence continuing along said City Layout northeasterly a distance of
14 about 39.9 feet to the southeasterly corner of the property supposed to be owned by the
15 Commonwealth of Massachusetts, under the care and control of the department of conservation
16 and recreation; thence continuing along the easterly sideline of said property along a curve to the
17 left with a radius of about 56.6 feet, a distance of about 24.2 feet; thence leaving said sideline
18 and continuing northwesterly a distance of about 53.8 feet; thence southeasterly a distance of
19 about 25.3 feet to the point of beginning. The parcel contains about 1,095 square feet;

20 Parcel 61-3-C: A parcel of land dedicated to conservation and recreation use owned by
21 the commonwealth, under the care and control of the department of conservation and recreation,
22 adjoining the easterly sideline of the City Layout of Lake Avenue North and bounded as follows:
23 Beginning on the easterly line of said City Layout at the northwesterly corner of the parcel
24 hereinafter described; thence southeasterly a distance of about 3.0 feet; thence southwesterly a
25 distance of about 29.0 feet; thence along a curve to the left having a radius of about 47.0 feet, a
26 distance of about 66.3 feet to a point on the northerly sideline of the City Layout of Belmont
27 Street (Route 9); thence continuing southwesterly along said City Layout a distance of about
28 61.0 feet to a point on the easterly sideline of the City Layout of Lake Avenue North; thence

29 continuing northeasterly along said City Layout a distance of about 86.3 feet to the point of
30 beginning. The parcel contains about 1,252 square feet;

31 Parcel 61-WD-1: A parcel of land dedicated to conservation and recreation use owned by
32 the Commonwealth of Massachusetts, under the care and control of the department of
33 conservation and recreation, adjoining the northerly sideline of the City Layout of Belmont
34 Street (Route 9) and bounded as follows: Beginning on the northerly line of said City Layout at
35 the southwesterly corner of the parcel hereinafter described; thence northwesterly a distance of
36 about 34.5 feet; thence northeasterly a distance of about 46.1 feet; thence southeasterly a distance
37 of about 60.2 feet; thence southeasterly a distance of about 25.3 feet to a point on the northerly
38 sideline of the City Layout of Belmont Street (Route 9); thence continuing southwesterly a
39 distance of about 105.9 feet to the point of beginning. The parcel contains about 3,222 square
40 feet.

41 SECTION 3. The parcels of land described in section 2 are shown on a plan entitled
42 "Massachusetts Department of Transportation Highway Division Proposed Bridge Replacement
43 Project For Route 9 Over Lake Quinsigamond Bridge No. S-14-001=W-44-018 In The Town Of
44 Shrewsbury/Worcester Worcester County" By Transystems, 38 Chauncy Street, Suite 200,
45 Boston, MA 02111, revised 2/13/2012, Plan Sheets 12-13 of 21. This plan is on file with the
46 Chief Engineer of the Highway Division of the Massachusetts Department of Transportation.
47 The parcels of land are a portion of real estate taken in fee under chapter 79 of the General Laws
48 by the commonwealth, acting through the commissioner of natural resources, the predecessor-in-
49 interest to the department of conservation and recreation, by instrument dated April 23, 1956 and
50 recorded with Worcester district registry of deeds, book 3770, pages 28 and 29, and shown on a
51 plan recorded with Worcester district registry of deeds, plan cook 215, plan 36. Said parcels are a

52 portion of Lot 2 delineated as “City of Worcester” containing 5.93 acres on plan book 215, plan
53 36. Notwithstanding the description of the parcels in section 2, the commissioner of capital asset
54 management and maintenance may verify and approve the exact boundaries of the parcels.

55 SECTION 4. The Massachusetts Department of Transportation may acquire, by purchase
56 or otherwise, certain parcels of land in the city of Worcester as described in section 5 from the
57 commonwealth, University of Massachusetts (UMASS). The parcels shall be diverted from their
58 present use for higher education purposes to highway purposes.

59 SECTION 5. The parcels referenced in section 4 are as follows:

60 Parcel 61-2-C: A parcel of land dedicated to a higher education use supposed to be
61 owned by the commonwealth, UMASS, adjoining the northerly sideline of the City Layout of
62 Belmont Street, (Route 9) and bounded as follows: Beginning on the northerly sideline of said
63 City Layout at the southwesterly corner of the parcel hereinafter described; thence northwesterly
64 a distance of about 7.6 feet along the westerly sideline of the property supposed to be owned by
65 the Commonwealth of Massachusetts UMASS; thence northeasterly a distance of about 143.9
66 feet; thence continuing northeasterly a distance of about 114.5 feet; thence continuing
67 northwesterly a distance of about 12.0 feet; thence continuing northeasterly a distance of about
68 50.9 feet to a point on the westerly sideline of the City Layout of Lake Avenue North; thence
69 southwesterly along said City Layout a distance of about 21.4 feet to a point on the northerly
70 sideline of the City Layout of Belmont Street (Route 9); thence leaving the City Layout of Lake
71 Avenue North and continuing southwesterly along the City Layout of Belmont Street (Route 9) a
72 distance of about 300.3 feet to the point of beginning. The parcel contains about 2,834 square
73 feet;

74 Parcel 61-W-GR-1-C: A parcel of land dedicated to a higher education use supposed to
75 be owned by the commonwealth, UMASS, adjoining the northerly sideline the aforementioned
76 Parcel 61-2-C and bounded as follows: Beginning at a point on the northerly sideline of Parcel
77 61-2-C at the southwesterly corner of the parcel hereinafter described; thence northeasterly a
78 distance of about 33.2 feet; thence continuing northeasterly a distance of about 40.4 feet; thence
79 continuing northeasterly a distance of about 21.5 feet; thence continuing northeasterly a distance
80 of about 21.3 feet to a point along the northerly sideline of said Parcel 61-2-C; thence continuing
81 southwesterly along the sideline of said Parcel 61-2-C a distance of about 12.0 feet; thence
82 continuing southwesterly along said sideline a distance of about 114.5 feet to the point of
83 beginning. The parcel contains about 988 square feet.

84 SECTION 6. The parcels of land described in section 5 are shown on a plan entitled
85 "Massachusetts Department Of Transportation Highway Division Proposed Bridge Replacement
86 Project For Route 9 Over Lake Quinsigamond Bridge No. S-14-001=W-44-018 In The Town Of
87 Shrewsbury/Worcester Worcester County" by TranSystems, 38 Chauncy Street, Suite 200,
88 Boston, MA 02111, revised 2/13/2012, Plan Sheets 11-12 of 21. The plan is on file with the chief
89 engineer of the highway division of the Massachusetts Department of Transportation. The
90 parcels of land are a portion of real estate taken in fee pursuant to the chapter 79 of the General
91 Laws by the commonwealth, acting through the trustees of the University of Massachusetts by
92 instrument dated November 17, 1967 and recorded with Worcester district registry of deeds,
93 book 4810, page 22 and shown on plan recorded with Worcester district registry of deeds, plan
94 book 313, plan 42.