

SENATE No. 02385

The committee on Ways and Means, to whom was referred the Senate bill authorizing the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale (Senate, No. 2343); reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2385).

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to provide forthwith for the acquisition of a certain parcel of land by the Massachusetts Department of Transportation from the division of fisheries and wildlife to facilitate the reconstruction of a bridge in the town of Hinsdale, 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. (a) Notwithstanding any general or special law to the contrary, the
2 Massachusetts Department of Transportation may acquire by purchase or otherwise a certain
3 parcel of land in the town of Hinsdale which is shown as Parcel “1-3” on the plan described in
4 subsection (b) from the division of capital asset management and maintenance, in consultation

5 with the division of fisheries and wildlife. Once acquired, the parcel shall be diverted from its
6 present use as a reserve for the protection of wildlife and habitat and for conservation and
7 recreation purposes to a highway use for the reconstruction of a bridge over the CSX railroad
8 tracks on Washington road in the town of Hinsdale.

9 (b) The parcel referenced in subsection (a) is bounded and described as follows:

10 a certain parcel in the town of Hinsdale dedicated to use as a nature reserve owned by the
11 division of fisheries and wildlife and shown as Parcel "1-3" on a plan entitled "Plan and Profile
12 of Route 8, Bridge No. H-16-014, in the Town of Hinsdale, Berkshire County, Preliminary Right
13 of Way Plan, sheets 1-8, prepared by Beta, Inc. dated May 26, 2011 and revised on September
14 22, 2011, September 28, 2011 and October 12, 2011", a copy of which is on file with the
15 Massachusetts Department of Transportation and further bounded and described as follows:
16 Beginning at a point on the westerly location line of the August 31, 1926 State highway layout of
17 North Washington Road (Route 8) at N 2984369.1605, E 220751.9133, said point bearing N
18 45°26'59" W and being 30.00 feet distant from station 123+75.76 of the 1926 baseline of said
19 location line; Thence, leaving said location line S 50°31'15" W 30.62 feet to a point bearing N
20 45°26'59" W and 33.18 feet distant from station 124+06.21; Thence by a curve to the right of
21 1186.00 feet radius 120.86 feet to a point bearing N 45°26'59" W and 51.85 feet distant from
22 station 125+25.57; Thence by a curve to the left of 630.00 feet radius 180.64 feet to a point
23 bearing N 14°33'14" W and 108.14 feet distant from station 127+63.46; Thence S 83°27'10" W
24 37.57 feet to a point bearing N 32°43'12" W and 119.32 feet distant from said station; Thence
25 southeasterly about 102 feet to the point of ending thereof, again on the westerly location line of
26 the aforesaid 1926 State highway layout; Thence about 396 feet along the westerly location line

27 of the aforesaid 1926 State highway layout; Thence about 396 feet along the westerly location
28 line of the aforesaid 1926 State highway layout to the point of beginning.

29 SECTION 2. (a) Notwithstanding any general or special law to the contrary, the
30 Massachusetts Department of Transportation, in consideration of its acquisition of the land under
31 section 1, shall convey a portion of a certain parcel of land in the town of Hinsdale dedicated to
32 highway use which is shown as Parcel “1-LT-1” on the plan described in said section 1 to the
33 division of fisheries and wildlife for use as a reserve for the preservation and protection of
34 wildlife and habitat and for conservation and recreation purposes.

35 (b) The referenced in subsection (a) is bounded and described as follows:

36 a certain parcel in the town of Hinsdale dedicated to highway use which is owned by the
37 Massachusetts Department of Transportation and shown as Parcel 1-LT-1 on a plan entitled
38 “Plan and Profile of Route 8, Bridge No. H-16-014, in the Town of Hinsdale, Berkshire County,
39 Preliminary Right of Way Plan, sheets 1-8, prepared by Beta, Inc. dated May 26, 2011 and
40 revised on September 22, 2011, September 28, 2011 and October 12, 2011”, a copy of which is
41 on file with the Massachusetts Department of Transportation and further bounded and described
42 as follows: Beginning at a point on the easterly location line of the August 31, 1926 State
43 highway layout of North Washington Road (Route 8) at N 2984274.9217, E 220743.3369, said
44 point bearing S 45°26’59”E and being 30.00 feet distant from station 124+48.93 of the 1926
45 baseline of said location line; Thence leaving said location line southwesterly by a curve to the
46 right of 150.00 feet radius 43.74 feet to a point bearing S 45°26’59” E and 23.67 feet distant
47 from station 124+92.06; Thence still southwesterly by a curve to the left of 565.00 feet radius
48 298.17 feet to a point bearing N 61°04’49” W and 20.62 feet distant from station 127+84.59;

49 Thence S 17°10'50" E 70.25 feet to the point of ending thereof, again on the easterly location
50 line of the aforesaid 1926 State highway layout, also being on the southeasterly location line of
51 the aforesaid 1931 State highway layout (Layout No. 2787) at N 2983977.3002, E 220516.8142,
52 said point bearing S 61°04'49" E and being 30.00 feet distant from station 128+33.31 of the
53 1931 baseline of location (Layout No. 2787); Thence about 376 feet along the easterly location
54 line of the aforesaid 1926 State highway layout to the point of beginning.

55 SECTION 3. Notwithstanding any general or special law to the contrary, prior to the
56 conveyance authorized in section 1 and in further consideration of that conveyance, SPS New
57 England, Inc. shall convey or cause to be conveyed a certain parcel of land, totaling 10.5 acres
58 located at South street, Lot 4, in the town of Hinsdale, to the commonwealth to be held by
59 division of fisheries and wildlife for conservation and recreation purposes. The parcel is
60 identified in the town of Hinsdale site map and assessors record as Map 107, Lot 4 and is
61 described in a deed recorded in the central Berkshire registry of deeds in Book 751, Page 377.

62 SECTION 4. The commissioner shall, 30 days before the execution of any conveyance
63 authorized by this act, or any subsequent amendment thereto, submit the proposed conveyance or
64 amendment and a report thereon to the inspector general for review and comment. The inspector
65 general shall issue such review and comment within 15 days after receipt of the proposed
66 conveyance or amendment. The commissioner shall submit the proposed conveyance or
67 amendment and the reports and the comments of the inspector general to the house and senate
68 committees on ways and means and the joint committee on state administration and regulatory
69 oversight at least 15 days before execution of the conveyance.