

**HOUSE . . . . . No. 4364**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Keiko M. Orrall***

*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 releasing certain land in Berkley from the operation of an agricultural preservation restriction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>

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By Mrs. Orrall of Lakeville, a petition (subject to Joint Rule 12) of Keiko M. Orrall, Michael J. Rodrigues and Carole A. Fiola for legislation to authorize the commissioner of Capital Asset Management and Maintenance to release certain land in the town of Berkley from the operation of an agricultural preservation restriction. State Administration and Regulatory Oversight.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act releasing certain land in Berkley from the operation of an agricultural preservation restriction.

*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 any general or special law to the contrary, but subject to  
2 section 32 of chapter 7C and section 32 of chapter 184 of the General Laws, the commissioner of  
3 capital asset management and maintenance, in consultation with the commissioner of agricultural  
4 resources, may execute a certificate of release for a portion of a certain parcel of land in Berkley  
5 subject to an agricultural preservation restriction and right of first refusal held by the  
6 commonwealth, acting through the Massachusetts department of agricultural resources, on land  
7 owned currently by Robert A. Chamberlain, Trustee of the Elmer A. Chamberlain Revocable  
8 Trust. Title was acquired by a Personal Representative Deed recorded in Book 23381, Page 182  
9 at the Taunton Registry of Deeds. The agricultural preservation restriction is recorded at the  
10 Bristol Fall River registry of deeds in Book 2093, Page 269. The right of first refusal is recorded  
11 at the Bristol Fall River Registry of Deeds in Book 2093, Page 281.

12           The portion of the land to be released from the agricultural preservation restriction and  
13 right of first refusal is a parcel containing approximately 1 acre and is shown as 12 Friend Street,  
14 Assessor Map 14, Lot 3, on a plan entitled “Land Owned by Elmer A. Chamberlain, Robert  
15 Chamberlain & Jacqueline Chamberlain in Berkley, Massachusetts” prepared by E. Otis Dyer,  
16 dated May 5, 2014, which shall be recorded at the Taunton Registry of Deeds and the Bristol Fall  
17 River Registry of Deeds. The following more particularly described shall replace the current  
18 property descriptions (Exhibit A’s) set forth as Exception (A) of Parcel One of the recorded  
19 agricultural preservation restriction and right of first refusal:

20           A.       Beginning at a spike in the northeasterly corner of land owned by Robert  
21 Chamberlain and Jacqueline Chamberlain, described as 12 Friend Street, Assessor Map 14, Lot  
22 3; and lying in the southerly line of Friend Street; thence S 82°46’37” E 86.00 feet bounded by  
23 the said line of Friend Street; thence by the following five courses across “Town Line Farm”, so-  
24 called: S 45°26’33” W 375.00 feet, S 34°28’18” E 128.35 feet, S 55°31’42” W 50.00 feet, N  
25 43°37’36”W 368.54 feet, and N 39°10’05” 20.00 feet to the southwesterly corner of the first  
26 mentioned Chamberlain land, North 39°-10-05’ West, 259.20 feet to a corner in the aforesaid,  
27 line of Friend Street; thence in said street line, thence S 54-59’-53”E” 94.20’, thence N 82-01’-  
28 55” E 152.71’ to the point of beginning.

29           In addition, “Parcel Two” as described in the Exhibit A to the agricultural preservation  
30 restriction and right of first refusal and “Parcel Six” as described in the Exhibit A to the right of  
31 first refusal shall be stricken and removed from the Exhibit A to the agricultural preservation and  
32 right of first refusal, as said parcels were originally included erroneously and by inadvertence.

33           Section 2. As a condition precedent to the release authorized in section 1, an updated  
34 appraisal shall be obtained of the current fair market value of the parcel subject to release. Said  
35 appraisal shall conform to the appraisal standards of the department and be satisfactory to the  
36 department and the commissioner of capital asset management and maintenance. If an updated  
37 appraisal cannot be obtained, the department may determine the fair market value in a manner  
38 satisfactory to the commissioner of capital asset management and maintenance.

39           Section 3. If the current fair market value of the release parcel as determined under  
40 section 2 is greater than the current agricultural fair market value, the current owner shall pay the  
41 difference to the department of agricultural resources to be used to acquire new agricultural  
42 preservation restrictions, pursuant to the rules and guidelines of the department.

43           Section 4. Except as amended by this act, the original agricultural preservation  
44 restriction and right of first refusal shall remain in full force and effect.