

**SENATE . . . . . No. 02343**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Benjamin B. Downing*

*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 Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Benjamin B. Downing*

*Berkshire, Hampshire, and Franklin*

*Paul W. Mark*

*2nd Berkshire*

# SENATE . . . . . No. 02343

By Mr. Downing, a petition (subject to Joint Rule 12) (accompanied by bill, Senate, No. [BILL NUMBER]) of Benjamin B. Downing and Paul W. Mark for legislation to authorize the Massachusetts Department of Transportation to acquire a parcel of land in the town of Hinsdale. Rules of the two branches, acting concurrently.

## 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 [Emergency Preamble Text]

[Emergency Preamble Context].

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Whereas, the deferred operation of this act would tend to defeat its purpose, which is to  
2 forthwith provide for the acquisition of a certain parcel of land by the Massachusetts Department  
3 of Transportation from the division of fisheries and wildlife to facilitate the reconstruction of a  
4 bridge in the town of Hinsdale, therefore it is, hereby, declared to be an emergency law,  
5 necessary for the immediate preservation of the public convenience.

6 SECTION 1. (a) Notwithstanding any general or special law to the contrary, the  
7 Massachusetts Department of Transportation may acquire by purchase or otherwise a certain  
8 parcel of land in the town of Hinsdale which is shown as Parcel “1-3” on the plan described in  
9 subsection (b) from the division of fisheries and wildlife. Once acquired, the parcel shall be  
10 diverted from its present use as a reserve for the protection of wildlife and habitat and for  
11 conservation and recreation purposes to a highway use for the reconstruction of a bridge over the  
12 CSX railroad tracks on Washington road in the town of Hinsdale.

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

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

28 station 127+63.46; Thence S 83°27'10" W 37.57 feet to a point bearing N 32°43'12" W and  
29 119.32 feet distant from said station; Thence southeasterly about 102 feet to the point of ending  
30 thereof, again on the westerly location line of the aforesaid 1926 State highway layout; Thence  
31 about 396 feet along the westerly location line of the aforesaid 1926 State highway layout;  
32 Thence about 396 feet along the westerly location line of the aforesaid 1926 State highway  
33 layout to the point of beginning.

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

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

41 a certain parcel in the town of Hinsdale dedicated to highway use which is owned by the  
42 Massachusetts Department of Transportation and shown as Parcel 1-LT-1  
43 on a plan entitled "Plan and Profile of Route 8, Bridge No. H-16-014, in the Town of Hinsdale,  
44 Berkshire County, Preliminary Right of Way Plan, sheets 1-8, prepared by Beta, Inc. dated May  
45 26, 2011 and revised on September 22, 2011, September 28, 2011 and October 12, 2011", a copy  
46 of which is on file with the Massachusetts department of Transportation and further bounded and  
47 described as follows: Beginning at a point on the easterly location line of the August 31, 1926  
48 State highway layout of North Washington Road (Route 8) at N 2984274.9217, E 220743.3369,  
49 said point bearing S 45°26'59"E and being 30.00 feet distant from station 124+48.93 of the 1926

50 baseline of said location line; Thence leaving said location line southwesterly by a curve to the  
51 right of 150.00 feet radius 43.74 feet to a point bearing S 45°26'59" E and 23.67 feet distant  
52 from station 124+92.06; Thence still southwesterly by a curve to the left of 565.00 feet radius  
53 298.17 feet to a point bearing N 61°04'49" W and 20.62 feet distant from station 127+84.59;  
54 Thence S 17°10'50" E 70.25 feet to the point of ending thereof, again on the easterly location  
55 line of the aforesaid 1926 State highway layout, also being on the southeasterly location line of  
56 the aforesaid 1931 State highway layout (Layout No. 2787) at N 2983977.3002, E 220516.8142,  
57 said point bearing S 61°04'49" E and being 30.00 feet distant from station 128+33.31 of the  
58 1931 baseline of location (Layout No. 2787); Thence about 376 feet along the easterly location  
59 line of the aforesaid 1926 State highway layout to the point of beginning.

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