

ACTS, 1985. – Chap. 327.

consultation with the department of environmental management, is hereby authorized to grant to The Villages Development Company, Inc. its successors, assigns, and all others who may be lawfully entitled, a permanent easement approved as to form by the attorney general, on a parcel of land in the town of Brewster acquired by the department of environmental management in nineteen hundred and seventy-eight for conservation and recreation purposes. Said easement shall be for a roadway to be built over said parcel, to be used as ways are commonly used in said town, and for the laying out and maintenance of utility pipes, wires and conductors for the transmission of water, electricity, cable or telephone communications under the property of the commonwealth, described as follows:

Commencing at a point in common with the property lines of lands of the Commonwealth of Massachusetts, Stephen T. Hopkins and The Villages Development Company, being the southeast corner of the herein described parcel and the point of beginning;

Thence, S 49° 20' 48" W, 100 feet to a corner;

Thence, N 29° 34' 06" W, 84.07 feet to a corner;

Thence, N 49° 20' 48" E, 100 feet to a corner;

Thence, S 29° 34' 06" E, 84.07 feet to a point of beginning.

Containing 8250 square feet, more or less, and being shown on a plan of land entitled "Plan Showing a Portion of Cape Cod Rail Trail" prepared for: "The Villages Development Co." 1" = 40' dated 30 August, 1984, by Nickerson & Berger, Inc., Registered Land Surveyor and P.E., Orleans, Mass.

SECTION 2. In consideration for the conveyance provided for in section one, The Villages Development Company, Inc. shall pay fair market value for the easement as determined by an independent appraisal process, arranged and paid for by said company and approved by the department, or shall make an exchange in land of equal value. In further consideration, The Villages Development Company, Inc. shall construct the roadway referred to in said section one over the existing grade of the easement hereby authorized and shall construct an underpass to said roadway to allow unobstructed passage of bicycles, pedestrians and horses. Construction of the underpass shall be done according to plans and specifications approved by and prepared at no expense to the department of environmental management, and all costs, assessments, taxes or charges generated in connection with the construction, maintenance or use of the roadway or underpass shall be borne by The Villages Development Company, Inc. Further, construction of said roadway and underpass, as well as, installation of the pipes, wires and conductors provided for in said section one, shall be done so that material interruption in public use of the Cape Cod Rail Trail is avoided, wherefore The Villages Development Company, Inc. shall establish a schedule of construction to ensure such avoidance. The terms and conditions of the easements hereby authorized shall be set out in an instrument to be recorded in the registry of deeds in the county of Barnstable.

Approved October 4, 1985.