

# SENATE . . . . . No. 2204

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## The Commonwealth of Massachusetts

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SENATE, JUNE 26, 1984.

The committee on Ways and Means, to whom was committed the Senate Bill authorizing the Division of Capital Planning and Operations to convey certain land in the town of Harwich to Geno C. Capozzi (Senate, No. 2063), reports recommending that the same ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2204).

For the Committee

ANNA P. BUCKLEY

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-four.

### AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO CONVEY CERTAIN LAND IN THE TOWN OF HARWICH TO GENO C. CAPOZZI.

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

1 The deputy commissioner of the division of capital planning  
2 and operations, acting for and on behalf of the Commonwealth,  
3 is hereby authorized to convey to Geno C. Capozzi, by deed  
4 approved as to form by the attorney general, a certain parcel  
5 of land adjacent to the Cape Cod Rail Trail, so called, in Har-  
6 wich. Said parcel comprising 7,124 square feet is located north-  
7 erly of the intersection of said Cape Cod Rail Trail and Plea-  
8 sant Lake Avenue, and is bounded and described as follows:

9 Starting at a point which is at the southwest corner of the  
10 herein described parcel, said point being  $N44^{\circ} 08' 10''W$  a  
11 distance of 128.33 feet from a concrete bound marking the  
12 northeast corner of the intersection of Pleasant Lake Avenue  
13 and the Cape Cod Rail Trail (formerly known as the Old Colony  
14 Railroad right-of-way);

15 thence, running by a curve to the left with a radius of 1,868.83  
16 feet, an arc distance of 96.00 feet;

17 thence, running  $N44^{\circ} 44' 31''E$ , a distance of 69.24 feet;

18 thence, running by a curve to the left with a radius of 1,918.08  
19 feet, an arc distance of 192.93 feet;

20 thence, running  $N44^{\circ} 08' 10''W$ , a distance of 66.38 feet to the  
21 point of beginning;

22 Said herein described parcel of land is shown as Lot 2 on a  
23 plan of land entitled, "Plan of Land in Harwich, Mass., as  
24 Prepared for Geno C. Capozzi", dated April 12, 1983, and on  
25 file with the Department of Environmental Management.

26 The consideration to be paid for said parcel is to be deter-  
27 mined by the average of two independent appraisals conducted  
28 by appraisers chosen by the department of environmental  
29 management. In lieu of payment of such amount, said land  
30 may be conveyed in consideration of said Geno C. Capozzi con-

31 veying certain land of equal value, as determined and approv-  
32 ed by the commissioner of environmental management, to said  
33 department in the name of the Commonwealth; provided  
34 however, that such exchange is determined, by said deputy  
35 commissioner of the division of capital planning and opera-  
36 tions and said commissioner of the department of environmen-  
37 tal management to be in the best interests of the Com-  
38 monwealth. Said values for such exchange are to be determin-  
39 ed by the average of two independent appraisals conducted  
40 by appraisers chosen by the department of environmental  
41 management.

42 In addition to the foregoing, said conveyance shall be sub-  
43 ject to any terms or conditions deemed by the division of  
44 capital planning and operations and the department of en-  
45 vironmental management to be necessary to protect the in-  
46 terests of the Commonwealth.

