

HOUSE No. 6902

The Commonwealth of Massachusetts



MICHAEL S. DUKAKIS
GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

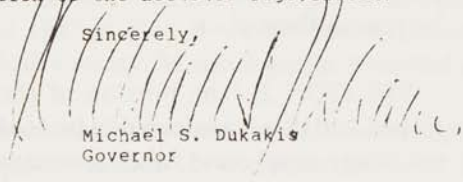
December 8, 1983

To the Honorable Senate and House of Representatives:

At the request of the Board of Selectmen of the Town of Millis, I am submitting for your consideration the attached legislative proposal, entitled "An Act Providing For The Relocation Of Part Of A Right Of Way For Public Access To South End Pond In The Town Of Millis", pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments of the Constitution as amended by Article LXXXIX.

In 1981 the Annual Town Meeting in Millis authorized the Board of Selectmen to seek legislation that would revise the right of way for public access to Southend Pond; however this objective was not carried out. Over the last two years certain events, including the recommendation of the Department of Environmental Quality Engineering that two of the three wells currently operating in Millis should be closed due to continuation, have occurred which necessitate the construction of a new well. This project may only be accomplished if legislation is enacted allowing relocation of the percent access road to Southend Pond. Since an emergency water situation currently exists in the Town of Millis I recommend your favorable consideration of the attached legislation.

Sincerely,


Michael S. Dukakis
Governor

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE RELOCATION OF PART OF A RIGHT OF WAY FOR PUBLIC ACCESS TO SOUTH END POND IN THE TOWN OF MILLIS.

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. The county commissioners of Norfolk county are
2 hereby authorized and directed to relocate a part of a right of way
3 for public access to South End Pond in the town of Millis, and to
4 abandon and transfer title to the Town of Millis of the discon-
5 tinued right of way, all in accordance with Chapter 310 of the Acts
6 and Resolves of the General Court for the year 1952. If it is
7 necessary to acquire land for the purpose of laying out such right
8 of way, said county commissioners shall at the time such right of
9 way is laid out take such land by eminent domain under chapter
10 seventy-nine of the General Laws. Any person sustaining damages
11 in his property by the laying out of such right of way, or by specific
12 repairs or improvements thereon, shall be entitled to recover the
13 same from the Commonwealth of Massachusetts under said chap-
14 ter seventy-nine; provided, that the right to recover damages, if
15 any, by reason of the laying out of such right of way, shall vest
16 upon the recording of the order of taking by said county commis-
17 sioners and that no entry or possession for the purpose of con-
18 structing a public way on land so taken shall be required for the
19 purpose of validating such taking or for the payment of damages
20 by reason thereof.

1 SECTION 2. The portion of the right of way to be discon-
2 tinued and title transferred in fee to the Town of Millis for municipi-
3 pal water supply and other municipal purposes shall be bounded
4 and described as follows:

5 Beginning at a point in the northerly line of a right of way to
6 South End Pond in the town of Millis as now laid out by the
7 Norfolk County Commissioners and being opposite station 18+48.10

8 of said layout; thence N-86°-53'-40"-E a distance of 157.00 feet to a
9 stone bound; thence by a curve to the left with a radius of 120.00
10 feet a distance of 89.52 feet to a stone bound; thence N-44°-09'-00"-
11 E a distance of 38.00 feet, more or less, to South End Pond, the last
12 three courses being in the northerly line of the aforesaid County
13 Commissioners' layout; thence southeasterly a distance of 184.00
14 feet, more or less, by South End Pond to a point; thence S-44°-09'-
15 -00"-W a distance of 115.00 feet, more or less, to a stone bound;
16 thence by a curve to the right with a radius of 40.00 feet a distance
17 of 62.83 feet to a stone bound; thence N-45°-51'-00"-W a distance
18 of 55.26 feet to a stone bound; thence by a curve to the left with a
19 radius of 120.00 feet a distance of 98.97 feet to a stone bound;
20 thence S-86°-53'-40"-W a distance of 148.32 feet to a point, the last
21 five courses being in the southerly line of the aforesaid County
22 Commissioners' layout; thence N-3°-06'-20"-W a distance of 40.00
23 feet to the point of beginning. Being the easterly portion of the
24 right of way to the South End Pond as laid out by the Norfolk
25 County Commissioners by their Return and Order dated Sep-
26 tember 22, 1953, recorded in the Norfolk Registry of Deeds on
27 October 5, 1953 in Book 3206, Page 501 and plans numbered 1355
28 to 1357 inclusive of 1953 in Plan Book 181 and contains 30,540
29 S.F., more or less.

30 The relocated portion of the right of way to be used for public
31 access to South End Pond shall be bounded and described as
32 follows:

33 A certain parcel of vacant land situated on the northerly side of
34 the right of way to South End Pond as laid out by the Norfolk
35 County Commissioners by their Return and Order dated Sep-
36 tember 22, 1953, recorded in the Norfolk Registry of Deeds on
37 October 5, 1953 in Book 3206, Page 501 and plans numbered
38 1355 to 1357 inclusive of 1953 in Plan Book 181 and adjacent to
39 said pond in Millis, Norfolk County, Massachusetts, bounded and
40 described as follows:

41 Beginning at a point in the northerly line of the aforesaid right of
42 way, said point being opposite station 18+48.10; thence S-86°-53'-
43 40"-W a distance of 58.67 feet to a point in said northerly line;
44 thence N-39°-26'-12"-W a distance of 190.87 feet to a drill hole in a
45 concrete bound; thence N-20°-44'-55"-W a distance of 141.14 feet
46 to a drill hole in a stone wall; thence N-75°-00'-24"-W a distance of

47 45.20 feet along a stone wall to a drill hole at the intersection of
48 two walls, the last three courses are by land of Rosenfeld; thence
49 N-66°-31'-14"-E a distance of 244.02 feet to a steel survey marker;
50 thence continuing along the same course a distance of 80 feet, more
51 or less, to South End Pond, the last two courses are by land of
52 Constable; thence southeasterly a distance of 230 feet, more or
53 less, by South End Pond, to a point; thence S-30°-53'-40"-W a
54 distance of 257 feet, more or less, to the point of beginning.
55 Containing 90,300 S.F., more or less, and being a portion of the
56 7th and 11th parcels of the land described in a deed to John D. and
57 Sylvia P. Constable, recorded in Norfolk Registry of Deeds, Book
58 4568, Page 695. A portion of the above described parcel is subject
59 to an easement acquired by the United States of America for flood
60 management purposes.

1 SECTION 3. The town of Millis from time to time may make
2 specific repairs on or improve such right of way to such extent as it
3 may deem necessary, but neither the county of Norfolk nor any
4 city or town, including Millis, therein shall be required to keep
5 such right of way in repair, nor shall they be liable for injury
6 sustained by persons traveling thereon; provided, that sufficient
7 notice to warn the public is posted where such way enters upon or
8 unites with an existing public way.

1 SECTION 4. Said right of way shall not be discontinued or
2 abandoned without authority therefor from the general court.

1 SECTION 5. Nothing in this act shall be construed to limit the
2 powers of the department of public health, or of any local board of
3 health, under any general or special law.