

HOUSE No. 4974

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 10, 1995.

The committee on State Administration, to whom was referred the petition (accompanied by bill, House, No. 2832) of William P. Nagle, Jr., and Stanley C. Rosenberg relative to authorizing the Division of Capital Planning and Operations to grant easements in certain land located in the city of Northampton, reports recommending that the accompanying bill (House, No. 4974) ought to pass.

For the committee,

CHRISTOPHER J. HODGKINS.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT EASEMENTS IN CERTAIN LAND LOCATED IN THE CITY OF NORTHAMPTON.

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 commissioner of the division of capital
2 planning and operations is hereby authorized, subject to the provi-
3 sions of sections 40E through 40J, inclusive, of chapter 7 of the
4 General Laws, to convey to the City of Northampton a certain
5 permanent storm sewer easement located in said city, subject to
6 such terms and conditions as the commissioner may prescribe in
7 consultation with the department of environmental management.
8 Said land is bounded and described on a "Plan of Drainage Ease-
9 ment off Marshall Street in Northampton, Massachusetts, dated
10 August 8, 1986, scale 1" = 20', Paul D. Hadsel, City Engineer, to
11 be recorded herewith in the Hampshire County Registry of Deeds.

12 The description of the center line of the proposed easement is
13 bounded and described as follows:

14 Beginning at a point on the northwesterly sideline of Marshall
15 Street said point being fifteen (15) feet more or less from this
16 sideline intersection of Marshall and Crosby Streets;

17 Thence running in a northeasterly direction through land now
18 or formerly of John F. and Sophie A. Filoski, intersecting the
19 northeasterly property line of said land at a point a distance of
20 four (4) feet more or less from the northwesterly corner of the
21 Filoski parcel;

22 Thence continuing at the same course through land now or
23 formerly of the City of Northampton to a point. The total distance
24 of the preceding course from Marshall Street to the above
25 mentioned point in the City of Northampton land is one hundred
26 twenty (120) feet more or less.

27 Thence turning left at an angle of one hundred twenty-four
28 (124-0') degrees more or less and running in a northwesterly

29 direction through land now or formerly of the Commonwealth of
30 Massachusetts, department of environmental management, for a
31 total distance of seventy one (71) feet more or less to a manhole
32 located on an angle point of existing drainage easement recorded
33 at the Hampshire County Registry of Deeds in Book 2546,
34 Page 23 and Plan Book 131, page 68.

35 The proposed drainage easement is located in land now or
36 formerly of the Commonwealth of Massachusetts and is described
37 as follows:

38 The easement is thirty (30) feet more or less wide, centered on
39 the centerline of the proposed easement mentioned and described
40 above and extends from the southeasterly property line of the
41 above mentioned land to the southerly boundary line of the
42 existing easement described above. The area of the easement is
43 seven hundred twenty (720) square feet more or less.

1 SECTION 2. The commissioner of the division of capital
2 planning and operations is hereby authorized to grant an easement
3 for rail transportation and rail utility purposes over a certain
4 parcel of land, currently being used for public recreation purposes,
5 located in the city of Northampton to a public or private entity,
6 subject to such terms and conditions as the commissioner may
7 prescribe in consultation with the department of environmental
8 management. Said easement shall be located within a parcel of
9 land acquired by the Commonwealth of Massachusetts by a deed
10 recorded in the Hampshire County Registry of Deeds Book 2546,
11 Page 132 and shown on a plan recorded in the Hampshire County
12 Registry of Deeds Plan Book 131, Page 79 and shown on
13 Northampton Assessors' Map 25A as parcels 166 and 167. Said
14 easement shall be laid out so as to allow the construction of a non-
15 motorized rail trail along the entire length, in keeping with
16 standard design practices for such trails.

17 Transfer of the easement described in this section shall be for
18 consideration of an easement for a tunnel for recreation rail trail
19 under the Boston and Maine Railroad north-south main line to be
20 located within one-quarter mile of the western terminus of the
21 easement described in this section and shall not be subject to the
22 provisions of chapter seven of the General Laws.

