

SENATE. No. 2352

The Commonwealth of Massachusetts

SENATE, July 8, 1996.

The committee on Ways and Means, to whom was committed the Senate Bill authorizing the commissioner of the division of capital planning and operations to acquire certain parcels of land in the city of Fitchburg (Senate, No. 2262), reports recommending that the same ought to pass, with an amendment, substituting a new draft with the same title (Senate, No. 2352).

For the committee,

ROBERT A. ANTONIONI.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE COMMISSIONER OF THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO ACQUIRE CERTAIN PARCELS OF LAND IN THE CITY OF FITCHBURG.

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 plan-
2 ning and operations is hereby authorized, notwithstanding the pro-
3 visions of section forty H of chapter seven of the General Laws, to
4 acquire by purchase, or by eminent domain under the provisions
5 of chapter seventy-nine of the General Laws, for use by the execu-
6 tive office of environmental affairs in the protection of the water
7 resources of the commonwealth, and the Fitchburg redevelopment
8 authority is hereby authorized to convey to the commonwealth
9 acting by and through the division of capital planning and opera-
10 tions for such purpose, the land described in section two. The con-
11 sideration for such acquisition shall be two million, four hundred
12 thousand dollars as authorized in item 2000-8963 of section two
13 of chapter fifteen of the acts of nineteen hundred and ninety-five.

1 SECTION 2. The land to be acquired under the provisions of
2 section one is described as follows:

3 The parcel of land located on the North side of Fifth Massa-
4 chusetts Turnpike, and the East side of Oak Hill Road, Fitchburg
5 Massachusetts, containing approximately 50.4203 acres (51.9354
6 acres before adjusting for excluded Parcel B-1, less the 1.5151
7 acres in excluded Parcel B-1) that is:

8 1. The approximately 51.9354 acres of land identified as
9 Parcels, 1, 2, 10 and 11 on the plan titled "Plan of Property
10 Prepared for City of Fitchburg Redevelopment Authority,
11 Fitchburg, Massachusetts dated the seventh day of September,
12 nineteen hundred and ninety-four, recorded in the Worcester

13 Northern District Registry of Deeds in Plan Book 375, Page 3,
14 (the Title Plan) less.

15 2. The approximately 1.5151 acre parcel of land identified as
16 Parcel B-1 on the plan titled "Plan of Land in Fitchburg, Mass.,
17 Prepared for Fitchburg Redevelopment Authority" dated 10
18 August 1994, recorded in said Registry of Deeds in Plan Book
19 375, Page 4, the B-1 Plan'. For the location of Parcel B-1 with
20 reference to the Title Plan, see the plan titled "Fitchburg
21 Technology Park, City of Fitchburg Redevelopment Authority
22 Plot Plan" dated the fourth day of November, nineteen hundred
23 and ninety-three, recorded in said Registry of Deeds in Plan
24 Book 375, Page 4.

25 3. The Second, Third, and Fourth parcels in Fitchburg Gas and
26 Electric Light Company's deed to the Grantor dated the eleventh
27 day of May, nineteen hundred and ninety-five, recorded in said
28 Registry of Deeds in Book 2760, Page 16.

29 EXCLUDING

30 Excluded from the above described 51.9354 acre parcel is the
31 parcel of land located northerly of Fifth Massachusetts Turnpike
32 identified as parcel B-1 on the B-1 Plan. Parcel B-1 contains
33 66,000 square feet (1.5151 acres). It is the land the Grantor con-
34 veyed to Fitchburg Gas and Electric Light Company by deed
35 dated the eleventh of May, nineteen hundred and ninety-five,
36 recorded in said Registry of Deeds in Book 2720, Page 31.

37 SUBJECT TO

38 The 50.4203 acre parcel of land conveyed by this deed is
39 subject to:

40 1. the power line, telephone and gas line easements Fitchburg
41 Redevelopment Authority granted to Fitchburg Gas and Electric
42 Light Company by the Grant of Easement dated the eleventh day
43 of May, nineteen hundred and ninety-five recorded in said
44 Registry of Deeds in Book 2720, Page 25.

45 2. the access and utility easements Fitchburg Redevelopment
46 Authority granted to Fitchburg Gas and Electric Light Company
47 in the above mentioned deed for Parcel B-1 dated the eleventh day

48 of May, nineteen hundred and ninety-five, recorded in said
49 Registry of Deeds in Book 2720, Page 31;

50 3. the easement taken by the city of Fitchburg for the brick mill
51 sewer line by the Order of Taking dated the twenty-third day of
52 November nineteen hundred anti seventy-three, recorded in said
53 Registry of Deeds in Book 1121, Page 469; and

54 4. the power line easement Carrie R. Winters granted to the
55 Connecticut River Transmission Company by instrument dated the
56 eighth day of March nineteen hundred and nine, recorded in said
57 Registry of Deeds in Book 236, Page 592. With regard to this
58 easement, see the NOTE TO TITLE EXAMINERS in the Grant of
59 Easement dated the eleventh day of May nineteen hundred and
60 ninety-five and recorded in said Registry of Deeds in Book 2702,
61 at Page 25.