

By Mr. Webber, a petition (accompanied by bill, Senate, No. 1418) of Peter C. Webber and Robert F. Jakubowicz for legislation to authorize the Division of Capital Planning and Operations to grant a right-of-way over certain state-owned land. State Administration.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE DIVISION OF CAPITAL PLANNING AND OPERATIONS TO GRANT A RIGHT-OF-WAY OVER CERTAIN STATE-OWNED LAND.

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 Deputy Commissioner of the Division of
2 Capital Planning and Operations, subject to the provisions of
3 section 40E through 40J inclusive of chapter 7 of the General
4 Laws, is authorized in consultation with the Department of
5 Environmental Management, to grant a permanent easement for
6 a 50 foot wide right-of-way on certain land in the South Mountain
7 Regional Headquarters and Visitors Center in the city of Pittsfield
8 held by the Commonwealth for conservation and recreation
9 purposes, to the Geary Corporation, a corporation duly organized
10 under the laws of the Commonwealth of Massachusetts, with a
11 principal office in the city of Pittsfield its agents and assigns, the
12 terms and conditions of which shall be subject to the approval
13 of the commissioner of Environmental Management. Said land
14 is bounded and described as follows: —

15 Beginning at a point in the westerly sideline of the state highway
16 known as Massachusetts Routes 7 and 20 which point is further
17 described as being North 10 degrees, 29 minutes, 28 seconds East
18 along the westerly sideline of said highway a distance of 27.70 feet
19 from the northeasterly corner of a parcel of land conveyed to
20 Second Realty Company by deed dated June 18, 1979, and
21 recorded in the Berkshire Middle District Registry of Deeds in

22 book 1021, page 336 and from the southeasterly corner of parcel
23 of land conveyed the Commonwealth of Massachusetts
24 Department of Environmental Management by deed dated
25 November 30, 1978, and recorded in said Registry of Deeds in
26 book 1015, page 328;

27 Running thence westerly in a curve to the right having a radius
28 of 225.00 feet a distance of 146.82 feet to a point which curve has
29 a cord length of 144.23 feet on a bearing of North 44 degrees, 11
30 minutes, 18 seconds West;

31 Running thence North 71 degrees, 35 minutes, 00 seconds West
32 a distance of 46.80 feet to a point;

33 Running thence South 26 degrees, 25 minutes, 17 seconds West
34 a distance of 68.00 feet to a point in the southerly line of the
35 aforementioned land conveyed to the Commonwealth of
36 Massachusetts Department of Environmental Management
37 which point is also in the northerly line of the aforementioned
38 parcel of land conveyed to Second Realty Company;

39 Running thence North 63 degrees, 34 minutes, 43 seconds West
40 along their common line a distance of 50.00 feet to a point;

41 Running thence North 26 degrees, 25 minutes, 17 seconds East
42 a distance of 111.46 feet to a point;

43 Running thence South 71 degrees, 35 minutes, 00 seconds East
44 a distance of 113.15 feet to a point;

45 Running thence easterly in a curve to the left having a radius
46 of 175.00 feet a distance of 120.55 feet to a point in the westerly
47 sideline of the aforementioned Routes 7 and 20 said curve having
48 a cord length of 118.18 feet on a bearing of South 38 degrees, 37
49 minutes, 01 second East;

50 Running thence South 29 degrees, 47 minutes, 41 seconds West
51 along the westerly sideline of the aforementioned Routes 7 and
52 20 a distance of 3.68 feet to a granite Massachusetts Highway
53 Bound;

54 Running thence South 10 degrees, 29 minutes, 28 seconds West
55 along the westerly sideline of said Routes 7 and 20 a distance of
56 48.92 feet to the place of beginning.

57 The above described easement contains 15,136 square feet and
58 crosses land conveyed to the grantor herein by deed of South
59 Mountain Associates, dated November 30, 1978, and recorded in
60 said Registry of Deeds in book 1015, page 328.

1 SECTION 2. The consideration to be paid by the Geary
2 Corporation for the easement authorized by Section 1 of this Act
3 shall be the fair market value of the easement as determined by
4 the deputy commissioner under the provisions of section 40 F¹/₂
5 of chapter 7 of the General Laws. Consideration may be monetary,
6 or in the form of services performed of equal or greater value than
7 the appraised value of the easement, which services may be in the
8 form described in Section 4 of this Act.

1 SECTION 3. The Geary Corporation shall assume the costs of
2 appraisals, surveys and any other expenses as deemed necessary
3 by the deputy commissioner granting this easement.

1 SECTION 4. The agreement between the Commonwealth and
2 the Geary Corporation shall provide that the corporation shall
3 undertake and assume responsibility for all costs in connection
4 with any improvements made to the right-of-way to the point
5 where the right-of-way serves as access from routes 7 and 20 to
6 the facilities of the department of environmental management, as
7 determined by the commissioner, and not less than one-half of
8 the annual cost as determined by the commissioner of maintaining
9 the right-of-way to said point. Said agreement shall also provide
10 that the corporation shall assume the full cost of improvements,
11 if any, and maintenance for the right-of-way beyond said point
12 to the end of the easement. Further, said agreement shall require
13 the corporation to indemnify the commonwealth against any
14 claims that may arise from the use of the right-of-way by persons
15 travelling to or from the corporation.

1 SECTION 5. In the event that the Geary Corporation fails at
2 any time to meet its obligations under this act and the agreement,
3 the interest in the property shall revert to the Commonwealth
4 under such terms and conditions as the deputy commissioner may
5 prescribe.

