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Chap. 568. AN ACT AUTHORIZING THE LEASING OF A CERTAIN PARCEL OF LAND AT NORTHAMPTON STATE HOSPITAL FOR AGRICULTURAL TRAINING.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the leasing of a certain parcel of agricultural land at Northampton state hospital, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. The division of capital planning and operations is hereby authorized to transfer care and custody of two parcels of agricultural land at Northampton state hospital, containing two hundred and eighty-three and seventy-five hundredth acres, as described in this section, to the department of food and agriculture. Said department of food and agriculture is hereby directed to lease said parcels of agricultural land, for one dollar per year, for a term of twenty-five years and under such other terms as provided in section two, to the city of Northampton and its assigned agent, Smith Vocational Agricultural high school. Said lease may be extended at the option of the lessee for three additional terms of twenty-five years each. Said land is shown on a plan entitled, "Plan of Land in Northampton, Massachusetts, to be leased to the City of Northampton by the Commonwealth of Massachusetts, dated June 2 and June 3, 1982, Almer Huntley, Jr., and Associates, Inc., Surveyors, Engineers, Planners, 125 Pleasant Street, Northampton" and is further bounded and described as follows:

Parcel 1

Beginning at a concrete bound at the northeast corner of the herein described parcel, said bound being on the southerly side of Burts Pit Road;

Thence, running S24°-25'-39"W along other land of the Commonwealth of Massachusetts (hereinafter referred to as being the Commonwealth) 606.17 feet to a concrete bound;

Thence, running S37°-32'-13"E along other land of the Commonwealth 243.54 feet to a concrete bound;

Thence, running S20°-08'-11"W along other land of the Commonwealth 242.19 feet to a concrete bound;

Thence, running S16°-23'-10"E along other land of the Commonwealth 205.87 feet to a concrete bound;

Thence, running S57°-43'-02"E along other land of the Common-

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wealth 88.29 feet to a point at the northwesterly corner of land of Jeanette L. Morin;

Thence, running S10°-39'-52"E along the westerly line of land of Jeanette L. Morin 140.98 feet to a point on the northerly side of Chapel Street;

Thence, running S77°-56'-04"W along Chapel Street 211.30 feet to a point;

Thence, running southwesterly along a curve to the left, having a radius of 796.34 feet, along Chapel Street, an arc distance of 205.47 feet to a concrete bound;

Thence, running S63°-09'-04"W along Chapel Street 255.89 feet to a concrete bound;

Thence, running S62°-34'-15"W along Chapel Street 317.73 feet to a point at land of the County Commissioners of Hampshire County;

Thence, running N27°-25'-45"W along land of said County 68.31 feet to a point;

Thence, running northwesterly along a curve to the left having a radius of 190.00 feet along land of said County, an arc distance of 280.72 feet to a point;

Thence, running S67°-55'-00"W along land of said County 68.31 feet to a point;

Thence, running N22°-05'-00"W along land of said County 1263.60 feet to a point;

Thence, running N74°-20'-00"W along land of said County 312.96 feet to a point;

Thence, running S58°-26'-54"W along land of said County 350.00 feet to a point;

Thence, running S23°-00'-00"W along land of said County 321.00 feet to a point;

Thence, running S88°-48'-28"W along other land of the Commonwealth 124.34 feet to a concrete bound at a corner of land of Richard T. Blais;

Thence, running N66°-51'-09"W along land of said Blais 642.98 feet to a pile of stones;

Thence, running N20°-50'-57"E along land of David B. Musante et ux 496.19 feet to an iron pin;

Thence, running N23°-59'-57"E along land of Leonard E. Day, Jr. et ux 1058.65 feet to a concrete bound;

Thence, running N31°-02'-30"E along land of said Day 291.12 feet to a concrete bound on the southerly side of Burts Pit Road;

Thence, running S61°-17'-02"E along Burts Pit Road 930.01 feet to a point;

Thence, running S69°-41'-51"E along Burts Pit Road 112.89 feet to a point;

Thence, running N75°-12'-58"E along Burts Pit Road 181.21

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feet to a point;

Thence, running N60°-26'-36"E along Burts Pit Road 319.36 feet to a point;

Thence, running N83°-59'-37"E along Burts Pit Road 52.30 feet to a point;

Thence, running S54°-19'-08"E along Burts Pit Road 64.23 feet to a point;

Thence, running S26°-27'-10"E along Burts Pit Road 77.89 feet to a point;

Thence, running S11°-20'-56"E along Burts Pit Road 272.80 feet to a point;

Thence, running S31°-16'-44"E along Burts Pit Road 202.03 feet to a point;

Thence, running S69°-57'-19"E along Burts Pit Road 807.05 feet to the point of beginning.

Said parcel contains 108.864 acres, more or less.

Said parcel is subject to an easement to the Berkshire Gas Company, as described by deed recorded in the Hampshire County Registry of Deeds, in Book 1282, Pages 260-264.

Said parcel is also subject to a 75.00 foot wide easement to the Hampshire County Commissioners, as shown on the before mentioned plan and as described by deeds in said Registry, in Book 1967, Page 103.

Said parcel is also subject to an easement to the Massachusetts Electric Company, as shown on the before mentioned plan and as described by deeds in said Registry, in Book 1344, Page 67, and in Book 738, Page 504.

Parcel 2

Beginning at a point at the southeast corner of the herein described parcel, said point being on the northerly side of Burts Pit Road;

Thence, running N65°-04'-27"W along Burts Pit Road 40.00 feet to a point;

Thence, running N69°-57'-19"W along Burts Pit Road 791.64 feet to a point;

Thence, running N31°-16'-44"W along Burts Pit Road 175.70 feet to a point;

Thence, running N11°-20'-56"W along Burts Pit Road 270.64 feet to a point;

Thence, running N26°-27'-10"W along Burts Pit Road 96.92 feet to a point;

Thence, running N54°-19'-08"W along Burts Pit Road 95.67 feet to a point;

Thence, running S83°-59'-37"W along Burts Pit Road 81.76 feet to a point;

Thence, running S60°-26'-36"W along Burts Pit Road 323.30

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feet to a point;

Thence, running S75°-12'-58"W along Burts Pit Road 158.93 feet to a point;

Thence, running N69°-41'-51"W along Burts Pit Road 93.41 feet to a point;

Thence, running N61°-17'-02"W along Burts Pit Road 674.81 feet to a point at land of Edward J. Snape et ux;

Thence, running N06°-45'-34"W partly along land of said Snape and partly along land of Janet M. McCarthy 1312.82 feet to an iron pin;

Thence, running N46°-04'-13"E, along land of J & G Enterprises, 211.16 feet to a point;

Thence, running N24°-33'-30"E along land of said J & G Enterprises 163.00 feet to an iron pin;

Thence, running N11°-13'-53"E along land of said J & G Enterprises 151.48 feet to a stone bound;

Thence, running N13°-37'-30"W along land of said J & G Enterprises 172.90 feet to a point;

Thence, running N49°-20'-06"W along land of said J & G Enterprises 116.02 feet to a point at land of the Northampton Manufacturing Corp.;

Thence, running N38°-13'-30"E along land of the Northampton Manufacturing Corp. 101.00 feet to a stone bound;

Thence, running N41°-27'-30"E along land of the Northampton Manufacturing Corp. 165.51 feet to a stone bound;

Thence, running N27°-33'-44"E along land of the Northampton Manufacturing Corp. 73.75 feet to a stone bound;

Thence, running N82°-04'-13"E along land of the Northampton Manufacturing Corp. 113.59 feet to a stone bound;

Thence, running N70°-13'-00"E along land of the Northampton Manufacturing Corp. 56.65 feet to a stone bound;

Thence, running N70°-50'-30"E along land of the Northampton Manufacturing Corp. 66.17 feet to a stone bound;

Thence, running N61°-47'-00"E along land of the Northampton Manufacturing Corp. 66.18 feet to a point;

Thence, running N71°-00'-00"E along land of the Northampton Manufacturing Corp. 132.84 feet to a stone bound;

Thence, running N62°-57'-00"E along land of the Northampton Manufacturing Corp. 117.07 feet to a stone bound;

Thence, running S66°-29'-30"E along land of the Northampton Manufacturing Corp. 281.50 feet to an iron pin;

Thence, running N20°-57'-00"E along land of the Northampton Manufacturing Corp. 244.09 feet to a point;

Thence, running N25°-52'-00"E along land of the Northampton Manufacturing Corp. 235.70 feet to an iron pin;

Thence, running S52°-20'-19"E along land of the Northampton Manufacturing Corp. 154.00 feet to an iron pin;

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Thence, running S52°-26'-15"E along land of the Northampton Manufacturing Corp. 102.50 feet to an iron pin;

Thence, running S62°-41'-44"E along land of the Northampton Manufacturing Corp. 85.00 feet to an iron pin;

Thence, running S56°-34'-05"E along land of the Northampton Manufacturing Corp. 58.00 feet to an iron pin;

Thence, running S49°-04'-34"E along land of the Northampton Manufacturing Corp. 54.55 feet to a stone bound;

Thence, running S52°-55'-10"E along land of Ernest R. Goulet et ux 82.50 feet to a point;

Thence, running S46°-25'-30"E along land of Richard J. Halloran et ux 83.00 feet to a point;

Thence, running S40°-32'-55"E along land of Joseph J. Fungaroli et ux 68.00 feet to a point;

Thence, running N48°-07'-45"E along land of said Fungaroli 45.00 feet to a point;

Thence, running S66°-40'-40"E along land of Walter W. Boucher, Jr. et ux 110.00 feet to a point;

Thence, running S60°-52'-55"E along land of Lewis Cohen and Joan Berzoff 24.50 feet to a point;

Thence, running N62°-53'-15"E along land of said Cohen and Berzoff 187.00 feet to an iron pin;

Thence, running N34°-16'-15"E along land of said Cohen and Berzoff 96.40 feet to an iron pin on the southerly side of Federal Street;

Thence, running S55°-31'-03"E along Federal Street 5.54 feet to a stone bound;

Thence, running westerly along a curve to the left having a radius of 271.62 feet along Federal Street, an arc distance of 179.49 feet to a stone bound;

Thence, running N86°-37'-15"E along Federal Street 152.31 feet to an iron pin to be set at land of David A. Premo et ux;

Thence, running S04°-39'-40"E along land of said Premo 176.64 feet to an iron pin to be set;

Thence, running S26°-28'-11"W along land of said Premo 61.30 feet to an iron pin to be set;

Thence, running S28°-11'-04"E along land of said Premo 63.30 feet to an iron pin to be set at land of Edward J. Martunes et ux;

Thence, running S00°-02'-45"W along land of said Martunes 46.66 feet to an iron pin;

Thence, running S06°-28'-00"W along land of Nelson C. Boisvert et ux 152.88 feet to a point;

Thence, running S71°-09'-10"W along land of Kenneth J. Provoncha et ux 109.59 feet to a point;

Thence, running S51°-33'-50"W in part along land of C. Richard Hinkley et ux and in part along land of Carroll A. Dolan et ux

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103.70 feet to a point;

Thence, running N61°-57'-40"W in part along land of said Carroll A. Dolan et ux and in part along land of Louise G. Simon, about 160 feet to a point in the center of the Mill River;

Thence, running southwesterly, southerly, southeasterly, easterly, and northeasterly along the center of the Mill River about 3150 feet to a point at the Northwest corner of other land of the Commonwealth of Massachusetts (hereinafter referred to as the Commonwealth);

Thence, running S06°-55'-42"E along other land of the Commonwealth 736.46 feet to a concrete bound;

Thence, running westerly and southwesterly along a curve to the left having a radius of 159.07 feet along other land of the Commonwealth, an arc distance of 194.69 feet to a point;

Thence, running S84°-18'-50"W along other land of the Commonwealth 135.44 feet to a concrete bound;

Thence, running S73°-26'-52"W along other land of the Commonwealth 312.11 feet to a concrete bound;

Thence, running S08°-04'-03"W along other land of the Commonwealth 547.72 feet to a concrete bound;

Thence, running S22°-54'-14"W along other land of the Commonwealth 571.47 feet to a concrete bound;

Thence, running S51°-26'-04"W along other land of the Commonwealth 635.30 feet to the point of beginning;

Said parcel contains 174.89 acres, more or less.

Said parcel is subject to an easement to the Berkshire Gas Company, as described by deed recorded in the Hampshire County Registry of Deeds, in Book 1282, Pages 260-264.

Said parcel is also subject to whatever sanitary sewer rights the city of Northampton may have in and to an existing twenty-four-inch brick sewer which crosses the northerly portion of the hereinbefore described parcel.

Said parcel is also subject to whatever sanitary sewer easements the city of Northampton may have in and to a proposed interceptor which affects the northerly portion of the hereinbefore described parcel.

SECTION 2. The lease shall provide that the land described in section one shall be used for agricultural purposes only, and shall require a long-term management plan for the property approved by said department of food and agriculture. Said management plan shall denote portions of the property to be used by the University of Massachusetts and may be revised by agreement between the Smith Vocational Agricultural high school and the University of Massachusetts. In executing said lease, the division of capital planning and operations is hereby directed to make the agricultural land described in section one subject to

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an agricultural preservation restriction. Such restriction shall conform to sections thirty-one, thirty-two and thirty-three of chapter one hundred and eighty-four of the General Laws and shall be held in the name of the commonwealth and the city of Northampton. As a condition of this lease, a conservation easement shall be held in effect for portions of the property described in said section one within one hundred feet of the average high water mark of the Mill river and the area between Burts Pit road and Rocky Hill road at or above two hundred and sixty-five foot-mean sea elevation in accordance with the United States Geodetic Survey, known as the "Drumlin". The board of trustees of Smith Vocational Agricultural high school and the agricultural advisory board of Smith Vocational Agricultural high school shall have overall responsibility for managing the property described in said section one. In addition, said board of trustees shall make annual reports to the city council of the city of Northampton and the department of food and agriculture in November of each year, for the purpose of informing said city council and said department of food and agriculture as to how the parcels are being utilized, and such reports should also provide notification of any contemplated changes in the agricultural use of the property. The lease to said parcels as described in this section shall be terminated if such conditions and restrictions required of the lessee by this act are not met.

SECTION 3. The division of capital planning and operations shall reserve four or more acres of land in "Parcel II" as described by Lozano, White, and Associates, 30 Brattle Street, Cambridge, MA. in a report entitled "Northampton State Hospital Re-Use Plan," dated March, nineteen hundred and eighty-two, for relocation of the current community gardens project, should a development proposal for "Parcel B" as described by Lozano, White and Associates in said report, be accepted by the commonwealth at a future date. In such an event, the developer or developers shall bear the cost of relocating the community gardens and reproducing existing conditions of the former site, such as topsoil quality, water supply and fencing on the new site.

SECTION 4. For the purposes of the provisions of section thirteen of chapter fifty-eight of the General Laws, the parcels described in section one shall be deemed to be in the care and custody of, and used for the purposes of the University of Massachusetts.

Approved December 13, 1983.