HOUSE DOCKET, NO. 3492 FILED ON: 2/6/2013

HOUSE . . . . . No. 3226

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Curran

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act authorizing the city of Springfield to exchange parcels of land.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sean Curran	*9th Hampden*

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HOUSE . . . . . No. 3226

By Mr. Curran of Springfield, a petition (accompanied by bill, House, No. 3226) of Sean Curran (with the approval of the mayor and city council) that the city of Springfield be authorized to exchange certain parcels of land with Glenshane, Inc. Municipalities and Regional Government. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *4169* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act authorizing the city of Springfield to exchange parcels of land.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, but subject to paragraphs (a), (b) and (g) of section 16 of chapter 30B of the General Laws, the city of Springfield ("city"), for the purposes of acquiring other land for parking for the Forest Park Middle School, may convey a certain parcel of land in Springfield owned by the City, upon such terms and conditions as the Mayor deems to be in the best interests of the City, to Glenshane I, LLC, or its successors and assigns then currently owning the apartment buidlings at 356-364 Belmont Avenue, Springfield, MA. ("Glenshane") for use as a parking lot for the aparment buildings. The parcel to be conveyed is identified as "North Side Garfield Street", City Parcel # 05520-0018, which is more particularly described on Exhibit #1 attached hereto, and which is identified as Parcel C on a Plan entitled "Plan of Land in Springfield, Massachusetts, Surveyed for the City of Springfield", dated December 16, 2011, which is on file with the Hampden Registry of Deeds at Book of Plans_____, page_____.

Section 2. Notwithstanding any general or special law to the contrary, as a condition of, and as consideration for, the conveyance authorized in Section 1. Glenshane shall transfer to the City two parcels of land more particularly described as Parcel A and Parcel B on Exhibit #2 and identified as Parcel A and Parcel B on the Plan descirbed in section 1, and such parcel shall be acquired and held for municipal purposes, under the jurisdiction of the School Department.

Section 3. The fair market value of the parcels to be conveyed by Glenshane to the City as described in Section 2 (Parcels A and B), shall be equal to or greater than the fair market value of the property to be conveyed by teh City to Glenshane as described in section 1 (Parcel C), as determined by an independent appraisal. For the purposes of the appraisal, the fair market value of the property shall be calculated in its highest and best use and, where applicable, as assembled with other lands owned or otherwise controlled by Glenshane. If there is a disparity in these values in favor of the City, then Glenshane shall, as a condition of the transfer, release teh City from any and all financial liability for the difference in value.

Section 4. This act shall take effect upon its passage.

Exhibit #1

Description of "Parcel C" - City owned " North Side Garfield Street" To be transferrred to Glenshane

A certain parcel of land bounded and described as follows:

Beginning at bound at the intersection of the southerly sideline of Garfield Avenue and the westerly sideline of Oakland Street and running thence;

Northwesterly, on a curve to the left, having a radius of 9.87 feet, along land now or formerly of the City of Springfield, 15.67 feet to a point, thence;

S75-12'22"W along last named land, 216.26 feet to a point, thence;

N14-47'-38"W, along Garfield Avenue, 50.00 feet to a point, thence;

N75-12'-22"E, along Parcel B, land now or formerly of the City of Springfield, Parcel A and land now or formerly of the City of Springfield, 177.62 feet to a point, thence;

N09-23'-57"E, along last named land, 135.81 feet to a point, thence;

Southerly, on a curve to the right, having a radius of 30.00 feet, along the southerly sideline of Oakland Street, 14.13 feet to a point, thence;

S13-49'-27"E, last named land, 88.22 feet to a point, thence;

Southwesterly, on a curve to the right, having a radius of 22.00 feet, along last named land, 19.91 feet to a point, thence;

S14-47'-38"E, along last named land, 78.56 feet to a point, thence;

Containing an area of 14,952 square feet, more or less.

Exhibit #2

Description of Parcels "A" and "B" - to be transferred by Glenshane to the City of Springfield

Parcel A

A certain parcel of land bounded and described as follows:

Beginning at an iron pipe at the southwest corner of land now or formerly of the City of Springfield, on a norhterly sideline of Garfield Avenue, and running thence;

S75-12'-22"W along the northerly sideline of Garfield Avenue, 31.75 feet to a point, thence;

N14-47'-38"W, along land now or formerly of the City of Springfield, 69.45 feet to a point, thence;

N76-59'-01"E, along land now or formerly of Glenshane I, LLC, 24.78 feet to a point, thence;

S82-32'-37"W, along last named land, 29.14 feet to a point, thence;

S04-19'-55"W, along land now or formerly of the City of Springfield, 61.01 feet to a point of beginning

Containing an area of 2,838 square feet, more or less.

Parcel B

A certain parcel of land bounded and described as follows:

Beginning at an iron pipe at the southwest corner of land now or formerly of the City of Springfield, on the northerly sideline of Garfield Avenue, and running thence;

S75-12'-22"W along the northerly sideline of Garfield Avenue, 19.68 feet to a point, thence;

N14-47'-38"W, along land now or formerly of Glenshane I, LLC, 79.17 feet to a point, thence;

N76-59'-01"E, along last named land, 19.69 feet an iron pipe, thence;

S14-47'-38"E, along land now or formerly of the City of Springfield, 78.56 feet to a point of beginning

Containing an area of 1,552 square feet, more or less

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts In the General Court Assembled.

The undersigned, Domenic J. Sarno, Mayor of the City of Springfield, in the name and on behalf of said City, and in pursuance of an order, a duly attested copy of which is hereto annexed, petition the General Court for legislation entitled "AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO EXCHANGE PARCELS OF LAND", " in substantially the same form as a draft Act attached hereto.

Respectfully submitted,

Domenic J. Sarno, Mayor

City of Springfield

36 Court Street

Springfield, MA 01103