

HOUSE No. 19

By Representative Binienda of Worcester and Senator Augustus, joint petition (accompanied by bill, House, No. 19) of John J. Binienda and Edward M. Augustus, Jr. that the Division of Capital Asset Management and Maintenance be authorized to release non-development covenant restrictions on certain land in the town of Leicester. Bonding, Capital Expenditures and State Assets.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT PARTIALLY RELEASING A NONDEVELOPMENT COVENANT RESTRICTION ON CERTAIN LAND LOCATED IN THE TOWN OF LEICESTER.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to provide forthwith for the release of
3 a certain non-development covenant, therefore it is hereby
4 declared to be an emergency law, necessary for the immediate
5 preservation of the public convenience.

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. Notwithstanding any general or special law, the
2 commissioner of capital asset management and maintenance, in
3 consultation with the commissioner of agricultural resources may
4 execute a certificate of release of a portion of a non-development
5 covenant restriction granted by David A., James A., Marjorie A.
6 and Richard A. Cooper; Co-partners D/B/A Coopers' Hilltop
7 Farm to the commonwealth dated December 17, 1999, recorded at
8 Book 22391, Page 344, Worcester district registry of deeds, on
9 land located in the town of Leicester. The land to be released con-
10 sists of 3 parcels being more particularly described as follows:—
11 A parcel containing 57,964 square feet and is shown as Lot#1
12 on a "Plan of Land" in Leicester, Massachusetts, owned by David
13 A., James A., Marjorie A. and Richard A. Cooper, prepared by
14 Land Planning, Inc. and dated June 29, 2006; a parcel containing
15 68,424 square feet and is shown as Lot#2 on a "Plan of Land" in
16 Leicester, Massachusetts, owned by David A., James A., Marjorie

17 A. and Richard A. Cooper, prepared by Land Planning, Inc. and
18 dated June 29, 2006 and a parcel containing 57,238 square feet
19 and is shown as Lot#3 on a “Plan of Land” in Leicester, Massa-
20 chusetts, owned by David A., James A., Marjorie A. and Richard
21 A. Cooper, prepared by Land Planning, Inc. and dated June 29,
22 2006.

1 SECTION 2. Notwithstanding any general or special law to the
2 contrary, the commissioner of capital asset management and main-
3 tenance in consultation with the commissioner of agricultural
4 resources may execute a certificate of release of a portion of a
5 non-development covenant restriction granted by David A., James
6 A., Marjorie A, and Richard A. Cooper; Co-partners D/B/A
7 Coopers’ Hilltop Farm to the commonwealth dated December 17,
8 1999, recorded at Book 22391, Page 344, Worcester district reg-
9 istry of deeds, on land located in the town of Leicester. The land
10 to be released consists of 3 parcels being more particularly
11 described as follows:—

12 A parcel containing 56,932 square feet and is shown as Lot#1
13 on a “Plan of Land” in Leicester, Massachusetts, owned by David
14 A., James A., Marjorie A. and Richard A. Cooper, prepared by
15 Land Planning, Inc. and dated June 23, 2006; a parcel containing
16 56,745 square feet and is shown as Lot#2 on a “Plan of Land” in
17 Leicester, Massachusetts, owned by David A., James A., Marjorie
18 A. and Richard A. Cooper, prepared by Land Planning, Inc. and
19 dated June 23, 2006 and a parcel containing 85,112 square feet
20 and is shown as Lot#3 on a “Plan of Land” in Leicester, Massa-
21 chusetts, owned by David A., James A., Marjorie A. and Richard
22 A. Cooper, prepared by Land Planning, Inc. and dated June 23,
23 2006.

1 SECTION 3. In consideration of, and in exchange for, the land
2 described in Sections 1 and 2 being released from the non-devel-
3 opment covenant, the owners of the land proposed for release,
4 David A., James A., Marjorie A. and Richard A. Cooper; Co-part-
5 ners DBA Coopers’ Hilltop Farm shall purchase and execute con-
6 currently with the described property to be released, a new, 10
7 year non-development covenant on the following parcel of land
8 being more particularly described as follows:—

9 A certain parcel containing 11 acres of land located on the east
10 side of Henshaw Street, in Leicester, Worcester County, MA,
11 shown as “1st tract” and “2nd Tract” on a plan entitled “Plan of
12 Property of William J. Kosciak and Raymond A. Plotczyk located
13 in southeast part of Leicester, Mass., scale 1"=200'; May 25,
14 1946”, by E.A. Chamberlin dated May 25, 1946 and recorded with
15 Worcester District Registry of Deeds Plan Book 139, Plan 57.
16 Said parcel is also described in the Town of Leicester’s assessor’s
17 records as Parcel 45 A1 0, 423 Henshaw St., Acreage 11.000,
18 Deed 12578-95.