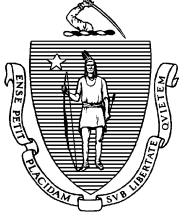


SENATE, No. 2674

[SIMILAR MATTER FILED DURING PAST SESSION
SEE NO. OF]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND EIGHT

AN ACT AUTHORIZING THE DEPARTMENT OF FISH AND GAME TO ACQUIRE A CONSERVATION RESTRICTION ON LANDS OF THE CITY OF WESTFIELD

*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 commonwealth, by and through the department of fish and game, may
2 take, under chapter 79 of the General Laws, or otherwise acquire, and the city of
3 Westfield may convey, easements or lesser interests through a conservation restriction
4 under sections 31, 32, and 33 of chapter 184 of the General Laws, for the preservation
5 and protection of wildlife and habitat and passive recreation and consistent purposes, in
6 all or portions of certain parcels of land of said city identified in section 2. The parcels
7 were acquired by said city for water supply purposes under chapter 322 of the acts of
8 1873 and acts in amendment thereof and in addition thereto. The conservation restriction
9 authorized by this act shall allow for the city to retain the right to use said premises as a

10 potential water supply for the city. Said conservation restriction may restrict or regulate,
11 but not unreasonably limit, the acts or uses associated with water supply purposes. Said
12 conservation restriction, if taken and not otherwise acquired, shall be subject to any
13 easement or lesser interest in land held by any person or governmental agency, except for
14 said city, that lawfully exists and is recorded in the appropriate registry of deeds, unless
15 the department of fish and game expressly takes the easement or lesser interest through
16 eminent domain under said chapter 79.

17 SECTION 2. The parcels are identified as follows:

18 all of the lands, including lands under water, in the town of Montgomery and city of
19 Westfield as described in certain deeds recorded in the Hampden county registry of deeds
20 in book 308, page 346; book 314, page 319; book 319, page 30; book 319, page 128;
21 book 413, page 115; book 684, page 77; book 691, page 322; book 691, page 496; book
22 692, page 476; book 773, page 372; book 784, page 448; book 830, page 492; book 958;
23 page 153; book 986, page 209; book 986, page 324; book 986, page 449; book 1018,
24 page 303; book 1031, page 405; book 1184, page 342; book 1152, page 550; book 1194,
25 page 67; book 1194, page 166; book 1216, page 104; book 1216, page 107; book 1242,
26 page 120; book 1272, page 56; book 1278, page 300; book 1314, page 572; book 1344,
27 page 352; book 1344, page 353; book 192, page 278; book 1418, page 392; book 1472,
28 page 153; book 1506, page 360; book 1542, page 217; book 1612, page 287; book 1623,
29 page 60; book 1628, page 161; book 1632, page 208; book 1651, page 445; book 1660,
30 page 467; book 1665, page 528; book 1677, page 61; book 1704, page 524; book 1704,
31 page 525; book 2891, page 408; book 2916, page 290, book 3483, page 236;

32 EXCEPTING the lands described in book 5479, page 592; book 7448, page 526; book
33 9373, page 193 and a parcel of land consisting of 3.98 acres, more or less, identified as
34 Parcel "A" on a plan dated March 18, 2008 entitled "Proposed Transfer of Property,
35 Montgomery, Massachusetts for Board of Selectmen Town of Montgomery" prepared by
36 D.L. Bean, Inc., surveyors and engineers, as of record in the office of the City Engineer
37 of the City of Westfield.

38 SECTION 3. This act shall take effect upon its passage.