

Motion for Article 58 Land Acquisition BFRT

Town Manager

March 31, 2016

LAND ACQUISITION – BRUCE FREEMAN RAIL TRAIL RIGHT-OF-WAY

ARTICLE 58. Mr. Whelan moves to authorize the Select Board, for purposes of establishing, constructing, operating and maintaining an improved multi-use rail trail for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, to acquire by purchase, gift, eminent domain or otherwise all or fee, easement, leasehold, license or other real property interests in, on, over, across, under and along (a) all or any portion of the land, premises, easements, rights-of-way and other rights in Concord comprising the former Lowell Secondary Track railroad right-of-way acquired by the Commonwealth of Massachusetts (acting through its former Executive Office of Transportation and Construction) by deeds dated April 28 and November 29, 1982, and recorded in the Middlesex South District Registry of Deeds at Book 14609, Pages 302-317 and Book 14836, Pages 507-512, and (b) abutting and underlying properties as necessary for clearing title to said railroad right-of-way, laying out an improved multi-use rail trail in that right-of-way and within associated easement, and providing access to the rail trail area for construction, maintenance and repair purposes, on such terms and conditions as the Select Board may determine, and further that funds needed for this purpose shall be expendable from appropriations made from the Community Preservation Act appropriation under Article 20, Item J, of the 2016 Annual Town Meeting Warrant, if any, or from any prior year unencumbered Community Preservation Act appropriation made for the Rail Trail purposes by vote under Article 30, Item H of the 2015 Annual Town Meeting or Article 36, Item F of the 2014 Annual Town Meeting.

Note: 2/3 vote required