

592

BOOK 2930 PAGE 592

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss:

January 7, 1963.

Then personally appeared the above named Board of Selectmen of the Town of Longmeadow and acknowledged the foregoing instrument to be their free act and deed, before me

RECEIVED

JAN 22 1963

At 2:22 P.M. in the
REG'D FILE in the CLERK'S OFFICE

Jos. J. ...
Notary Public
My commission expires June 20, 1964

1669 No Revenue Stamps Necessary.

WE, MAY A. LEETE, personally and as executrix under the will of Theodore C. Leete, of Windsor, County of Hartford, State of Connecticut, being a widow, and BRADFORD W. LEETE

of Longmeadow Hampden County, Massachusetts, being unmarried, for consideration paid, grant to TOWN OF LONGMEADOW, a municipal corporation of said Hampden County

with quitclaim covenants the land in our right, title and interest in and to the land in said Longmeadow described as taken by eminent domain in an instrument of taking dated the fourteenth day of March, 1960, being Document No. 5133 and recorded on March 1st, 1960 in Hampden County Registry of Deeds in Book 2732, Page 491.

Reserving the easement reserved in said instrument of taking to be used in common with the said Town of Longmeadow for purposes of ingress and egress.

And we do further grant the easement of way described in said instrument recorded as aforesaid as taken by eminent domain for all the purposes set forth in said instrument of taking.

We intend hereby to confirm to said Town all of the rights and title purported to be taken from us under said instrument of taking recorded as aforesaid and acknowledge that we have received full payment therefor.

I, FLORENCE W. LEETE

husband of said grantor,
wife Bradford W. Leete.

release to said grantee all rights of tenancy by the curtesy and other interests therein dower and homestead

Witness OUR hands and seals this 7th day of JANUARY 1963

Mary A. Leete
Bradford W. Leete
Florence W. Leete

The Commonwealth of Massachusetts

Hampden, ss.

Jan 9 1963

Then personally appeared the above named BRADFORD W. LEETE and acknowledged the foregoing instrument to be his free act and deed, before me

William M. ...
Notary Public - Justice of the Peace
My commission expires Aug 8, 1963

(OVER)

177

2060 stamps engraved

BOOK 2920 PAGE 177

27151

Y. P. POLK, JANET POLK, CLEMENS L. POLK and CELIA POLK of Hazardville, in the Town of Enfield, Hartford County, Connecticut, for consideration paid, grant to TOWN OF LONGMEADOW, a municipal corporation of Hampden County, Massachusetts

with quitclaim covenants and warranties all of our right, title and interest in and to the land in

now described as taken by eminent domain in an instrument dated the fourteenth day of March, 1960, being Document No. 388 recorded on March 15, 1960 in Hampden County Registry in book 2735, Page 491.

we hereby intend to confirm to said Town all of the rights so purported to be taken from us under said instrument of record as aforesaid, and acknowledge that we have received payment therefor.

Henry P. Polk, Janet Polk, Clemens L. Polk and Celia Polk, husband and wife of said grantors.

release to said grantee all rights of tenancy by the curtesy and other interests therein.

Witness our hands and seals this 7th day of November 1962

Henry P. Polk
Janet Polk
Clemens L. Polk
Celia Polk

The Commonwealth of Massachusetts

He appeared ss November 7 1962

Then personally appeared the above named Henry P. Polk, et al and acknowledged the foregoing instrument to be their free act and deed, before me

Jewel Bryrowniski Notary Public
My commission expires Jun. 29 1966

4:59PM

5233

KNOW ALL MEN BY THESE PRESENTS that by virtue of the authority vested in us by the INHABITANTS OF THE TOWN OF LONGMEADOW, Hampden County, Massachusetts, in Town Meeting lawfully assembled on the seventeenth day of February one thousand nine hundred and fifty-nine, and exercising every other power us thereunto enabling,

We, the SELECTMEN OF LONGMEADOW, Hampden County, Massachusetts, do take by eminent domain for the purpose of a Public Playground and Recreation Centre, in accordance with the provisions of Section 14, Chapter 45 of the General Laws, the land in said Longmeadow, subject to an Easement reserved and with an additional Easement appurtenant thereto, bounded and described as follows:

Beginning at an iron pipe set in the northwest corner of land of Henry P. and Clemens L. Polek and in the southerly line of land of Bradford W. Leete and May A. Leete, said iron pipe also being the northeasterly corner of land of Samuel M. Boyd; running thence through land of said Bradford W. Leete and May A. Leete N 6° 54' 15" W, a distance of 250.16 feet to a point, said course being the westerly line of said land of said Polek extended; running thence N 2° 58' 10" W, 660.00 feet to a point; running thence N 81° 01' 50" E 677.27 feet to a point; running thence S 2° 58' 10" E 911.38 feet to a point in the northerly line of said land of said Henry P. and Clemens L. Polek; running thence through said land of said Polek S 6° 54' 15" E a distance of 459.87 feet to a point; running thence S 81° 01' 50" W 660.00 feet to a point on the

*Plans 74
Pages 112 to 115 inc*

*See
B 2845: 416
2920 - 177*

U.S. 1/2

*Arch 15
reference
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reference
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easterly line of land of said Samuel M. Boyd; running thence N 6° 54' 15" W along the said easterly line of said land of said Boyd 459.87 feet to the iron pipe at the point of beginning. The parcel described contains 21.0 acres.

Reserving a right of way 50 feet wide through said parcel running from east to west parallel with the northerly line of said land of Henry P. and Clemens L. Polek, the southerly line of which right of way is 200 feet northerly from said northerly line of land of said Polek; said Easement of way hereby reserved to be used in common with the Town of Longmeadow for all purposes of ingress and egress;

Together with an Easement of way for all purposes of ingress and egress to and from the aforesaid parcels and described as follows:

Beginning at a point in the southerly terminus of Frank Smith Road, as shown on a plan recorded in Hampden County Registry of Deeds in Book of Plans 68, pages 120 and 121 and at land of Albert L. Mastroianni, said point also being the easterly line of said Frank Smith Road; and running thence S 38° 09' 40" E 320.60 feet to a point; thence running in a curve bearing to the right with a radius of 600.00 feet, a distance of 368.53 feet to a point; thence running S 2° 58' 10" E, 675.08 feet to a point; thence running N 81° 01' 50" E, 186.56 feet to a point in the westerly line of the aforesaid parcel taken in fee, and also in the northerly line of the aforesaid Easement of way hereinbefore reserved; running thence

S6° 54' 15" E, a distance of 59.03 feet along the westerly line of the said parcel, the same also being the westerly line of the aforesaid Easement, as hereinbefore reserved, to the southerly line of said right of way hereinbefore reserved; thence running S 81° 01' 50" W 270.46 feet to a point; running thence N 2° 58' 10" W 733.77 feet to a point; running thence in a curve bearing to the left with a radius of 520.00 feet, a distance of 319.39 feet to a point; running thence N 38° 09' 40" W 126.23 feet to a point in the easterly line of said land of said Albert L. Mastroianni and the westerly line ~~of said land~~ of said Frank Smith Road; running thence N 6° 17' 10" W 151.49 feet along the said easterly line of said land of said Mastroianni to the point of beginning.

The foregoing land and Easements are shown on plan entitled "Plan Showing Location of Proposed Zonal Boundary Also Land and Easements Taken by Town of Longmeadow, Mass. From Bradford W. Leete et als Scale 1" = 200' January 1st, 1960 Town of Longmeadow Engineering Dept."

Any trees upon said land are included in said taking.

The supposed owners of the land hereby taken and of the land within which the aforesaid Easement is taken are set forth in the following schedule of awards for damages sustained by them in their property by reason of the aforesaid taking and awards are made to them as follows:

Henry P. Polek,	Hazardville, Connecticut,	\$1.00
Clemens L. Polek,	Hazardville, Connecticut,	1.00
Bradford W. Leete,	33 Wildwood Glen, Longmeadow, Massachusetts,	1.00
May A. Leete,	33 Wildwood Glen, Longmeadow, Massachusetts,	1.00

It is hereby ordered that a copy of this Order of Taking, signed by us or certified by the Clerk of this Board, shall

within thirty days from the date of this Order of Taking be re-
corded in the Hampden County Registry of Deeds, and that a copy
of said plan duly certified by the Clerk of this Board be filed
in said Registry of Deeds.

WITNESS our hands this 14th day of March,
1960.

Mack F. Vassaro
George C. Keady, Jr.
[Signature]

BOARD OF SELECTMEN OF THE TOWN
OF LONGMEADOW.

Commonwealth of Massachusetts

Hampden, ss: March 14, 1960

Then personally appeared the above named MACK F. VASSARO,
COLIN O. CATHREW and GEORGE C. KEADY, Jr. and acknowledged the
foregoing instrument to be their free act and deed, before me-

[Signature]

Notary Public.
My Commission expires July 25, 1964.

RECEIVED
MAR 15 1960
AT 4:39 PM A.M.
REG'D FROM THE ORIGINAL

**TOWN OF LONGMEADOW
MASSACHUSETTS****RECEIVED****AUG 16 2002****BOARD OF
ASSESSORS**

DAVID J. MARTEL, Town Counsel
Doherty, Wallace, Pillsbury and Murphy, P.C.
One Monarch Place
1414 Main Street, 19th Floor
Springfield, MA 01144-1002
(413) 733-3111

August 15, 2002

VIA FACSIMILE AND FIRST CLASS MAIL

Board of Selectmen
Town of Longmeadow
20 Williams Street
Longmeadow, MA 01106

RE: Town -- Owned Real Estate (Frank Smith Road)

Dear Members of the Board:

This letter is in response to your request for my opinion concerning possible restrictions on the use of the above real estate and concerning the town board or boards which has jurisdiction over the property.

Current Ownership. Pursuant to Articles 22 and 23 on the warrant for a special town meeting on February 17, 1959, the town authorized acquisition "by eminent domain, by gift or purchase", three tracts of land in the vicinity of Frank Smith Road (acquisition of one tract was authorized by Article 22 and two tracts by Article 23). The only document which I have been provided which conveys title to the Town is an eminent domain Order of Taking by the Board of Selectmen dated March 14, 1960 and recorded in the Hampden County Registry of Deeds in Book 2733, Page 491. This document, which vests the title in the Town Longmeadow, however, only describes the 21-acre parcel which was described Article 22. It would be necessary for me to review the records at the Registry of Deeds to determine whether in fact the Town has also acquired the land described in Article 23 of the town meeting warrant.

Permitted Use of the Land. Both Articles 22 and 23 stated that the acquisition was "for the purpose of a public playground and recreation center in accordance with the provisions of Section 14, Chapter 45 of the General Laws." The phrase "for the purposes of a public playground or recreation center" is taken directly from Section 14 which also states that the Town "may conduct and promote recreation, play, sport and physical

education" on the land and that the Town may also "construct buildings" on the land and "provide equipment" for these purposes. In addition, Section 14 states that land and buildings acquired by a town pursuant to Section 14 may also be used for town meetings. In addition, "subject to the conditions and terms prescribed by the officer or board in control of the land or building," the land or building may be used by the Town or any department of the town or by "any person, society or other organization for such other public, recreational, social or educational purposes" as the board in charge "may deem proper." As you can see, a wide variety of public activities on this land is possible, provided that these activities are authorized by the board in control of the land.

Control of the Land. Section 14 also states that the power over the land and buildings acquired through Section 14 is to be exercised by one or more of certain specified local boards, including the Board of Park Commissioners and School Committee. In this case both Articles 22 and 23 state that the powers conferred by Section 14 are to be exercised by the Board of Park Commissioners and the School Committee "to be distributed between them as they may from time to time determine, until further vote of the Town." Therefore, unless there has been some further vote of Town since 1959, control of the land remains jointly with the Board of Park Commissioners and the School Committee. In other words, given this specific designation of responsibility to the Board of Park Commissioners and the School Committee, the Board of Selectmen does not have any control over the land.

Future Change in Use of Land. General Laws Chapter 40, Section 15A addresses changes in use of municipal land, including land acquired for playground purposes pursuant to Chapter 45, Section 14, discussed above. Before the land may be converted to some other use, the Board in charge of the land, in this case both the Board of Park Commissioners and the School Committee, must determine that the land "is no longer needed" for the purposes for which it was acquired. Upon making this determination, the two Boards must give notice to the Board of Selectmen. It would then be necessary to have a town meeting, by a two-thirds vote, transfer the "care, custody, management and control" of the land to the same boards or some other board for "another specific municipal purpose."


There is a further step which would need to be followed before the land could be changed to some other use. Article 97 of the Articles of Amendment to the Massachusetts constitution (approved in 1972) requires special legislation, approved by a roll call vote of each branch of the General Court, before certain land can be converted from one public use to some other use. An opinion of the Massachusetts Attorney General, dated June 6, 1973, interpreted the breadth of the special legislation requirement contained in Article 97. In that opinion, the Attorney General stated that uses such as "playgrounds" would "clearly qualify" for special legislation if the use of such property is to be changed.

In summary, the Board of Park Commissioners and School Committee currently are in control of this land, in the absence of some town meeting action (of which I am not aware) which shifted control to some other town board or boards. Any change in use of this property (such as use for a housing project) would first require a majority vote of each

of the Board of Park Commissioners and School Committee and then a two-thirds vote at a town meeting followed by special legislation.

I hope this letter adequately answers your questions. Please contact me if I can be of any further assistance.

Very truly yours,



David J. Martel

DJM/kmm
Enclosures:

Cc: Board of Park Commissioners
Longmeadow School Committee

2/7/1959

such walls as may be necessary and the building of a foot bridge if necessary, and authorize the Board of Selectmen to take by eminent domain any easement or other property right in connection therewith and raise and appropriate the sum of \$60,000.00 therefor.

A motion was made and seconded to postpone Article 20 until Article 1 had been taken up. Motion for postponement was lost upon being put to vote. Mrs. Van Houter at this time made a motion under Article 20 that an amendment be made that before any action be taken the Selectmen be given the authority to obtain the cost of land abutting owners of property and report back at a later Town Meeting. Upon being put to vote this amendment was lost. The principal motion came before the meeting with Mrs. Van Houter's motion which included betterments. Upon being put to vote the motion was declared lost.

Mr. Milton Donovan at this time moved that the Selectmen be directed to determine the cost of construction of a sidewalk on the north and northeast side of Shaker Road and the easterly side of Laurel Street to Williams Street, a distance of 5,200 feet, including the cost of acquiring by purchase any land necessary, and that a report thereof be given at the next Special Town Meeting to be prior to July 1, 1959. Voting was called for on Mr. Donovan's motion as amended, Motion was adopted.

ARTICLE 21: Voted: That the Town raise and appropriate the sum of \$10,500.00 for the purchase of a front-end loader for the Highway Department, and in addition to authorize said Highway Department to surrender the front-end loader to be replaced for its fair value against said purchase. (Motion carried by unanimous vote.)

ARTICLE 22: Voted: That the Town acquire by eminent domain, by gift or purchase for the purpose of a public playground and recreation center in accordance with the provisions of Section 14, Chapter 45 of the General Laws as amended, the land located in the Town of Longmeadow and described substantially as follows:

Beginning at the northwest corner of land of Henry P. and Clemens L. Polek and in the southerly line of land of Bradford W. and Theodore C. Leete, said point also being the northeasterly corner of land of Samuel M. Boyd, running thence northerly through land of said Bradford W. Leete and Theodore C. Leete in a line which is the westerly line of said land of said Polek extended northerly 250 feet to a point; running thence northerly in a straight line with a deflection to the right of 6° from said last course 660 feet to a point; thence running easterly by an interior angle of 96° in a straight line 670 feet to a point; thence running southerly by an interior angle of $85^\circ 01' 10''$, a distance of 909.83 feet, to the northerly line of land of said Henry P. and Clemens L. Polek; running thence southerly by a line which is at a 90° angle from the northerly property line of said Polek in a straight line 460 feet to a point; running thence westerly by an angle of 90° with the last named course 660 feet to said land of Samuel M. Boyd; running thence northerly along the easterly line of said land of said Samuel M. Boyd to the place of beginning.

Reserving a right of way 50 feet wide through said parcel running from east to west parallel with the northerly line of said land of Henry P. and Clemens L. Polek, the southerly line of which right of way is 200 feet northerly from said northerly line of said Polek; said easement of way hereby reserved to be used in common with the Town of Longmeadow for all purposes of ingress and egress together with an easement of way for all purposes of ingress and egress to and from the aforesaid parcels and described as follows:

Beginning at the southeasterly terminus of Frank Smith Road as shown on a plan recorded in Hampden County Registry of Deeds in Book of Plans 68, Pages 120 and 121 and that land of Albert L. Mastroianni et als running thence south $38^\circ 09' 40''$ east a distance of 254 feet to a point; thence running in a curve bearing to the right with a radius of 600 feet a distance of 374 feet to a point; thence running south $2^\circ 29' 40''$ east a distance of 715 feet to a point; thence running easterly in a straight line 184.74 feet to the westerly line of the aforesaid parcel taken in fee and the northerly line of the aforesaid easement of way hereinbefore reserved; thence southerly along the westerly line of said parcel to the southerly line of said right of way hereinbefore reserved; thence running westerly as a right angle to the last mentioned course a distance of 270.94 feet to a point; thence running north $2^\circ 29' 40''$ west 773.69 feet to a point; thence running northwesterly in a curve bearing to the left the radius of which is 540 feet, a distance of 336 feet to a point; thence running north $38^\circ 09' 40''$ west about 130 feet to said land now or formerly of Albert L. Mastroianni et als; thence running northerly along said land of said Albert L. Mastroianni et als to the point of beginning.

and authorize the Board of Selectmen to change the foregoing description after a survey upon the ground so long as the land and easements to be acquired hereunder are substantially that hereinbefore described, and to take any necessary action hereunder and to accept a deed or deeds therefore in such form as they may approve and raise and appropriate the sum of \$12,100.00 for payment of damages for said taking, or as consideration for such deed, or both, with further authority in the Board of Selectmen to adjust real estate taxes affecting said land as of the date of the delivery of the deed; and that the powers conferred by said Section 14 of said Chapter 45 of the General Laws as amended be exercised by the Board of Park Commissioners and the School Committee to be distributed between them as they may from time to time determine, until further vote of the Town. (Motion carried by more than two-thirds vote, 505 voting in favor and 4 opposed.)

ARTICLE 23. Voted: That the Town acquire by eminent domain, by gift or purchase, for the purpose of a public playground and recreation center in accordance with the provisions of Section 14, Chapter 45 of the General Laws as amended, the land located in the Town of Longmeadow and described in two parcels substantially as follows:

Parcel One: Beginning at a point in the southerly line of Williams Street as laid out by the Hampden County Commissioners in 1933, said point being 152.7 feet easterly along the said southerly line of Williams Street from the northwesterly corner of land of Eugene and Frieda Kriener and from the northeasterly corner of land now or formerly of Bradford W. and Theodore C. Leete; and running thence 425 feet southerly and parallel to the westerly line of said Kriener to a point; thence turning and running westerly 390 feet to a point of curvature; thence bearing to the left by a curve the radius of which is 560 feet, a distance of 631 feet to a point; thence bearing to the right by a curve the radius of which is 800 feet, a distance of 528 feet to a point; thence bearing to the left by a curve the radius of which is 360 feet, a distance of 424 feet to a point; thence bearing to the right by a curve the radius of which is 209 feet, a distance of 190 feet to a point in the easterly line of land now or formerly of Albert L. Mastroianni and Frederick A. and Barbara F. Teece, the courses described thus far having passed through lands of said Kriener, said Leetes and one Erhard F. Vogel; and running thence southwestwesterly through land of said Mastroianni and Teece, a distance of 145 feet to a point in the easterly line of a private way known as

Frank Smith Road, the plan of which is on file in the Hampden County Registry of Deeds, Book of Plans 68, pages 120 and 121, said last mentioned point being 140 feet southerly from the northwesterly corner of lot #21; thence turning and running southerly along the said easterly line of Frank Smith Road in the same course as shown on said plan and southerly along said easterly line extended into land of said Leetes, a distance of 493 feet to a point; thence turning northeasterly and running by a curve bearing to the left the radius of which is 600 feet, a distance of 571 feet to a point; thence bearing to the right by a curve the radius of which is 300 feet, a distance of 413 feet to a point; thence bearing to the left by a curve the radius of which is 360 feet, a distance of 317 feet to a point; thence bearing to the right by a curve the radius of which is 500 feet, a distance of 377 feet to a point of tangency; thence northeasterly 380 feet to a point of curvature; thence bearing to the left by a curve the radius of which is 200 feet, a distance of 257 feet to a point of tangency; thence northerly 523 feet to a point in the said southerly line of Williams Street 61.1 feet easterly along said line from the point of beginning; thence turning and running westerly along the said southerly line of Williams Street to the point of beginning.

Parcel Two: Beginning at a point in the westerly line of Frank Smith Road, as shown on a plan on file in the Hampden County Registry of Deeds, Book of Plans 68, pages 120 and 121, said point being 119 feet southerly, along the said westerly line of Frank Smith Road, from the southerly line of Berkely Drive, a private way; thence running southwestwardly 145 feet to a point of curvature; thence bearing to the left by a curve the radius of which is 300 feet, a distance of 141 feet to a point; thence bearing to the right by a curve the radius of which is 200 feet, a distance of 247 feet to a point; thence bearing to the left by a curve the radius of which is 400 feet, a distance of 254 feet to a point; thence bearing to the right by a curve the radius of which is 900 feet, a distance of 764 feet to a point; thence bearing to the left by a curve the radius of which is 960 feet, a distance of 300 feet to a point of tangency; thence westerly 240 feet to a point of curvature; thence bearing to the left by a curve the radius of which is 1485.82 feet, a distance of 514 feet to a point; thence bearing to the right by a curve the radius of which is 300 feet, a distance of 230 feet to a point in the easterly line of Merriweather Drive, as shown on a plan on file in the Town Clerk's office, titled "Revised Plan of Lots 55, 56 and 68," extended in the same course southwestwardly; thence turning and running northerly along the said easterly line of Merriweather Drive so extended, a distance of 107 feet to a point; thence N 65° 33' W, a distance of about 95 feet to a point in the center line of a brook and drain easement as shown on said last named plan; thence turning and running southwestwardly along the center line of said brook, a distance of 360 feet to a point; thence N 75° 36' 49" W, a distance of 270 feet to a point; thence turning and running southerly by a curve bearing to the left the radius of which is 630 feet, a distance of 226.50 feet to a point; thence bearing to the right by a curve the radius of which is 782.02 feet, a distance of 1148.55 feet to a point, said last two courses being along land now or formerly of Hyman Freedman et als; thence turning and running southerly a distance of 60 feet along land now or formerly of Hyman Freedman et als to a point; thence turning and running westerly along said last named land, land of Glen Arden Realty Corp. and land of Azel P. and Josephine B. Barney a distance of 863.99 feet to a point; thence turning and running southerly along land of said Azel P. and Josephine B. Barney and land of Glen Arden Realty Corp. a distance of 370.59 feet to a point; thence turning and running easterly, making an interior angle with the last course of 88° 48' 30" a distance of 510.75 feet to a point;

thence turning and running southerly, making an exterior angle with the last named course of 270° 18' 10" a distance of 60 feet to a point; thence turning and running easterly, northerly and northeasterly by land of Gerald and Dorothy S. Hoag, land of Joseph Chapdelaine Inc., land of Breckwood Lumber and Trim Co., Inc., land of Kenmore Development Co., Inc. to the northwesterly corner of Kenmore Drive, a private way, as shown on a plan on file in the Hampden County Registry of Deeds, Book 67, pages 77 and 78; thence running easterly a distance of 50 feet to the northeast corner of said Kenmore Drive; thence northerly in a straight line by a deflection to the right of 10° 30' from the easterly line of Kenmore Drive as shown on said last named plan 550 feet to a point; thence turning and running easterly at a right angle to the last named course a distance of 77 feet to a point; thence turning and running easterly by a curve bearing to the left the radius of which is 860 feet, a distance of 535 feet to a point; thence bearing to the right by a curve the radius of which is 500 feet, a distance of 515 feet to a point; thence bearing to the left by a curve a radius of which is 560 feet, a distance of 413 feet to a point; thence running easterly bearing to the right by a curve the radius of which is 800 feet, a distance of 355 feet to a point of tangency; thence running southeasterly a distance of 702 feet to a point of curvature; thence running northeasterly bearing to the left by a curve the radius of which is 360 feet, a distance of 590 feet to a point; thence running northerly and northeasterly bearing to the right by a curve the radius of which is 100 feet, a distance of 143 feet to a point; thence running northerly radial to the last mentioned curve 160 feet to a point; thence running northerly bearing to the left by a curve the radius of which is 540 feet a distance of 336 feet to a point; thence running northwesterly in a straight line 245 feet to the point of beginning;

and authorize the Board of Selectmen to change the foregoing description after a survey upon the ground so long as the land to be acquired hereunder is substantially that hereinbefore described, and to take any necessary action hereunder and to accept a deed or deeds therefor in such form as they may approve and raise and appropriate the sum of \$28,901.00 for payment of damages for said taking, or as consideration for such deed, or both, with further authority in the Board of Selectmen to adjust real estate taxes affecting said land as of the date of the delivery of the deed; and that the powers conferred by said Section 14 of said Chapter 45 of the General Laws as amended be exercised by the Board of Park Commissioners and the Planning Board to be distributed between them as they may from time to time determine, until further vote of the Town. (Motion carried by more than a two-thirds vote; 443 in favor and 1 opposed.)

ARTICLE 24. Voted: That the Town discontinue as a public way so much of the way laid out and accepted by the Town of Springfield in the Town Meeting held March 31, 1755 as is bounded westerly by the easterly line of Frank Smith Road, so-called, extended southerly from Frank Smith Road as shown on a plan recorded in Hampden County Registry of Deeds in Book of Plans 68, Pages 120 and 121 and easterly by the East Longmeadow Town Line which said way intersects the parcels described in Article 22. (Motion carried by unanimous vote.)

At this time there was a motion made and seconded to reconsider the motion already made postponing action under Article 1.

It was then voted that Article 1 be taken from the table and voted upon as follows:

Voted: Item 1 Moderator \$50.00; Item 2 Appropriations Committee \$150.00; Items 3 and 4 Selectmen totaling