

Mount Holyoke College Hiking Trail Easement on Mountain Road

The Pioneer Valley Planning Commission presents information concerning a proposed easement for a hiking trail off Mountain Road. This is a continuation of previous discussion held by the Board concerning that trail system.

A recommendation from Conservation Commission is forth-coming.

**TRAIL EASEMENT – MOUNT HOLYOKE COLLEGE TO THE TOWN OF HADLEY
(Draft April 28, 2015)**

Mount Holyoke College (“Grantor”), for no consideration, hereby grants to The Town of Hadley, a Massachusetts government entity with offices at 100 Middle Street, Hadley, MA 01035, its successors and assigns (“Grantee”) a perpetual right and easement to construct and use (1) a gravel parking area for 6 to 8 vehicles, and (2) a trail for public passage by foot, ski and snowshoe over a certain parcel of land east of Old Mountain Road in Hadley, Massachusetts, as shown on Map entitled “Proposed NENST Access, CT River Byway Project.”

1. Grantee shall have the right but not the obligation to construct, maintain, and use a rectangular parking area just off Old Mountain Road and to install appropriate signs, gates, fencing, surfacing, and drainage to make the parking area safe and usable by the public.
2. Grantee shall have the right but not the obligation to construct, maintain, mark and use a rustic trail over the Premises, which trail shall not exceed five feet in width, approximately in the location shown on the attached map (as it may be amended from time to time by mutual written agreement of Grantor and Grantee or their successors and assigns).
 - (a) Grantee shall have the right to permit the public to pass and repass over said trail on foot (including skis and snowshoes) but during daylight hours only and subject to such rules and regulations as Grantee shall deem appropriate and necessary, including the following prohibitions:
 - (i) Access by motorized vehicles, including, without limitation, snowmobiles, dirt bikes, motorcycles and all-terrain vehicles, shall be prohibited; and
 - (ii) Littering, picking or injuring plants or trees, injuring or harassing wildlife, building of fires, hunting and trapping shall be prohibited.
 - (b) Grantee shall post the trail with notices stating the rules and regulations governing its use by the public, and stating further that the property over which it passes is private and that, in permitting its use by the public, the liability of the landowner is limited by Massachusetts General Laws Chapter 21, Section 17C, as amended.
 - (c) Grantee shall post the entrance to the trail during hunting season, warning trail users that hunting season is in progress, and encouraging use of blaze orange or other protective coloration.
 - (d) So long as Grantee permits public use of the trail, Grantee agrees to maintain the trail, discourage littering and other acts that would encroach upon the natural features of the trail corridor or diminish its attractiveness, take steps to educate users in trail etiquette, and include guidelines for users in maps and other property publications.
 - (e) If at any time the Grantor or its success or assign (the “Fee Owner”) is dissatisfied with the condition, use, management, location or policing of the trail, such person may request and shall be granted a timely hearing with a Committee of representatives of the Grantee, which Committee shall give serious consideration to the complaints of the Fee Owner and which shall

make reasonable good faith efforts to assure the appropriate changes are made, the Fee Owner's concerns are addressed and that the condition, use, management, location and policing of the trail are proper.

The provisions of this perpetual easement, which is executed under seal, shall be binding upon and may be enforced against both the Grantor and Grantee and their successors and assigns.

IN WITNESS THEREOF, the parties hereto have executed this easement this _____ day of _____, 2015.

MOUNT HOLYOKE COLLEGE

By: _____
Its

COMMONWEALTH OF MASSACHUSETTS

_____, ss. _____, 2015

Then personally appeared the above-named _____, and acknowledged the foregoing instrument to be her/his free act and deed, before me.

Notary Public
My Commission Expires:

_____, 2015.

SELECTBOARD OF THE TOWN OF HADLEY:

By: _____

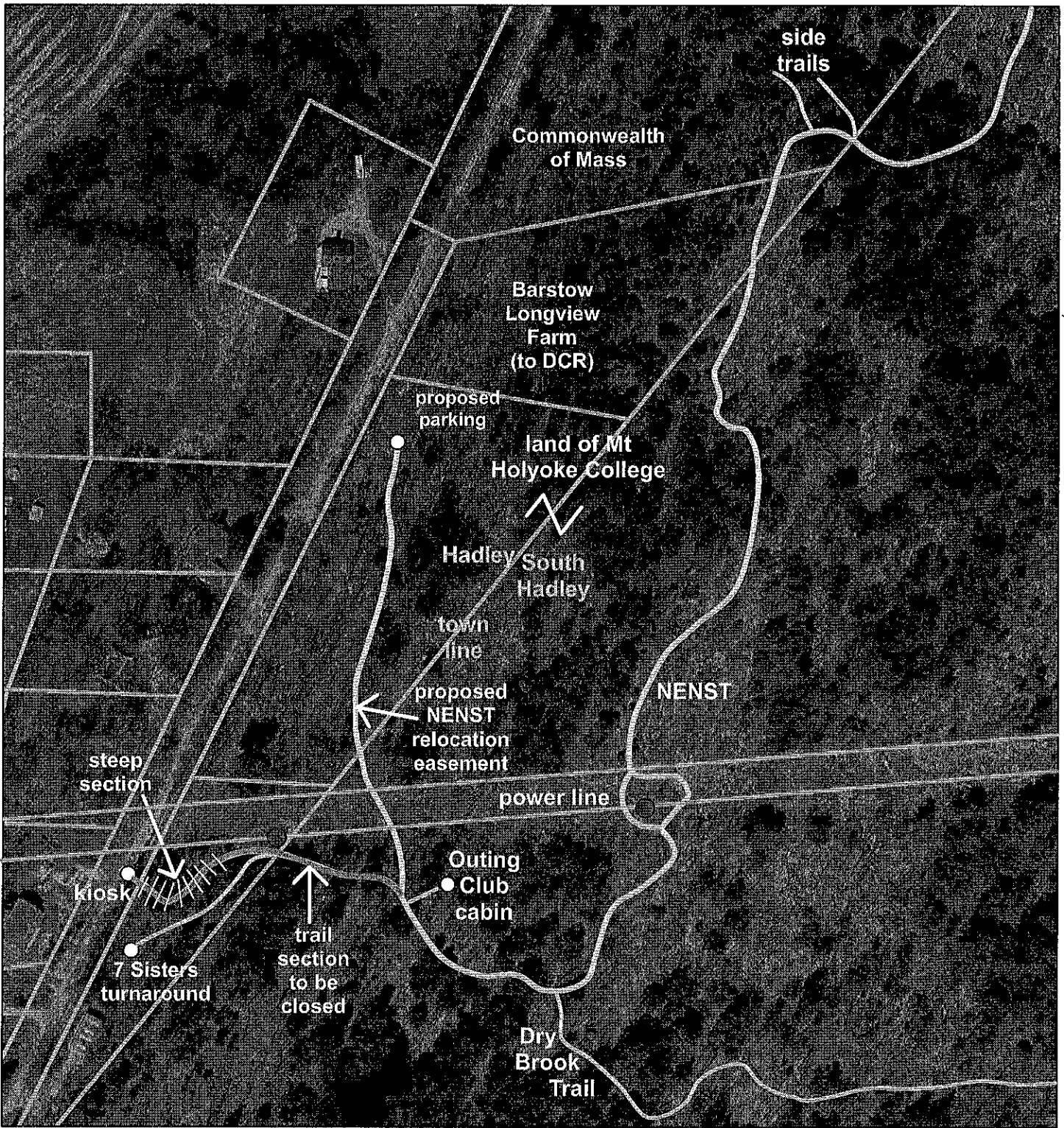
COMMONWEALTH OF MASSACHUSETTS

_____, ss.

_____, 2015

Then personally appeared the above-named _____, and acknowledged the foregoing instrument to be her/his free act and deed, before me.

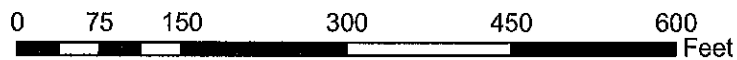
Notary Public
My Commission Expires:



**Proposed NENST Access Easement
Mt Holyoke College to Town of Hadley**

Ortho Photos from
Mass GIS 2009

● **Power-Line Tower**



This map is for planning purposes only, with specific points subject to verification on the ground.
It is not to be used by itself for legal boundary definition.

Conservation Works - April 2015