

HOUSE No. 3920

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, September 21, 2017.

The committee on Ways and Means to whom was referred the Bill authorizing the Division of Capital Asset Management and Maintenance to grant easements to the town of Lanesborough for the reconstruction of the Narragansett Avenue bridge over Lake Pontoosuc (House, No. 3767), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 3920).

For the committee,

JEFFREY SÁNCHEZ.

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In the One Hundred and Ninetieth General Court
(2017-2018)

An Act authorizing the Division of Capital Asset Management and Maintenance to grant easements to the town of Lanesborough for the reconstruction of the Narragansett Avenue bridge over Lake Pontoosuc.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the authority of the division of capital asset management and maintenance to grant easements for the purpose of reconstructing a bridge in need of immediate repair and reconstruction, therefore, it is hereby declared to be an emergency law, necessary for the immediate 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 the provisions of sections 34 through 37, inclusive, of
2 chapter 7C of the General Laws, the commissioner of capital asset management and maintenance
3 may grant permanent and temporary easements, to the town of Lanesborough, over portions of a
4 certain parcel of land, being assessor's map 116, lot 26, held for purposes of conservation and
5 recreation, located within and northwesterly of Pontoosuc Lake, in the town of Lanesborough,
6 which portions are adjacent to and under the Narragansett Avenue bridge, said easements to be
7 used for the purposes of repairing, reconstructing, operating, maintaining, and improving said
8 bridge, subject to the requirements of sections 2 through 6 and to such additional terms and
9 conditions consistent with this act as the commissioner of capital asset management and

10 maintenance may prescribe. The portions of said land are shown on a plan of land entitled
11 “Massachusetts Department of Transportation Highway Division Narragansett Avenue (Bridge
12 No. L-03-024),” revised through June 10, 2016, as follows: “parcel X-E-3,” containing 650
13 square feet, more or less; “parcel X-E-4,” containing 3,295 square feet, more or less; “parcel X-
14 E-6,” containing 1,640 square feet, more or less; “parcel X-TR-3,” containing 12,060 square feet,
15 more or less; and “Parcel X-TE-5,” containing 6,947 square feet, more or less. Prior to finalizing
16 the transaction herein, the division of capital asset management and maintenance may make
17 minor modifications to the plan and easement areas in order to carry out the purposes of this act.

18 SECTION 2. As a condition of the conveyances authorized pursuant to section 1, the
19 town of Lanesborough shall transfer assessor’s parcel 122-11 to the care, custody and control of
20 the conservation commission of the town of Lanesborough for conservation and passive
21 recreation use pursuant to section 8C of chapter 40 of the General Laws; and provided further,
22 said parcel shall be designated as property subject to Article XCVII of the Articles of
23 Amendment of the Constitution of the Commonwealth. The town of Lanesborough shall record
24 such designation in the deed for the property at the Northern Berkshire District registry of deeds.

25 SECTION 3. The consideration for the easements authorized in section 1 shall be an
26 amount equal to the full and fair market value or the value in use of the easements as proposed,
27 whichever is greater, as determined by an independent appraisal commissioned by the
28 commissioner of capital asset management and maintenance. The commissioner of capital asset
29 management and maintenance shall submit the appraisal and a report thereon to the inspector
30 general. The inspector general shall review and approve the appraisal and the review shall
31 include an examination of the methodology utilized for the appraisal. The inspector general shall
32 prepare a report of the review and file the report with the commissioner of capital asset

33 management and maintenance. The commissioner shall submit copies of the appraisal, the report
34 thereon and the inspector general's review and approval and comments, if any, to the house and
35 senate committees on ways and means and the house and senate chairs of the joint committee on
36 state administration and regulatory oversight prior to the execution of the grant of easement
37 authorized in this act.

38 SECTION 4. The grantee shall assume any and all costs associated with engineering,
39 surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner
40 of capital asset management and maintenance to execute the conveyances authorized by this act.

41 SECTION 5. No instrument executed pursuant to this act shall be valid unless it provides
42 that the easements shall be used solely for the purposes described in section 1. The instrument or
43 instruments authorized in section 1 shall include a reversionary clause that stipulates the property
44 shall revert to the commonwealth, upon such terms and conditions as the commissioner of capital
45 asset management and maintenance may determine, if the property ceases to be used for the
46 express purposes authorized in this act, following notice of such to the grantee by the division of
47 capital asset management and maintenance and a failure by the grantee to cure the violation to
48 the satisfaction of the division. If any interest reverts to the commonwealth, any further
49 disposition shall be subject to sections 34 through 37, inclusive, of chapter 7C of the General
50 Laws and the prior approval of the general court.

51 SECTION 6. This act shall take effect upon its passage.