

HOUSE No. 3951

The Commonwealth of Massachusetts

PRESENTED BY:

Edward F. Coppinger

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for the abandonment of a certain sewer line easement in West Roxbury.

PETITION OF:

NAME:

Edward F. Coppinger

DISTRICT/ADDRESS:

10th Suffolk

HOUSE No. 3951

By Mr. Coppinger of Boston, a petition (subject to Joint Rule 12) of Edward F. Coppinger that the commissioner of Capital Asset Management and Maintenance be authorized to release a certain easement in the West Roxbury section of the city of Boston. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act providing for the abandonment of a certain sewer line easement in West Roxbury.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the division of capital asset management and maintenance to release a certain easement in the West Roxbury district of the city of Boston, 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 Sections 32 to 37, inclusive, of Chapter 7C of the General
2 Laws, the commissioner of the division of capital asset management and maintenance, in
3 consultation with the executive director of the Massachusetts water resources authority, may
4 release by deed or other instrument for the benefit of James C. Jones and Gerald B. O’Grady,
5 Trustees of the James E. Clair Sr. Trust, owner of the premises located at 1515 VFW Parkway in
6 the West Roxbury district of the city of Boston, its successors or assigns, a portion of a sewer
7 easement located on real property owned by said trust. The easement was the subject of an order
8 of taking by the Commonwealth of Massachusetts, office of metropolitan sewage
9 commissioners, dated June 5, 1897, recorded with the Suffolk county registry of deeds in book

10 2448, page 6, and confirmed by a grant of easement dated November 18, 1901, recorded with
11 said Suffolk deeds in book 2790, page 538, and the portion of the easement to be released is
12 shown on a plan on file with the Massachusetts water resources authority and the division of
13 capital asset management and maintenance. The exact boundaries of the easement to be released
14 shall be determined by the division in consultation with the authority based upon a survey.

15 SECTION 2. The release of the portion of the easement described in section 1 shall be in
16 accordance with such terms and conditions as the commissioner of the division, in consultation
17 with the executive director of the authority, shall prescribe.

18 SECTION 3. The consideration for the release of the easement pursuant to this act shall
19 be the full and fair market value thereof as determined by the commissioner of capital asset
20 management and maintenance based on an independent professional appraisal. The
21 commissioner shall submit the appraisal to the inspector general for review and comment. The
22 inspector general shall review such appraisal and the review shall include an examination of the
23 methodology utilized for the appraisal. The inspector general shall prepare a report of such
24 review and file the report with the commissioner. The commissioner shall submit copies of the
25 appraisal and the inspector general's review and approval and comments, if any, to the house and
26 senate committees on ways and means and the joint committee on state administration and
27 regulatory oversight prior to the execution of documents effecting the release of the easement
28 authorized by this act.

29 SECTION 4. The owner of the land benefiting from the release of the easement pursuant
30 to this act shall be responsible for any costs for surveys, appraisals, recording fees and other
31 expenses relating to the release.