# HOUSE . . . . . . . . No. 3990

## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, July 25, 2019.

The committee on State Administration and Regulatory Oversight to whom was referred the joint petition (accompanied by bill, House, No. 2695) of Kimberly N. Ferguson and Harriette L. Chandler relative to authorizing the commissioner of Capital Asset Management and Maintenance to grant a certain easement in the town of Princeton, reports recommending that the accompanying bill (House, No. 3990) ought to pass.

For the committee,

DANIELLE GERGOIRE.

# HOUSE . . . . . . . . . . . . . . . . . . . No. 3990

## The Commonwealth of Massachusetts

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

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An Act authorizing the commissioner of Capital Asset Management and Maintenance to grant an easement in the town of Princeton.

_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 or any other general or special law to the contrary, the commissioner of capital asset

3    management and maintenance, in consultation with the commissioner of conservation and

4    recreation, may convey, for no monetary consideration, a permanent nonexclusive easement in a

5    portion of that certain parcel of land, located within the town of Princeton, under the care and

6    control of  the department of conservation and recreation and held for conservation and

7    recreation purposes, and described in a deed recorded with the Worcester South District Registry

8    of Deeds in Book 55054, Page 334, to Hugh McElaney and Christina Chen. The easement may

9    be granted solely for purposes of, repairing, maintaining and replacing the subsurface well that

10    currently serves the land now owned by Hugh McElaney and Christina Chen, the benefitted land

11    being described in a deed recorded with the Worcester South District Registry of Deeds in Book

12    17447, Page 256, and shall be subject to the further requirements of this act and subject to such

13    additional terms and conditions consistent with this act as the commissioner of capital asset

14    management and maintenance may prescribe in consultation with the department of conservation

15    and recreation.

16    The easement described in this section shall apply to 300 square feet of land, more or

17    less, said easement area identified as "Proposed Utility Easement" on a plan of land entitled

18    "Proposed Easement Sketch in Princeton, Massachusetts" dated October 19, 2011, and prepared

19    by Hannigan Engineering, Inc.

20    SECTION 2. No easement instrument conveying, by or on behalf of the Commonwealth,

21    the easement described in section 1 shall be valid unless such easement instrument provides that

22    the easement shall be used solely for the purposes described in said section 1 and that, following

23    any work in the easement area, the grantee shall restore the surface to the satisfaction of the

24    department of conservation and recreation. The easement instrument shall include a clause that

25    shall state that if the easement ceases to be used by the grantees, or their successors or assigns,

26    for the purposes described in section 1 at any time, the easement shall terminate and all rights

27    shall revert to the Commonwealth under the care and control of the department of conservation

28    and recreation, upon such terms and conditions as the commissioner may determine.

29    SECTION 3. The grantees of the easement described in section 1 shall assume and be

30    responsible for the cost of any appraisals, surveys, and other expenses deemed necessary by the

31    commissioner for the granting of said easement.

32    SECTION 4. The Commissioner shall establish the value of the easement for both the

33    highest and best use of the easement as currently encumbered and for the purposes described in

34    section 1. If the consideration for the easement conveyed in section 1 is less than fair market

35    value, the commissioner shall place notice in the central register of the conveyances, the amount

36    of the transaction and the difference between the calculated value and price received.