

HOUSE No. 4184

The Commonwealth of Massachusetts

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

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 to
5 Hugh McElaney and Christina Chen, in a portion of a certain parcel of land located within the
6 town of Princeton, under the care and control of the department of conservation and recreation
7 and held for conservation and recreation purposes, described in a deed recorded with the
8 Worcester district registry of deeds in book 55054, page 334. The easement may be granted
9 solely for purposes of repairing, maintaining and replacing the subsurface well that currently
10 serves the land now owned by Hugh McElaney and Christina Chen, the benefitted land being
11 described in a deed recorded with the Worcester district registry of deeds in book 17447, page
12 256, and shall be subject to the further requirements of this act and subject to such additional
13 terms and conditions consistent with this act as the commissioner of capital asset management

14 and maintenance may prescribe in consultation with the department of conservation and
15 recreation.

16 The easement described in this section shall be comprised of 300 square feet of land,
17 more or less, identified as “Proposed Utility Easement” as shown on the plan of land entitled
18 “Proposed Easement Sketch in Princeton, Massachusetts” dated October 19, 2011, prepared by
19 Hannigan Engineering, Inc. and to be recorded in the Worcester district registry of deeds.

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, Hugh McElaney and
30 Christina Chen, shall assume and be responsible for the cost of any appraisals, surveys and other
31 expenses deemed necessary by the commissioner of capital asset management and maintenance
32 for the granting of said easement.

33 SECTION 4. The commissioner of capital asset management and maintenance shall
34 establish the value of the easement for both the highest and best use of the easement as currently
35 encumbered and for the purposes described in section 1. If the consideration for the easement

36 conveyed in section 1 is less than fair market value, the commissioner shall place notice in the
37 central register of the conveyances, the amount of the transaction and the difference between the
38 calculated value and price received.