

HOUSE No. 4349

The Commonwealth of Massachusetts

The Committee on Ways and Means to whom was referred the Bill authorizing the Division of Capital Asset Management and Maintenance to transfer certain land in the city of Marlborough to Michael Audette (House, No. 4339), reports that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4349).

For the committee,

Charles A. Murphy.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO TRANSFER AN EASEMENT IN CERTAIN LAND IN THE TOWN OF NATICK TO MICHAEL AUDETTE.

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 40E through 40I, inclusive, of
2 chapter 7 of the General Laws, or any other general or special law to the contrary, the
3 commissioner of the division of capital asset management and maintenance, in consultation with
4 the Massachusetts water resources authority, may grant to Michael Audette, his heirs, successors
5 and assigns, an easement for right of way and parking purposes on certain commonwealth land
6 located in the town of Natick and now under the care and control of the Massachusetts water
7 resources authority for waterworks purposes, said land having been most recently used as part of
8 the Cochituate aqueduct, said easement being further described in a plan of land dated March 26,
9 2009, entitled “Plan Showing Proposed Access & Egress Easement in Natick, Mass, Over
10 Massachusetts Water Resources – Cochituate Aqueduct Land, To Be Granted To Michael A.
11 Audette’, Dated March 26, 2009, Survey By: MacCarthy & Sullivan Engineering, Inc. 205
12 Newbury Street, Framingham, Mass”, said plan to be recorded in the Middlesex county south
13 registry of deeds prior to the recording of said deed. The consideration for said grant of easement
14 shall be the full and fair market value of said parcels as determined by the commissioner of the
15 division of capital asset management and maintenance pursuant to 1 or more independent
16 professional appraisals. This parcel shall be conveyed by deed without warranties or
17 representations by the commonwealth.

18 SECTION 2. Notwithstanding any general or special law to the contrary, the inspector general
19 shall review and approve the appraisal required pursuant to section 1. The inspector general shall
20 prepare a report of his review of the methodology utilized for the appraisal and shall file the
21 report with the commissioner of the division of capital asset management and maintenance, and
22 copies of the same shall be filed with the house and senate committees on ways and means and

23 with the joint committee on state administration and regulatory oversight. The commissioner of
24 the division of capital asset management and maintenance shall, 30 days before the execution of
25 the grant of easement authorized by this act, or any subsequent amendment thereto, submit the
26 proposed grant of easement or amendment and a report thereon to the inspector general for his
27 review and comment. The inspector general shall issue his review and comment within 15 days
28 of receipt of the proposed grant of easement or amendment. The commissioner shall submit the
29 proposed grant of easement or amendment, and the reports and the comments of the inspector
30 general, if any, to the house and senate committees on ways and means and the joint committee
31 on state administration and regulatory oversight at least 15 days before execution of the grant of
32 easement. The proceeds of the easement authorized by of this act shall be deposited in the
33 watershed land acquisition expendable trust account, #28221445, established by section 6 of
34 chapter 6A of the General Laws, said proceeds to be used for future acquisition of water supply
35 protection lands.

36 SECTION 3. Notwithstanding any general or special law to the contrary, the grantee shall be
37 responsible for all costs and expenses associated with the grant of easement authorized by this
38 act, including but not limited to any engineering, appraisal, survey, deed preparation, recording
39 and legal costs, and any and all other expenses incurred by the commonwealth in connection
40 with said grant of easement as such costs may be determined by the commissioner of the division
41 of capital asset management and maintenance.

42 SECTION 4. Michael Audette and his agents, tenants or contractors shall agree to hold the
43 commonwealth and its agents and employees harmless from and against all claims, actions,
44 damages or costs claimed for injuries or damages to persons or property arising out of, or in any
45 way relating to, the grant of easement authorized by this act, and shall indemnify and defend the
46 commonwealth, the Massachusetts water resources authority and their agents and employees
47 from and against any and all such claims, actions, damages or costs.

48 SECTION 5. The grantee shall use the easement solely for right of way and parking purposes
49 and the easement or other agreement pertaining to the grant of the easement shall include a
50 provision restricting the use of the property to such purposes and providing for a reversion of the
51 property to the commonwealth if the property ceases to be so used or is used for any other
52 purpose.