

HOUSE No. 4649

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 16, 2020.

The committee on Ways and Means, to whom was referred the Bill providing for the abandonment of a certain sewer line easement in West Roxbury (House, No. 3951), reports recommending that the same ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4649).

For the committee,

AARON MICHLEWITZ.

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**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 section 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 capital asset management and maintenance, in consultation with the
3 executive director of the Massachusetts Water Resources Authority, may release by deed or other
4 instrument for the benefit of James C. Jones and Gerald B. O’Grady, Trustees of the James E.
5 Clair Sr. Trust, owner of the premises located at 1515 VFW parkway in the West Roxbury
6 section of the city of Boston, its successors or assigns, a portion of a sewer easement located on
7 real property owned by said trust. The easement was the subject of an order of taking by the
8 commonwealth, office of metropolitan sewage commissioners, dated June 5, 1897, recorded with
9 the Suffolk county registry of deeds in book 2448, page 6, and confirmed by a grant of easement
10 dated November 18, 1901, recorded with said Suffolk county registry of deeds in book 2790,

11 page 538, for the purpose of constructing, operating, maintaining, repairing and replacing
12 sewers, drains, manholes and appurtenances and the portion of the easement to be released is
13 shown on a plan titled “Plan Showing M.W.R.A. Easement 1515 Veterans of Foreign Wars
14 Parkway Boston (West Roxbury) Mass.” prepared by Feldman Land Surveyors, dated May 1,
15 2019, which is on file with the Massachusetts Water Resources Authority and the division of
16 capital asset management and maintenance. The exact boundaries of the easement to be released
17 shall be determined by the division of capital asset management and maintenance in consultation
18 with the Massachusetts Water Resources Authority based upon a survey.

19 SECTION 2. The release of the portion of the easement described in section 1 shall be in
20 accordance with such terms and conditions as the commissioner of capital asset management and
21 maintenance, in consultation with the executive director of the Massachusetts Water Resources
22 Authority, shall prescribe.

23 SECTION 3. The consideration for the release of the easement pursuant to this act shall
24 be the full and fair market value as determined by the commissioner of capital asset management
25 and maintenance based on an independent professional appraisal. The commissioner shall submit
26 the appraisal to the inspector general for review and comment. The inspector general shall
27 review such appraisal, including, but not limited to, an examination of the methodology utilized
28 for the appraisal. The inspector general shall prepare a report of such review and file the report
29 with the commissioner. The commissioner of capital asset management and maintenance shall
30 submit copies of the appraisal and the inspector general’s report and approval and comments, if
31 any, to the house and senate committees on ways and means and the joint committee on state
32 administration and regulatory oversight prior to the execution of documents affecting the release
33 of the easement authorized by this act.

34 SECTION 4. The James E. Clair Sr. Trust, owner of the land, shall benefit from the
35 release of the easement pursuant to this act, and shall be responsible for any costs for surveys,
36 appraisals, recording fees and other expenses relating to the release of the easement.