

HOUSE No. 4805

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 22, 2020.

The committee on Ways and Means, to whom was referred the Bill authorizing the commissioner of Capital Asset Management and Maintenance to grant certain easements to the town of Bourne (House, No. 4007), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4805).

For the committee,

AARON MICHLEWITZ.

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

An Act authorizing the commissioner of Capital Asset Management and Maintenance to grant certain easements to the town of Bourne.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance of certain easements by the commonwealth to the town of Bourne, 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 or any general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the adjutant general, may convey to the town
4 of Bourne permanent and temporary easements in lands of the commonwealth used for armory
5 purposes located on Armory road, in the town of Bourne and shown on a plan on file with the
6 clerk of the town of Bourne, entitled “Proposed Utility Easement Plan in Bourne, Mass. prepared
7 for town of Bourne #31 Armory Road Map 19.4 Parcel 181” dated October 15, 2018 and
8 prepared by Bracken Engineering, Inc. The exact boundaries of the easement areas shall be
9 determined by the commissioner based upon a survey. The easements shall be granted solely for
10 the purposes of installation, use, maintenance, repair and replacement of a subsurface waterline.

11 The grant of the easements shall be subject to sections 2 to 4, inclusive, and such additional
12 terms and conditions as the commissioner of capital asset management and maintenance, in
13 consultation with the adjutant general, may reasonably require consistent with this act.

14 SECTION 2. (a) An independent appraisal of the fair market value and value in use of the
15 easements described in section 1 shall be prepared in accordance with the usual and customary
16 professional appraisal practices by a qualified appraiser commissioned by the commissioner of
17 capital asset management and maintenance. The commissioner of capital asset management and
18 maintenance shall submit the appraisal to the inspector general for review and comment. The
19 inspector general shall review and approve the appraisal and the review shall include an
20 examination of the methodology utilized for the appraisal. The inspector general shall prepare a
21 report of such review and file the report with the commissioner of capital asset management and
22 maintenance. After receiving the report, the commissioner shall submit copies of the report to the
23 house and senate committees on ways and means and the joint committee on state administration
24 and regulatory oversight at least 15 days prior to the execution of documents affecting the
25 conveyances authorized in said section 1.

26 (b) Consideration for the grants of the easements pursuant to section 1 shall be the full
27 and fair market value or the value in proposed use, whichever is greater, as determined by the
28 commissioner of capital asset management and maintenance.

29 SECTION 3. The town of Bourne shall assume all costs associated with engineering,
30 surveys, appraisals, deed preparation and other expenses necessary to execute the conveyances
31 authorized in this act.

32 SECTION 4. No instrument executed pursuant to this act shall be valid unless it provides
33 that the easements shall be used solely for the purposes described in section 1. The instruments
34 authorized in said section 1 shall include a reversionary clause that stipulates the easements shall
35 terminate, upon such terms and conditions as the commissioner of capital asset management and
36 maintenance may determine, if the property ceases to be used for the express purposes
37 authorized in this act. Prior to any reversion, the commissioner shall provide notice of any
38 violations to the town of Bourne and the town may cure the violation to the satisfaction of the
39 division. If any interest reverts to the commonwealth, any further disposition shall be subject to
40 sections 32 to 37, inclusive, of chapter 7C of the General Laws and the prior approval of the
41 general court.