

HOUSE No. 5191

Substituted by the House, on motion of Mr. Speliotis of Danvers, for a bill with the same title (House, No. 5191). December 14, 2020.

The Commonwealth of Massachusetts

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

An Act authorizing the Division of Capital Asset Management and Maintenance to grant a drainage easement, and amending a permanent right of way easement, to the city of Marlborough.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to grant a drainage easement and a permanent right of way easement to the city of Marlborough, 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 other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the department of conservation and
4 recreation, may convey to the city of Marlborough, subject to acceptance by the city council of
5 said city: (1) a permanent easement for drainage over a parcel of land held by the department of
6 conservation and recreation for watershed purposes and located adjacent to Maple street and
7 Valley street in the city of Marlborough, said parcel being parcel Sixth in Division A., Brook in
8 the city of Marlborough in an instrument of taking recorded with the Middlesex south district
9 registry of deeds in book 2635, page 1 and (2) an permanent right of way easement for access

10 and utility across said parcel. The conveyance shall be subject to such terms and conditions as set
11 forth in this act and any other conditions as said commissioner shall prescribe, in consultation
12 with the department of conservation and recreation.

13 The drainage easement authorized pursuant to this section is shown as “proposed
14 drainage easement”, containing 17,269 square feet, more or less, on a plan of land entitled “Plan
15 of Land in Marlborough, MA”, to be recorded with the Middlesex South registry of deeds,
16 prepared for the city of Marlborough and the department of conservation and recreation prepared
17 by Bruce Saluk & Associates, Inc., dated November 20, 2013, and last revised January 19, 2017.
18 The right of way easement authorized pursuant to this section is shown as “proposed
19 bridge/access & utility easement”, containing 2,391 square feet, more or less, shown on said
20 plan. Changes to easement boundaries may be made if determined necessary pursuant to a survey
21 by the commissioner of capital asset management and maintenance.

22 SECTION 2. In consideration of the conveyance authorized by section 1, the city of
23 Marlborough shall design and implement appropriate landscaping and beautification acceptable
24 to the department of conservation and recreation, and shall maintain the same, for the drainage
25 easement described in section 1. As further consideration for the easements authorized in this act,
26 the city of Marlborough shall compensate the commonwealth through the transfer to the
27 department of conservation and recreation of land or an interest in land or through the payment
28 of an amount equal to or greater than the appraised value as determined by the commissioner of
29 capital asset management and maintenance, or any combination thereof, and approved by the
30 department of conservation and recreation. Any land or interest in land acquired by the
31 department of conservation and recreation pursuant to this section shall be permanently held and
32 managed for conservation and water supply purposes by the department of conservation and

33 recreation. If the appraised value of any land or interest in land conveyed under this section is of
34 greater value than the appraised value of the interest in land in section 1, the commonwealth
35 shall have no obligation to pay the difference. Any payments to the commonwealth pursuant to
36 this section shall be deposited in the Conservation Trust established in section 1 of chapter 132A
37 of the General Laws and shall be dedicated to the conservation or restoration of natural resources
38 in the Sudbury reservoir watershed.

39 SECTION 3. The city of Marlborough shall assume all of the expenses as deemed
40 necessary by the commissioner of capital asset management and maintenance for the conveyance
41 of said easements and the expenses associated with the landscaping, beautification and
42 maintenance described in section 2.

43 SECTION 4. If the easements conveyed pursuant to section 1 ceases to be used for the
44 purposes for which they were conveyed as described in said section 1, said easements shall revert
45 to the commonwealth under the care and control of the department of conservation and
46 recreation under such terms as the commissioner of capital asset management and maintenance
47 may prescribe.