

**SENATE . . . . . No. 1457**

---

The Commonwealth of Massachusetts

PRESENTED BY:

*Stephen M. Brewer*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act authorizing the division of capital asset management and maintenance to grant an easement upon land of the Commonwealth located in the town of Ware to the Massachusetts Water Resources Authority .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen M. Brewer</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>

**SENATE . . . . . No. 1457**

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 1457) of Stephen M. Brewer, Todd M. Smola and Anne M. Gobi for legislation to authorize the division of capital asset management and maintenance to grant an easement upon land of the commonwealth located in the town of Ware to the Massachusetts Water Resources Authority . State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ □ SENATE  
□ , NO. 2419 OF 2011-2012.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Thirteen**  
\_\_\_\_\_

An Act authorizing the division of capital asset management and maintenance to grant an easement upon land of the Commonwealth located in the town of Ware to the Massachusetts Water Resources Authority .

*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 40H, inclusive, of  
2 chapter 7 of the General Laws or any other general or special law to the contrary, the  
3 commissioner of capital asset management and maintenance, in consultation with the  
4 commissioner of the department of conservation and recreation, is hereby authorized to grant a  
5 permanent exclusive easement to the Massachusetts Water Resources Authority, for right to  
6 enter, use, improve, operate, maintain and manage the easement area as a portion of the  
7 waterworks system, both existing and future, in accordance with chapter 372 of the acts of 1984  
8 and as the easement area is more particularly defined in section 2 herein. The parcel of land  
9 upon which this easement is to be granted was acquired by the commonwealth for the purpose of  
10 adding to, extending and further developing the additional sources of water supply of the  
11 metropolitan water system.

12 SECTION 2. The easement area authorized in section 1 shall be as follows:

13 An area containing 129,128+ square feet, or 2.96+ acres and shown as “Easement Parcel  
14 A” on a plan entitled, “Massachusetts Water Resources Authority; Easement Acquisition Plan,  
15 Ware Disinfection Facility, Ware, Massachusetts”, dated February 2, 2012, by Verde Survey  
16 Solutions, Inc., 100 Hallet Street, Boston, MA 02124”. The area is described as follows:

17 Beginning at point along the westerly line of Belchertown Road, marked by a concrete  
18 bound with a drill hole, said westerly line being a curved line having a radius of eleven hundred  
19 and sixty feet (1160.00’)

20 Thence running in a generally southwesterly direction along said curve for a length of  
21 one hundred eighty and twenty-five hundredths feet (180.25’) to a point at the end of the curved  
22 line, meaning and intending to be the westerly line of Belchertown Road (Route 9,  
23 Massachusetts State Highway Layout No. 2938)

24 Thence, turning and running S43°18’42”W for a distance of three hundred and two and  
25 twenty-two hundredths feet (302.22’) along said westerly line of Belchertown Road to a corner

26 Thence, running N46°41’18”W for a distance of eighty-six and thirty-three hundredths  
27 feet (86.33’) to a corner

28 Thence, turning and running N03°08’15”W for a distance of three hundred forty-one and  
29 forty-two hundredths feet (341.42’) to a corner

30 Thence, turning and running N63°21’36”E for a distance of two hundred eighty-eight and  
31 twenty-eight hundredths feet (288.28’) to a corner

32 Thence, turning and running N27°24’42”W for a distance of twenty-three and zero  
33 hundredths feet (23.00’) to a corner

34 Thence, turning and running N62°35’18”E for a distance of fifty and zero hundredths feet  
35 (50.00’) to a corner

36 Thence, turning and running S27°24’42”E for a distance of two hundred thirty-nine and  
37 sixty-one hundredths feet (239.61’) to the point of beginning

38 SECTION 3. No easement instrument executed pursuant to section 1 shall be valid  
39 unless it provides that the easement conveyed shall be used solely for, as the case may be,  
40 entering, using, improving, operating, maintaining and managing the easement area as a portion  
41 of the waterworks system, both existing and future, in accordance with chapter 372 of the acts of  
42 1984.

43 The easement granted in accordance with this act is granted upon property under the  
44 control of the department of conservation and recreation and shall not unreasonably interfere

45 with the department's use of the abutting land under its control, including use by the public. The  
46 grant of easement shall include a reversionary clause that stipulates that the easement shall revert  
47 to the commonwealth and be extinguished, upon such terms and conditions as the commissioner  
48 of capital asset management and maintenance may determine, if the easement ceases to be used  
49 for the purposes for which it was granted.

50 Notwithstanding any other general or special law to the contrary, if the easement area  
51 ceases to be used at any time for such purposes or is used for any purpose other than the public  
52 purposes stated in this act, the commissioner of capital asset management and maintenance shall  
53 give written notice to the Massachusetts Water Resources Authority of such non-use or  
54 unauthorized use. The Massachusetts Water Resources Authority, upon receipt of the notice,  
55 shall have 90 days to respond and a reasonable time to establish an authorized use of the  
56 easement area or to re-establish the former public use.

57 SECTION 4. The consideration for the easement authorized under this act, and as a  
58 condition precedent to the granting of the easement by the commonwealth, shall be the continued  
59 funding by the Massachusetts Water Resources Authority of the watershed protection activities  
60 of the department.

61 SECTION 5. The Massachusetts Water Resources Authority shall be responsible for all  
62 costs and expenses incurred or required to be incurred by it including, but not limited to, costs  
63 associated with any engineering or surveys or other necessary due diligence in connection with  
64 the Authority's use of the easement granted under this act.