HOUSE DOCKET, NO. 3433 FILED ON: 1/21/2011

HOUSE . . . . . No. 3032

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema and Karen E. Spilka

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:

An Act authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Hopkinton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Carolyn C. Dykema	*8th Middlesex*
Karen E. Spilka	
	☐ *[District]*
	☐

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HOUSE . . . . . No. 3032

By Representative Dykema of Holliston and Senator Spilka, a joint petition (accompanied by bill, House, No. 3032) of Carolyn C. Dykema and Karen E. Spilka for legislation to authorize the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Hopkinton. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

An Act authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Hopkinton.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding sections 40E through 40J, inclusive, of chapter 7 of the General Laws, or any other general or special law to the contrary, the commissioner of capital asset management may , in consultation with the commissioner of conservation and recreation, convey a permanent non-exclusive easement under, over, in and through a parcel of land containing approximately 4330 square feet, more or less, located on Old Mill Road off Wood Street in the town of Hopkinton, which is currently under the control of the department of conservation and recreation and held for conservation purposes, to the owners of the house numbered 242 Wood Street currently owned by Michael and Judy Carmody and their successors and assigns, as an easement appurtenant thereto, and for the benefit or use of no other house or property whatsoever, for the purposes of traveling over said easement to said property from Wood Street. The easement area is located on a parcel of land described in an Order of Taking recorded on January 1, 1896, and recorded in the Middlesex South District Registry of Deeds in Book 2635, Page 1. The easement shall be subject to the rules and regulations of the department of conservation and recreation and the Executive Office of Energy and Environmental Affairs and any additional terms and conditions as the commissioner of capital asset management may prescribe. The consideration for the conveyance of the easement shall be its full and fair market value as determined by the commissioner of capital asset management, in consultation with the department of conservation and recreation, pursuant to one or more independent professional appraisals. The consideration shall be deposited in the Conservation Trust, established pursuant to section 1A of Chapter 132A of the General Laws. This easement shall be conveyed without warranties or representations by the commonwealth.

SECTION 2. The easement area is more particularly described by metes and bounds as follows:

BEGINNING at a point on Wood Street at the southeasterly corner of land belonging now or formerly to Kristina A. White;

Thence running N 29° 02’ 28” E, 49.91 feet along a stone wall to its end;

Thence running N 33° 57’ 23” E, 66.68 feet to a point at the beginning of a stone wall;

Thence running N 27° 03’ 00” E, 58.48 feet along the stone wall to its end;

Thence running N 23° 27’ 05” E, 17.45 feet to a point set at the beginning of a stone wall;

Thence running N 27° 12’ 50” E, 19.87 feet along the stone wall to a point at its end;

Thence running S 62° 47’ 10” E, 20.00 feet to a point;

Thence running S 27° 12’ 50” W, 19.87 feet to a point;

Thence running S 11° 41’ 45” E, 11.81 feet to a point;

Thence running S 38° 32’ 18” W, 31.30 feet to a point;

Thence running S 36° 43’01” W, 28.60 feet to a point;

Thence running S 30° 12’ 04” W, 30.97 feet to a point;

Thence running S 29° 43’ 22” W, 48.03 feet to a point;

Thence running S 02° 28’ 38” E, 19.09 feet to a point;

Thence running S 29° 48’ 12” W, 22.42 feet to a point on Wood Street;

Thence running along Wood Street Westerly 30 feet to the point and place of beginning.

The exact boundaries of the easement area shall be determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, after completion of a survey to be recorded with easement deed.

SECTION 3. The easement authorized in section 1 shall only be granted if the grantees agree to assume all costs associated with any engineering, surveys, recording fees, deed or easement preparation and any other expenses that the commissioner of capital asset management deems necessary to effectuate the conveyance.

SECTION 4. The easement shall be subject to the following conditions: 1. The easement or any way constructed thereon shall be made of a pervious material and must not be impervious; 2. Any future utilities or any change in existing utilities must be placed below ground level; 3. There shall be no structures or buildings, temporary or permanent, or any trailers or the like

53 placed upon the easement; and 4. Any motor vehicles must not block the easement and may only
54 be parked on the easterly side of the easement. Language reflecting these conditions must be
55 contained in the easement when it is recorded in the Registry of Deeds. No deed conveying, by
56 or on behalf of the commonwealth, the easement described in section 1 shall be valid unless it
57 provides that the easement shall be used solely for the purposes described in said section 1 and
58 the conditions stated herein. The deed shall include a reversionary clause that stipulates the
59 easement shall be extinguished if the easement ceases to be used and maintained for the express
60 purposes and conditions for which it was conveyed, following notice of such to the grantee by
61 the division of capital asset management and a failure of the grantee to cure satisfactorily the
62 violation.

63 SECTION 5. The commissioner of capital asset management, in consultation with the
64 commissioner of conservation and recreation, may make minor modifications to the easement
65 area to be shown on a survey plan. The survey plan of the easement shall be recorded in the
66 Middlesex South District Registry of Deeds.

67 SECTION 6. Notwithstanding any general or special law to the contrary, the inspector
68 general shall review and approve the appraisal required pursuant to section 1. The inspector
69 general shall prepare a report of his review of the methodology utilized for the appraisal and
70 shall file the report with the commissioner of capital asset management and maintenance, the
71 house and senate committees on ways and means and the joint committee on bonding, capital
72 expenditures and state assets. The commissioner of capital asset management and maintenance
73 shall, 30 days before the execution of any conveyance authorized by this act, or any subsequent
74 amendment thereto, submit the proposed conveyance or amendment and a report thereon to the
75 inspector general for his review and comment. The inspector general shall issue his review and
76 comment within 15 days of receipt of the proposed conveyance or amendment. The
77 commissioner of capital asset management and maintenance shall submit the proposed
78 conveyance or amendment, and the reports and the comments of the inspector general, if any, to
79 the house and senate committees on ways and means and the joint committee on bonding, capital
80 expenditures and state assets at least 15 days before execution of the conveyance.

81 SECTION 6. This act shall take effect upon its passage.