HOUSE . . . . . No. 3909

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to grant an easement for access to property, 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:

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 and maintenance may, in consultation with the commissioner of conservation and recreation, grant a permanent non-exclusive easement under, over, in and through a parcel of land containing approximately 4,330 square feet, more or less, located on Old Mill road off Wood street in the town of Hopkinton, currently under the control of the department of conservation and recreation and held for conservation purposes, to Michael and Judy Carmody, their successors and assigns, owners of the property located at 242 Wood street, as an easement appurtenant thereto, for the purpose of traveling over the easement to the grantees' property from Wood street; provided, however that such easement shall not be for the benefit or use of any other house or property whatsoever. The easement area is located on a parcel of land described in an order of taking recorded on January 1, 1896 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 and maintenance may prescribe.

SECTION 2. The consideration for the grant of the easement set forth in section 1 shall be its full and fair market value as determined by the commissioner of capital asset management and maintenance, 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 granted without warranties or representations by the commonwealth.

SECTION 3. 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 the grant of easement. The commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may make minor modifications to the easement

area to be shown on a survey plan. The survey plan of the easement shall be recorded in the Middlesex south district registry of deeds.

SECTION 4. The easement authorized in section 1 shall only be granted if Michael and Judy Carmody, the grantees, agree to assume all costs associated with any engineering, surveys, recording fees, deed or grant of easement preparation and any other expenses that the commissioner of capital asset management and maintenance deems necessary to effectuate the conveyance.

SECTION 5. 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 shall not be impervious; (2) Any future utilities or any change in existing utilities shall be placed below ground level; (3) There shall be no structures or buildings, temporary or permanent, including, but not limited to, any trailers placed upon the easement; and (4) Motor vehicles shall not block the easement and may only be parked on the easterly side of the easement. No grant of easement, by or on behalf of the commonwealth, as set forth in section 1, shall be valid unless it provides that the easement shall be used solely for the purposes described in said section 1 and under the conditions stated herein. Such conditions shall be contained in the grant of easement at the time of its recording in the registry of deeds. The grant of easement shall include a reversionary clause stipulating that such easement shall be extinguished if it ceases to be used and maintained for the express purposes and conditions for which it was granted, following notice of such to the grantees by the division of capital asset management and maintenance and a failure by the grantees to cure the violation to the satisfaction of the division.

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