

HOUSE No. 4350

The Commonwealth of Massachusetts

The committee on Ways and Means to whom was referred the Bill providing for the transfer of certain state real property to the town of Hopkinton. (House, No. 3882), reports that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4350). November 18, 2009.

FOR THE COMMITTEE,

Charles A. Murphy.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act PROVIDING FOR THE TRANSFER OF CERTAIN STATE REAL PROPERTY TO 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:

1 **SECTION 1.** Notwithstanding the provisions of sections 40E through 40J of chapter 7 of
2 the General Laws or any other general or special law to the contrary, the commissioner of the
3 division of capital asset management and maintenance may, in consultation with the department
4 of conservation and recreation, convey in fee simple, for nominal consideration, a certain parcel
5 of land, any permanent easements and any improvements and structures located thereon formerly
6 known as the 1918 Whitehall Reservoir Dam and Gatehouse located on, adjacent and under
7 Highland Street in the town of Hopkinton, accepted by the town of Hopkinton as a public
8 highway on March 7, 1925, and the historic Gatehouse, its spillway and the former earthen dam
9 under Highland Street, to said town for the purpose of operating and maintaining a public way,.
10 Prior to any conveyance, the town of Hopkinton shall enter into a historical covenant agreement
11 with the Massachusetts historical commission which shall be filed with the registry of deeds and
12 run with the land in perpetuity. Use and maintenance of the parcel, excluding the Highland
13 Street infrastructures, shall be subject to the restrictions and provisions of the historical covenant.
14 The exact boundaries of the parcel and any permanent easements shall be determined by the
15 commissioner of the division of capital asset management and maintenance in consultation with
16 the commissioner of the department of conservation and recreation after completion of a survey.
17 This parcel shall be conveyed by deed without warranties or representations by the
18 commonwealth.

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20 **SECTION 2.** Notwithstanding any general or special law to the contrary, the town of Hopkinton
21 shall be responsible for all costs and expenses, including but not limited to, costs associated with
22 any engineering, surveys, appraisals and deed preparation related to the conveyance authorized
23 pursuant to this act as such costs may be determined by the commissioner of the division of
24 capital asset management and maintenance.