SENATE DOCKET, NO. 976 FILED ON: 1/17/2013

SENATE . . . . . No. 1455

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:

An Act authorizing the department of fish and game to exchange the release of a conservation restriction held over certain property in the town of Winchendon for the conveyance of other property in the same town.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen M. Brewer	*Worcester, Hampden, Hampshire and Middlesex*
Jonathan D. Zlotnik	*2nd Worcester*

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By Mr. Brewer, a petition (accompanied by bill, Senate, No. 1455) of Stephen M. Brewer and Jonathan D. Zlotnik for legislation to authorize the department of fish and game to exchange the release of a conservation restriction held over certain property in the town of Winchendon for the conveyance of other property in the same town. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

An Act authorizing the department of fish and game to exchange the release of a conservation restriction held over certain property in the town of Winchendon for the conveyance of other property in the same town.

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

Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize the department of fish and game to exchange the release of a conservation restriction over certain property in the town of Winchendon for conveyance of other land in said town, 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 any general or special law to the contrary, the department of fish and game may release the terms of a conservation restriction and conservation easement over a certain parcel of land identified in section 2 in exchange for the conveyance to said department by New England Power Company ("NEP") of a certain parcel identified in section 3, which conveyance constitutes full, fair and reasonable consideration for the release.

SECTION 2. The parcel of land to be released from a conservation restriction and conservation easement held by the department of fish and game is approximately one acre in size and is identified as follows: "Proposed Transmission Easement to Benefit New England Power Co." shown on a plan of land entitled "Proposed H-134 Transmission Line, Conceptual Plan of Easement, Benjamin Street, Winchendon, MA" and dated 8/22/11 (on file and available at the offices of said department). The conservation restriction and conservation easement is recorded in book 30926, page 54 of the Worcester South Registry of Deeds, and the parcel to be released

is only a portion of the total parcel encumbered by said conservation restriction and conservation easement.

SECTION 3. The parcel of land to be conveyed by NEP to the department of fish and game is approximately 30 acres in size and is identified as follows: Parcel A on a plan entitled "Sketch of Land to be Conveyed to Fish & Game" and dated January 11, 2013 (on file and available at the offices of said department). The conveyance shall be subject to an easement to be reserved by NEP and identified on the aforementioned plan as "Approximate Proposed Easement to be Retained," which easement shall include the following rights:

(1) the exclusive, perpetual right and easement to construct, reconstruct, install, repair, replace, maintain, operate, use, inspect and patrol for the transmission and distribution of high and low voltage electric energy and for the transmission of intelligence, by any means, whether now existing or hereafter devised lines of towers or poles or both or any combination of the same with wires and cables strung upon and from the same (any of which may be erected and/or constructed at the same or different times), together with all guy wires, foundations, anchors, antennae, braces, fittings, buried ground wires and any other equipment or appurtenances reasonably required, collectively hereinafter referred to as the "facilities", including, without limitation, such footbridges, causeways, and ways of access, if any, as may be necessary for the convenient construction, reconstruction, installation, repair, replacement, maintenance, operation, use, inspection and patrolling of said facilities;

(2) the perpetual, exclusive right and easement to renew, replace, remove, add to, modify and otherwise change the facilities and each and every part thereof and all appurtenances thereto and the locations thereof within the easement area;

(3) the perpetual right and easement to pass and repass on foot and with vehicles and equipment along the easement area to and from the adjoining lands and to pass and repass over other lands of the grantor to and from the easement area as reasonably required;

(4) the perpetual right and easement from time to time, without further payment therefor, to clear and keep cleared by physical, chemical or other means, the easement area of trees, underbrush and above and below ground buildings, structures or objects (the first clearing may be for less than the full width and may be widened from time to time to the full width); and

(5) the perpetual right and easement to pave, excavate, remove soils from, fill, and/or change the grade of the easement area as is reasonable, necessary and proper in connection with the exercise of the foregoing rights and easements.

SECTION 4. Costs and expenses associated with the transactions authorized by this act shall be apportioned as provided in the written agreement between the department of fish and game and NEP.

SECTION 5. This act shall take effect upon its passage.