SENATE DOCKET, NO. 2120 FILED ON: 10/18/2011

SENATE . . . . . No. 2130

The Commonwealth of Massachusetts

PRESENTED BY:

Therese Murray

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 a lease of a certain parcel of land under the control of the Department of Fish and Game to the Bourne Water District for water distribution purposes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Therese Murray	☐ *[District]* ☐
David T. Vieira	*3rd Barnstable*
Susan Williams Gifford	*2nd Plymouth*
Randy Hunt	*5th Barnstable*

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SENATE . . . . . No. 2130

By Ms. Murray, a petition (subject to Joint Rule 9 and Joint Rule 12) (accompanied by bill, Senate, No. 2130) of Therese Murray, David T. Vieira, Susan Williams Gifford and Randy Hunt for legislation to authorize a lease of a certain parcel of land under the control of the Department of Fish and Game to the Bourne Water District for water distribution purposes. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

An Act authorizing a lease of a certain parcel of land under the control of the Department of Fish and Game to the Bourne Water District for water distribution purposes.

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 to 40J, inclusive, of chapter 7 of the General Laws, the commissioner of capital asset management and maintenance, on behalf of and in consultation with the commissioner of fish and game and the director of fisheries and wildlife, may lease to the Bourne Water District, for not more than 99 years, a certain parcel of land situated on the Massachusetts Military Reservation and currently under the care and control of the department of fish and game, and described as follows:

Beginning the south-westerly corner of the described parcel, at a point (bound) in the northerly boundary line of Parcel 2 (as shown on plan book 302 page 55), said point being North 82° 21' 45" East, 730.59 feet from the north west corner of Parcel 2,

Thence: North 07° 38' 15" West, 160.00 feet to a point (bound),

Thence: North 82° 21' 45" East, 270.00 feet to a point (bound),

Thence: South 07° 38' 15" East, 160.00 feet to a point (bound) in the northerly boundary line of above mentioned Parcel 2,

Thence South 82° 21' 45" East, 270.00 feet along the northerly boundary of said Parcel 2 to the point of beginning.

17 Parcel 3 contains 43,200 square feet.

18 The value of the lease shall be as determined by the commissioner of capital asset
19 management and maintenance pursuant to 1 or more independent professional appraisals. The
20 lease shall be executed without warranties or representations by the commonwealth.

21 SECTION 2. Notwithstanding any general or special law to the contrary, the lease
22 authorized in section 1 shall be for the construction, operation and maintenance of a water
23 pumping station to extract water for Bourne residents from a site designated as WS4.

24 SECTION 3. Notwithstanding any general or special law to the contrary, the Bourne
25 Water District shall be responsible for all costs and expenses including, but not limited to, costs
26 associated with any engineering, surveys, appraisals, and document preparation related to the
27 lease authorized section 1 as such costs may be determined by the commissioner of capital asset
28 management and maintenance.

29 SECTION 4. Notwithstanding any general or special law to the contrary, the inspector
30 general shall review and approve the appraisal required in section 1. The inspector general shall
31 prepare a report of his review of the methodology utilized for the appraisal and shall file the
32 report with the commissioner of capital asset management and maintenance, the house and
33 senate committees on ways and means and the joint committee on bonding, capital expenditures
34 and state assets. The commissioner of capital asset management and maintenance shall, 30 days
35 before the execution of the lease authorized in this act or any subsequent amendment thereto,
36 submit the proposed lease or amendment and a report thereon to the inspector general for review
37 and comment. The inspector general shall issue such review and comment within 15 days after
38 receipt of the proposed lease or amendment. The commissioner shall submit the proposed lease
39 or amendment, and the reports and the comments of the inspector general, if any, to the house
40 and senate committees on ways and means and the joint committee on bonding, capital
41 expenditures and state assets at least 15 days before the execution of the lease.