SENATE DOCKET, NO. 2230 FILED ON: 5/1/2012

SENATE . . . . . No. 2419

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 division of capital asset management and maintenance to grant an easement upon land of the Commonwealth located in the town of Ware to the Massachusetts Water Resources Authority .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen M. Brewer	*Worcester, Hampden, Hampshire, Franklin*
Anne M. Gobi	*5th Worcester*
Todd M. Smola	*1st Hampden*

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By Mr. Brewer, a petition (subject to Joint Rule 12) of Stephen M. Brewer, Anne M. Gobi and Todd M. Smola for legislation to authorize the division of capital asset management and maintenance to grant an easement upon land of the commonwealth located in the town of Ware to the Massachusetts Water Resources Authority . State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

An Act authorizing the division of capital asset management and maintenance to grant an easement upon land of the Commonwealth located in the town of Ware to the Massachusetts Water Resources Authority .

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 the provisions of sections 40E through 40H, 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, in consultation with the commissioner of the department of conservation and recreation, is hereby authorized to grant a permanent exclusive easement to the Massachusetts Water Resources Authority, for right to enter, use, improve, operate, maintain and manage the easement area as a portion of the waterworks system, both existing and future, in accordance with chapter 372 of the acts of 1984 and as the easement area is more particularly defined in section 2 herein. The parcel of land upon which this easement is to be granted was acquired by the commonwealth for the purpose of adding to, extending and further developing the additional sources of water supply of the metropolitan water system.

SECTION 2. The easement area authorized in section 1 shall be as follows:

An area containing 129,128+ square feet, or 2.96+ acres and shown as “Easement Parcel A” on a plan entitled, “Massachusetts Water Resources Authority; Easement Acquisition Plan, Ware Disinfection Facility, Ware, Massachusetts”, dated February 2, 2012, by Verde Survey Solutions, Inc., 100 Hallet Street, Boston, MA 02124”. The area is described as follows:

Beginning at point along the westerly line of Belchertown Road, marked by a concrete bound with a drill hole, said westerly line being a curved line having a radius of eleven hundred and sixty feet (1160.00’)

Thence running in a generally southwesterly direction along said curve for a length of one hundred eighty and twenty-five hundredths feet (180.25') to a point at the end of the curved line, meaning and intending to be the westerly line of Belchertown Road (Route 9, Massachusetts State Highway Layout No. 2938)

Thence, turning and running S43°18'42"W for a distance of three hundred and two and twenty-two hundredths feet (302.22') along said westerly line of Belchertown Road to a corner

Thence, running N46°41'18'W for a distance of eighty-six and thirty-three hundredths feet (86.33') to a corner

Thence, turning and running N03°08'15"W for a distance of three hundred forty-one and forty-two hundredths feet (341.42') to a corner

Thence, turning and running N63°21'36"E for a distance of two hundred eighty-eight and twenty-eight hundredths feet (288.28') to a corner

Thence, turning and running N27°24'42"W for a distance of twenty-three and zero hundredths feet (23.00') to a corner

Thence, turning and running N62°35'18"E for a distance of fifty and zero hundredths feet (50.00') to a corner

Thence, turning and running S27°24'42"E for a distance of two hundred thirty-nine and sixty-one hundredths feet (239.61') to the point of beginning

SECTION 3. No easement instrument executed pursuant to section 1 shall be valid unless it provides that the easement conveyed shall be used solely for, as the case may be, entering, using, improving, operating, maintaining and managing the easement area as a portion of the waterworks system, both existing and future, in accordance with chapter 372 of the acts of 1984.

The easement granted in accordance with this act is granted upon property under the control of the department of conservation and recreation and shall not unreasonably interfere with the department's use of the abutting land under its control, including use by the public. The grant of easement shall include a reversionary clause that stipulates that the easement shall revert to the commonwealth and be extinguished, upon such terms and conditions as the commissioner of capital asset management and maintenance may determine, if the easement ceases to be used for the purposes for which it was granted.

Notwithstanding any other general or special law to the contrary, if the easement area ceases to be used at any time for such purposes or is used for any purpose other than the public purposes stated in this act, the commissioner of capital asset management and maintenance shall give written notice to the Massachusetts Water Resources Authority of such non-use or

54 unauthorized use. The Massachusetts Water Resources Authority, upon receipt of the notice,
55 shall have 90 days to respond and a reasonable time to establish an authorized use of the
56 easement area or to re-establish the former public use.

57 SECTION 4. The consideration for the easement authorized under this act, and as a
58 condition precedent to the granting of the easement by the commonwealth, shall be the continued
59 funding by the Massachusetts Water Resources Authority of the watershed protection activities
60 of the department.

61 SECTION 5. The Massachusetts Water Resources Authority shall be responsible for all
62 costs and expenses incurred or required to be incurred by it including, but not limited to, costs
63 associated with any engineering or surveys or other necessary due diligence in connection with
64 the Authority's use of the easement granted under this act.