

SENATE No. 2475

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

SENATE, Thursday, July 28, 2016

The committee on Ways and Means, to whom was referred the Senate Bill pertaining to the town of Bellingham and water main easement (Senate, No. 2117),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2475).

For the committee,
Karen E. Spilka

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act pertaining to the town of Bellingham and water main easement.

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

1 (a) Notwithstanding sections 34 to 37, inclusive, of chapter 7C of the General Laws, the
2 commissioner of capital asset management and maintenance, in consultation with the
3 commissioner of conservation and recreation, may grant an easement upon a certain parcel of
4 land currently under the care and control of the department of conservation and recreation and
5 held for conservation and recreation purposes to town of Bellingham to be used for the
6 installation and maintenance of a raw water transmission main, subject to the requirements of
7 this act and to such additional terms and conditions consistent with this act as the commissioner
8 of capital asset management and maintenance may prescribe in consultation with the
9 commissioner of conservation and recreation. The parcel of land contains 37,000 square feet,
10 more or less, and is shown on a plan of land entitled “Bellingham Department of Public Works
11 South Route Raw Water Main” to be recorded in the Norfolk county registry of deeds. Prior to
12 finalizing the transaction or making the conveyance authorized herein, the division of capital
13 asset management and maintenance may make minor modifications to the area and plan in order
14 to carry out this act.

15 (b) An independent appraisal of the fair market value and value in use of the easement
16 described in subsection (a) shall be prepared in accordance with the usual and customary
17 professional appraisal practices by a qualified appraiser commissioned by the commissioner of
18 capital asset management and maintenance. Consideration for the grant of the interest shall be
19 the full and fair market value or the value in proposed use, whichever is greater, as determined
20 by the commissioner of capital asset management and calculated with regard to its full
21 development potential as assembled with other lands owned or otherwise controlled by the
22 grantee. The commissioner of capital asset management and maintenance shall submit any
23 appraisals to the inspector general for review and comment. The inspector general shall review
24 and approve any such appraisals and the review shall include an examination of the methodology
25 utilized for the appraisals. The inspector general shall prepare a report of such review and file
26 the report with the commissioner of capital asset management and maintenance for submission
27 by the commissioner to the house and senate committees on ways and means and the joint
28 committee on state administration and regulatory oversight. The commissioner shall submit
29 copies of the appraisals and the inspector general's review and approval and comments, if any, to
30 the house and senate committees on ways and means and the joint committee on state
31 administration and regulatory oversight at least 15 days prior to the execution of documents
32 effecting the transfers described in subsection (a).

33 (c) To ensure a no-net-loss of lands protected for natural resource purposes, the grantee
34 shall compensate the commonwealth for the interest in land described in subsection (a) through
35 the transfer to the department of conservation and recreation of land, an interest of land or
36 funding for the acquisition of land or an interest therein equal to or greater than the resource
37 value of the land described in said subsection (a) and the highest appraised value as determined

38 under subsection (b). The fair market value of any land or interest in land proposed to be
39 conveyed by the grantee to the department shall be included within the appraisal prepared under
40 said subsection (b). The land, interest in land or funding for the acquisition of land or an interest
41 therein shall be subject to the approval of the department of conservation and recreation and any
42 land or interest in land, whether conveyed by the grantee or acquired by the department, shall be
43 permanently held and managed for conservation and recreation purposes by the department. If
44 the appraised value of any land or interests in land transferred to the department is greater than
45 the appraised value of the interests in land described in said subsection (a), the commonwealth
46 shall have no obligation to pay the difference to the grantee. All payments paid to the
47 commonwealth as a result of the conveyances or grants authorized in this act shall be deposited
48 in the Conservation Trust established in section 1 of chapter 132A of the General Laws.

49 (d) The grantee shall assume all costs associated with engineering, surveys, appraisals,
50 deed preparation and other expenses deemed necessary by the commissioner of capital asset
51 management and maintenance to execute the conveyances authorized in this act.

52 (e) No instrument executed pursuant to this act shall be valid unless it provides that the
53 easement authorized in subsection (a) shall be used solely for the purposes described in said
54 subsection (a). The instrument authorized in said subsection (a) shall include a reversionary
55 clause that stipulates the property shall revert to the commonwealth and be assigned to the care,
56 custody and control of the department of conservation and recreation, upon such terms and
57 conditions as the commissioner of capital asset management and maintenance may determine, if
58 the property ceases to be used for the express purposes authorized in said subsection (a). If any
59 interest reverts to the commonwealth, any further disposition shall be subject to sections 34 to
60 37, inclusive, of chapter 7C of the General Laws and the prior approval of the general court.