

SENATE No. 2576

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

SENATE, Monday, June 25, 2018

The committee on Ways and Means to whom was referred the Senate Bill providing for the abandonment of a certain water line easement in Revere and Malden (Senate, No. 1676) (the committee on Senate Bonding, Capital Expenditures and State Assets having recommended that the bill be amended by substituting a new draft with the same title (Senate, No. 2240,-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2576).

For the committee,
Karen E. Spilka

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act providing for the abandonment of a certain water line easement in Revere and Malden.

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 sections 32 to 37, inclusive, of chapter 7C of the General
2 Laws, the commissioner of the capital asset management and maintenance, in consultation with
3 the executive director of the Massachusetts Water Resources Authority, may release by deed or
4 other instrument for the benefit of Wesley Squire, LLC, owner of the premises located at 649 to
5 655 Squire road in the city of Revere and 1 Wesley street in the city of Malden, its successors or
6 assigns, a certain metropolitan district commission high service water line easement, 30’ wide, or
7 a portion of the metropolitan district commission high service water line easement in the cities of
8 Revere and Malden. The easement was the subject of an order of taking by the metropolitan
9 district commission dated April 15, 1954 and recorded with the Suffolk registry of deeds in book
10 6954, page 74, a portion of which is shown on a plan entitled “Easement Plan off Wesley Street,
11 Revere, Mass.” prepared by the BSC Group, dated December 18, 1991 and recorded in the
12 Middlesex southern district registry of deeds as plan no. 74 of 1992 in book 21729, page 467.
13 The easement is no longer needed for the construction, maintenance or operation of the
14 Massachusetts Water Resources Authority Water system. The portion of the existing 30’ wide

15 metropolitan district commission high service water line easement that may be released is shown
16 on the plan and is designated as “6096 S.F. of easement to be Released” on the plan and is more
17 particularly described as follows:

18 Beginning at the north corner of the existing building and running S59°-39'-00”W a
19 distance of 28.77’ to the Point of Beginning, thence turning and running

20 S30°-19'-59”E a distance of 228.78’, thence turning and running

21 S14°-46'-19”W a distance of 42.34’, thence turning and running

22 N30°-19'-59”W a distance of 258.66’, thence turning and running

23 N59-59'-00”E a distance of 30.00’ to Point of Beginning

24 Said portion consisting of 6,096± s.f., according to said Plan.

25 SECTION 2. The release of the easement described in section 1 shall be in accordance
26 with such terms and conditions as the commissioner of capital asset management and
27 maintenance, in consultation with the Massachusetts Water Resources Authority, shall prescribe.

28 SECTION 3. An independent appraisal shall be prepared in accordance with the usual
29 and customary professional appraisal practices by a qualified appraiser commissioned by the
30 commissioner of capital asset management and maintenance for: (i) the easement described in
31 section 1; and (ii) the difference between the value of the property described in section 1 as
32 subject to the easement and the value of the premises without the easement. If the difference in
33 the appraised value of the property as subject to the easement and the appraised value of the
34 property without the easement exceeds the appraised value of the easement described in section
35 1, Wesley Squire, LLC shall pay the difference to the commonwealth. The commonwealth shall

36 not be obligated to pay any consideration to Wesley Squire, LLC. The inspector general shall
37 prepare a report of his review of the methodology utilized for the appraisals and shall file the
38 report with the commissioner of capital asset management and maintenance within 30 days after
39 receipt of the appraisal report. The commissioner of capital asset management and maintenance
40 shall submit the appraisal report and the comments of the inspector general, if any, to the house
41 and senate committees on ways and means and the joint committee on state administration and
42 regulatory oversight at least 15 days before execution of the release.

43 SECTION 4. Notwithstanding section 3, the commissioner of capital asset management
44 and maintenance, in consultation with the executive director of the Massachusetts Water
45 Resources Authority and the inspector general, may release the easement described in section 1
46 for less than the consideration provided for in section 3 if the commissioner, the executive
47 director and the inspector general determine that consideration has already been provided for the
48 release of the easement by the grant of an easement to the Massachusetts Water Resources
49 Authority by a deed recorded in the Suffolk registry of deeds in book 17273, page 192 and in the
50 Middlesex southern district registry of deeds in book 21729, page 468. If such consideration has
51 already been so provided, the commissioner, in consultation with the executive director and the
52 inspector general, may require consideration that is equal to not less than the difference between
53 the value of the release of the easement described in said section 1 and the value of the easement
54 previously granted to the Massachusetts Water Resource Authority. The commonwealth shall
55 not be obligated to pay any consideration to Wesley Squire, LLC.

56 SECTION 5. The owner of the land benefiting from the partial release of the easement
57 shall be responsible for any costs for surveys, recording and other expenses relating to the
58 release.