

HOUSE No. 4477

The Commonwealth of Massachusetts

PRESENTED BY:

Mathew Muratore and Viriato M. deMacedo

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 adoption of the accompanying bill:

An Act authorizing the grant of easements relative to the Obery Street Roadway Improvement Project to the Town of Plymouth.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|----------------------------|--------------------------------|------------------|
| <i>Mathew Muratore</i> | <i>1st Plymouth</i> | <i>4/27/2018</i> |
| <i>Viriato M. deMacedo</i> | <i>Plymouth and Barnstable</i> | <i>4/27/2018</i> |

HOUSE No. 4477

The Commonwealth of Massachusetts

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

An Act authorizing the grant of easements relative to the Obery Street Roadway Improvement Project to the Town of Plymouth.

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 the provisions of sections 32 to 37 of chapter 7C of the
2 General Laws or any general or special law to the contrary, the commonwealth of Massachusetts
3 acting by and through the commissioner of capital asset management and maintenance is
4 authorized and directed to convey to the Town of Plymouth for highway, utility, and other
5 purposes as are necessary to carry out the Obery Street Roadway Improvement Project (the
6 “Project”), permanent and temporary easements in lands of the commonwealth located on Obery
7 Street in the town of Plymouth in the locations approximately shown on that plan, comprised of
8 26 sheets, entitled “Massachusetts Department of Transportation Highway Division Plan and
9 Profile of Obery Street Roadway Improvements in the Town of Plymouth, Plymouth County,
10 Preliminary Right of Way Plans”, dated 10/2/2011, last rev. 4/25/2018, prepared by Jacobs (the
11 “Project Plan”). The grant of the easements shall be subject to the requirements of sections 2 and
12 3 of this act and to such additional terms and conditions consistent with this act as the
13 commissioner of capital asset management and maintenance may reasonably require consistent

14 with the Project purposes. Prior to finalizing the transaction or making the conveyance
15 authorized herein, the town may make minor modifications to the plan and easement areas in
16 order to carry out the purposes of this act.

17 SECTION 2. The town of Plymouth shall assume any and all costs associated with
18 engineering, surveys, appraisals, deed preparation and other expenses necessary to execute the
19 conveyances authorized by this act.

20 SECTION 3. No instrument executed pursuant to this act shall be valid unless it provides
21 that the easements shall be used solely for the purposes described in section 1. The instrument or
22 instruments authorized in section 1 shall include a reversionary clause that stipulates the
23 easements shall terminate, upon such terms and conditions as the commissioner of capital asset
24 management and maintenance may determine, if the property ceases to be used for the express
25 purposes authorized in this act, following notice of such to the town of Plymouth by the division
26 of capital asset management and maintenance and a failure by the grantee to cure the violation to
27 the satisfaction of the division. If any interest reverts to the commonwealth, any further
28 disposition shall be subject to sections 34 to 37 of chapter 7C of the General Laws and the prior
29 approval of the general court.

30 SECTION 4. Pursuant to the provisions of Article 97 of the Amendments to the
31 Constitution of the Commonwealth of Massachusetts, and notwithstanding chapter 44B of the
32 general laws or any general or special law to the contrary, the town of Plymouth, acting by and
33 through its board of selectmen, is hereby authorized to acquire from the county of Plymouth such
34 permanent and temporary easements in certain lands of the county located on Obery Street in the
35 town of Plymouth, for highway, utility, and other purposes as are need to carry out the Project in

36 the locations approximately shown on the Project Plans, and to that end is further authorized to
37 release to said county, upon such terms as the town and the county may agree, the conservation
38 restriction now held by the town of Plymouth and recorded with the Plymouth Registry of Deeds
39 in book 36713, page 87, to the extent such restriction burdens the lands of the county made
40 subject to Project easements; provided, however, that the conservation restriction shall remain in
41 force and effect for all other portions of the land not impacted by such easements.

42 SECTION 5: Upon release of the conservation restriction as set forth above, the town of
43 Plymouth shall place or acquire a conservation restriction consistent with the provisions of
44 sections 31 through 33 of chapter 184 of the General Laws, on land of at least equal area, which
45 land Plymouth is hereby authorized to acquire, hold, convey, or arrange for conveyance by
46 others.

47 SECTION 6. The provisions of Chapter 30B of the General Laws, and any rights of first
48 refusal in the Commonwealth under the provisions of section 14 of chapter 34 of the General
49 Laws, shall not be applicable to the grant of easements by the county, or to the conveyance of a
50 conservation restriction on land of equal area, as authorized hereunder.

51 SECTION 7. This act shall take effect upon its passage.