

**HOUSE . . . . . No. 3504**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**David P. Linsky (BY REQUEST)**

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*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 bill:

An Act authorizing the Division of Capital Asset Management and Maintenance to transfer certain land in the city of Marlborough to Michael Audette.

PETITION OF:

NAME:

Michael Audette

DISTRICT/ADDRESS:

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# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO TRANSFER CERTAIN LAND IN THE CITY OF MARLBOROUGH TO MICHAEL AUDETTE.

*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. The division of capital asset management and maintenance, notwithstanding the  
2 provisions of sections 40E through 40H, inclusive, of chapter 7 of the General Laws, is hereby  
3 authorized to convey, by deed approved as to form by the attorney general, to Michael Audette,  
4 his heirs, successors and assigns, an easement for right of way and parking purposes on certain  
5 commonwealth land located in the town of Natick and presently under the care and control of the  
6 Massachusetts Water Resources Authority for waterworks purposes, said land having been most  
7 recently used as part of the Cochituate Aqueduct, said easement being further described in a plan  
8 of land dated April 22, 2003, entitled "Existing Driveway Location Plan of Land in Natick,  
9 Mass., Scale 1"=10' by Joseph R. Sullivan, professional engineer, said plan to be recorded in the  
10 Middlesex county south registry of deeds prior to the recording of said deed.

11 SECTION 2. The purchaser of the easement conveyed pursuant to section 1 of this act shall pay  
12 the full and fair market value of said easement based upon an independent professional appraisal  
13 as determined by the commissioner of said division. The inspector general shall review and  
14 approve the appraisal, and the review and appraisal shall include an examination of the  
15 methodology utilized for the appraisal. The inspector general shall prepare a report of his review  
16 and approval of the appraisal, sale agreement, or and amendments thereto, and file his report  
17 with the commissioner, and copies of the same shall be filed with the house and senate  
18 committees on ways and means and with the chairmen of the joint committee on bonding, capital  
19 expenditures and state assets at least 15 days prior to said execution. The parcel of land conveyed  
20 pursuant to this act was acquired by the commonwealth for the purposes stated in article 97 of  
21 the amendments to the constitution of Massachusetts. The proceeds of the sale authorized by of  
22 this act shall be deposited in the water supply protection trust established by section 73 of

23 chapter 10 of the General Laws, said proceeds to be used for future acquisition of water supply  
24 protection lands.

25 SECTION 3. The purchaser shall be responsible for all costs associated with the conveyance  
26 authorized by this act, including but not limited to any appraisal, survey, recording and legal  
27 costs, and any and all other expenses incurred by the commonwealth in connection with said  
28 conveyance.

29 SECTION 4. Michael Audette and his agents, tenants or contractors shall agree to hold the  
30 commonwealth and its agents and employees harmless from and against all claims, actions,  
31 damages or costs claimed for injuries or damages to persons or property arising out of, or in any  
32 way relating to, the conveyance authorized by this act, and shall indemnify and defend the  
33 commonwealth and its agents and employees from and against any and all such claims, actions,  
34 damages or costs.

35 SECTION 5. The conveyance authorized by this act shall be subject to the requirements of  
36 sections 40I and 40J of the General Laws.