

SENATE No. 2117

The Commonwealth of Massachusetts

PRESENTED BY:

Ryan C. Fattman

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 pertaining to the town of Bellingham and water main easement.

PETITION OF:

NAME:

Ryan C. Fattman
Kevin J. Kuros

DISTRICT/ADDRESS:

Worcester and Norfolk
8th Worcester

SENATE No. 2117

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 2117) (subject to Joint Rule 12) of Ryan C. Fattman and Kevin J. Kuros for legislation relative to the town of Bellingham and water main easement. State Administration and Regulatory Oversight.

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 SECTION 1. Notwithstanding sections 34 to 37, inclusive, of chapter 7C of the General
2 Laws, the 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 purposes
6 of installation and maintenance of a raw water transmission main, subject to the requirements of
7 sections 2 through 5, inclusive, and to such additional terms and conditions consistent with this
8 act as the commissioner of capital asset management and maintenance may prescribe in
9 consultation with the commissioner of conservation and recreation. The parcel of land contains
10 37,000 square feet, more or less, and is shown on a plan of land entitled Bellingham Department
11 of Public Works South Raw Water Main to be filed with Norfolk county registry of deeds. Prior
12 to 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 the purposes of this act.

15 SECTION 2. An independent appraisal of the fair market value and value in use of the
16 easement described in section 1 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 above-described
19 interest shall be the full and fair market value or the value in proposed use, whichever is greater,
20 as determined by the commissioner of capital asset management, and calculated with regard to
21 its full development potential as assembled with other lands owned or otherwise controlled by
22 the grantee. The commissioner of capital asset management and maintenance shall submit the
23 appraisal or appraisals to the inspector general for his or her review and comment. The inspector
24 general shall review and approve the appraisal or appraisals and the review shall include an
25 examination of the methodology utilized for the appraisal or appraisals. The inspector general
26 shall prepare a report of his or her review and file the report with the commissioner of capital
27 asset management and maintenance for submission by the commissioner to the house and senate
28 committees on ways and means and the joint committee on state administration and regulatory
29 oversight. The commissioner shall submit copies of the appraisals and the inspector general's
30 review and approval and comments, if any, to the house and senate committees on ways and
31 means and the joint committee on state administration and regulatory oversight at least 15 days
32 prior to the execution of documents effecting the transfers described in section 1.

33 SECTION 3. To ensure a no-net-loss of lands protected for natural resource purposes,
34 the grantee shall compensate the commonwealth for the interest in land described in section 1
35 through the transfer to the department of conservation and recreation of land, an interest of land

36 or funding for the acquisition of land or an interest therein equal to or greater than the resource
37 value of the land described in section 1 and the highest appraised value as determined under
38 section 2. The fair market value of any land or interest in land proposed to be conveyed by the
39 grantee to the department shall be included within the appraisal prepared under section 2. The
40 land, interest in land or funding must be acceptable to the department of conservation and
41 recreation and any land or interest in land, whether conveyed by the grantee or acquired by the
42 department, shall be permanently held and managed for conservation and recreation purposes by
43 the department. Should the appraised value of any land or interests in land be determined to be
44 greater than the appraised value of the interests in land described in section 1, the commonwealth
45 shall have no obligation to pay the difference to the grantee. All payments paid to the
46 commonwealth as a result of the conveyances or grants authorized by this act shall be deposited
47 in the Conservation Trust established in section 1 of chapter 132A of the General Laws.

48 SECTION 4. The grantee shall assume all costs associated with engineering, surveys,
49 appraisals, deed preparation and other expenses deemed necessary by the commissioner of
50 capital asset management and maintenance to execute the conveyances authorized by this act.

51 SECTION 5. No instrument executed under this act shall be valid unless it provides that
52 the easement shall be used solely for the purposes described in section 1. The instrument
53 authorized in section 1 shall include a reversionary clause that stipulates the property shall revert
54 to the commonwealth and be assigned to the care, custody and control of the department of
55 conservation and recreation, upon such terms and conditions as the commissioner of capital asset
56 management and maintenance may determine, if the property ceases to be used for the express
57 purposes authorized in this act. If any interest reverts to the commonwealth, any further

58 disposition shall be subject to sections 34 to 37, inclusive, of chapter 7C of the General Laws and
59 the prior approval of the general court.