

HOUSE No. 3504

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 the provisions of sections 40E through 40H, inclusive, of chapter 7 of the General Laws, is
3 hereby authorized to convey, by deed approved as to form by the attorney general, to Michael
4 Audette, his heirs, successors and assigns, an easement for right of way and parking purposes on
5 certain commonwealth land located in the town of Natick and presently under the care and
6 control of the Massachusetts Water Resources Authority for waterworks purposes, said land
7 having been most recently used as part of the Cochituate Aqueduct, said easement being further
8 described in a plan of land dated April 22, 2003, entitled “Existing Driveway Location Plan of
9 Land in Natick, Mass., Scale 1”=10’ by Joseph R. Sullivan, professional engineer, said plan to be
10 recorded in the 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
12 shall pay the full and fair market value of said easement based upon an independent professional
13 appraisal as determined by the commissioner of said division. The inspector general shall review

14 and 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
26 conveyance authorized by this act, including but not limited to any appraisal, survey, recording
27 and legal costs, and any and all other expenses incurred by the commonwealth in connection
28 with said conveyance.

29 SECTION 4. Michael Audette and his agents, tenants or contractors shall agree to hold
30 the 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
36 of sections 40I and 40J of the General Laws.