

HOUSE No. 4339

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 The commissioner 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 now 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
10 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 said commissioner. The inspector general shall review and approve

14 the appraisal, and the review and appraisal shall include an examination of the methodology
15 utilized for the appraisal. The inspector general shall prepare a report of his review and approval
16 of the appraisal, and any sale agreement, instrument of transfer and any amendments thereto,
17 and file his report with the commissioner, and copies of the same shall be filed with the house
18 and senate committees on ways and means and with the chairmen of the joint committee on state
19 administration and regulatory oversight at least 15 days prior to said execution. The parcel of
20 land conveyed pursuant to this act was acquired by the commonwealth for the purposes stated in
21 article 97 of the amendments to the constitution of Massachusetts. The proceeds of the sale
22 authorized by of this act shall be deposited in the water supply protection trust established by
23 section 73 of chapter 10 of the General Laws, said proceeds to be used for future acquisition of
24 water supply 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 ommonwealth 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 purchaser shall use the easement solely for right of way and parking
36 purposes and the easement or other agreement pertaining to the grant of the easement shall
37 include a provision restricting the use of the property to such purposes and providing for a
38 reversion of the property to the commonwealth if the property ceases to be so used or is used for
39 any other purpose.

40 SECTION 6. If the purchaser ceases to use and maintain the easement for the purposes
41 specified in section 5 of this act or uses the easement for any other purpose, the easement shall
42 terminate and the property shall revert to the commonwealth.

43 SECTION 7. The conveyance authorized by this act shall be subject to the requirements
44 of sections 40I and 40J of the General Laws.