

HOUSE No. 4958

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Authorizing the Commissioner of Capital Asset Management and Maintenance to grant an easement in certain land to the Town of West Boylston..

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 commissioner of capital asset management and maintenance, in
2 consultation with the commissioner of conservation and recreation, may, notwithstanding
3 sections 40E to 40I, inclusive, of chapter 7 of the General Laws, grant an easement over a certain
4 parcel of land and any improvements thereon, currently under the control of and use by the
5 department of conservation and recreation for watershed and conservation purposes, to the West
6 Boylston Water District, a body corporate established by chapter 352 of the acts of 1933, as most
7 recently amended by chapter 33 of the acts of 1999, its grantees, successors and assigns, for the
8 purposes of locating, constructing, operating and maintaining a single well or well field and
9 piping, pump stations and other appurtenances associated with a public water supply, including
10 driveway access to the well and pump station and a pipe connection to the municipal water
11 system, to serve the West Boylston public water supply system, subject to the requirements of
12 sections 2 through 7 and to such additional terms and conditions consistent with this act as the
13 commissioner of capital asset management and maintenance may prescribe in consultation with
14 the commissioner of conservation and recreation. The easement will contain 10 acres more or

less and is will be shown on a plan prepared by the West Boylston Water District and approved by the department of conservation and recreation. Said plan to be recorded with Worcester District Registry of deeds and to be filed with the department of conservation and recreation. Modification to the plan described above may be made prior to the conveyance in order to carry out the purposes of this act.

SECTION 2. No instrument granting, by or on behalf of the commonwealth, the easement described in section 1 shall be valid unless such instrument provides that the easement shall be used solely for the purposes described in section 1. The grant of easement shall stipulate that the easement granted thereby shall terminate if the property ceases to be used for the express purpose set forth in the instrument granting the easement.

SECTION 3. The easement authorized in section 1 shall be granted only if the grantee agrees to assume the cost of any appraisals, surveys and other expenses deemed necessary by the commissioner of capital asset management and maintenance for the transactions contemplated by this act.

SECTION 4. The grantee shall compensate the commonwealth for the grant of the easement described in section 1 through: the transfer of land, development rights or an interest of land to the department of conservation and recreation, equal to or greater than the full and fair market value of the easement described in section 1, or its value in use as proposed, whichever is greater, as determined by independent appraisal; or, in a sum equal to the full and fair market value of the easement or its value in use as proposed, whichever is greater, as determined by independent appraisal; or through some combination thereof. The exact boundaries of any property interests to be conveyed to the commonwealth shall be determined by the commissioner

of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation after completion of a survey.

SECTION 5. To ensure a no-net-loss of lands protected for natural resource purposes, West Boylston water district shall convey or cause to be conveyed to the commonwealth lands or interest in lands to be held by the department of conservation and recreation for conservation or recreation purposes. The land or interest in land shall be of equal or greater size and resource values than the easement described in section 1, as determined by independent appraisal.

SECTION 6. The value of the easement described in section 1 and the value of the property interests received by the commonwealth shall be as determined by an independent appraisal prepared in accordance with the usual and customary professional appraisal practice by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation.

The commissioner of capital asset management and maintenance shall submit said appraisal or appraisals to the inspector general for his/her review and comment. Said inspector general shall review and approve said appraisal or appraisals, and said review shall include an examination of the methodology utilized for said appraisal or appraisals. Said inspector general shall prepare a report of his/her review and file said report with the commissioner of capital asset management and maintenance for submission by said commissioner to the house and senate committees on ways and means and the chairmen of the joint committee on state administration and regulatory oversight. Said commissioner shall submit copies of said appraisals, and the inspector general's review and approval and comments, if any, to the house and senate committees on ways and means and the chairmen of the joint committee on state administration

59 and regulatory oversight at least 15 days prior to the execution of documents effecting the grant
60 of the easement described in section 1.

61 SECTION 7. Notwithstanding any general or special law to the contrary, should the
62 appraised value of property interests described in section 4 be determined to be greater than the
63 appraised value of the easement described in section 1 the commonwealth shall not be obligated
64 to pay the difference as additional consideration to the West Boylston Water District. If there is
65 a disparity in these appraised values, as determined in sections 5 and 6, in favor of the grantee,
66 the grantee will pay a sum equal to the difference to the department of conservation and
67 recreation. Any additional compensation received by the commonwealth pursuant to section 5
68 shall be deposited in the Water Supply Protection Trust established pursuant to section 73 of
69 chapter 10 of the General Laws.