

HOUSE No. 3909

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act authorizing the Division of Capital Asset Management and Maintenance to grant an easement in certain land in the town of Hopkinton.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to grant an easement for access to property, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 40E through 40J, inclusive, of chapter 7 of the
2 General Laws, or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance may, in consultation with the commissioner of conservation
4 and recreation, grant a permanent non-exclusive easement under, over, in and through a parcel of
5 land containing approximately 4,330 square feet, more or less, located on Old Mill road off
6 Wood street in the town of Hopkinton, currently under the control of the department of
7 conservation and recreation and held for conservation purposes, to Michael and Judy Carmody,
8 their successors and assigns, owners of the property located at 242 Wood street, as an easement
9 appurtenant thereto, for the purpose of traveling over the easement to the grantees' property from
10 Wood street; provided, however that such easement shall not be for the benefit or use of any
11 other house or property whatsoever. The easement area is located on a parcel of land described

12 in an order of taking recorded on January 1, 1896 in the Middlesex south district registry of
13 deeds in book 2635, page 1. The easement shall be subject to the rules and regulations of the
14 department of conservation and recreation and the executive office of energy and environmental
15 affairs and any additional terms and conditions as the commissioner of capital asset management
16 and maintenance may prescribe.

17 SECTION 2. The consideration for the grant of the easement set forth in section 1 shall
18 be its full and fair market value as determined by the commissioner of capital asset management
19 and maintenance, in consultation with the department of conservation and recreation, pursuant to
20 one or more independent professional appraisals. The consideration shall be deposited in the
21 Conservation Trust, established pursuant to section 1A of chapter 132A of the General Laws.
22 This easement shall be granted without warranties or representations by the commonwealth.

23 SECTION 3. The easement area is more particularly described by metes and bounds as
24 follows:

25 Beginning at a point on Wood Street at the southeasterly corner of land belonging now or
26 formerly to Kristina A. White;

27 Thence running N 29° 02' 28" E, 49.91 feet along a stone wall to its end;

28 Thence running N 33° 57' 23" E, 66.68 feet to a point at the beginning of a stone wall;

29 Thence running N 27° 03' 00" E, 58.48 feet along the stone wall to its end;

30 Thence running N 23° 27' 05" E, 17.45 feet to a point set at the beginning of a stone
31 wall;

32 Thence running N 27° 12' 50" E, 19.87 feet along the stone wall to a point at its end;

33 Thence running S 62° 47' 10" E, 20.00 feet to a point;
34 Thence running S 27° 12' 50" W, 19.87 feet to a point;
35 Thence running S 11° 41' 45" E, 11.81 feet to a point;
36 Thence running S 38° 32' 18" W, 31.30 feet to a point;
37 Thence running S 36° 43' 01" W, 28.60 feet to a point;
38 Thence running S 30° 12' 04" W, 30.97 feet to a point;
39 Thence running S 29° 43' 22" W, 48.03 feet to a point;
40 Thence running S 02° 28' 38" E, 19.09 feet to a point;
41 Thence running S 29° 48' 12" W, 22.42 feet to a point on Wood Street;
42 Thence running along Wood Street Westerly 30 feet to the point and place of beginning.

43 The exact boundaries of the easement area shall be determined by the commissioner of
44 capital asset management and maintenance, in consultation with the commissioner of
45 conservation and recreation, after completion of a survey to be recorded with the grant of
46 easement. The commissioner of capital asset management and maintenance, in consultation with
47 the commissioner of conservation and recreation, may make minor modifications to the easement
48 area to be shown on a survey plan. The survey plan of the easement shall be recorded in the
49 Middlesex south district registry of deeds.

50 SECTION 4. The easement authorized in section 1 shall only be granted if Michael and
51 Judy Carmody, the grantees, agree to assume all costs associated with any engineering, surveys,

52 recording fees, deed or grant of easement preparation and any other expenses that the
53 commissioner of capital asset management and maintenance deems necessary to effectuate the
54 conveyance.

55 SECTION 5. The easement shall be subject to the following conditions: (1) The
56 easement or any way constructed thereon shall be made of a pervious material and shall not be
57 impervious; (2) Any future utilities or any change in existing utilities shall be placed below
58 ground level; (3) There shall be no structures or buildings, temporary or permanent, including,
59 but not limited to, any trailers placed upon the easement; and (4) Motor vehicles shall not block
60 the easement and may only be parked on the easterly side of the easement. No grant of
61 easement, by or on behalf of the commonwealth, as set forth in section 1, shall be valid unless it
62 provides that the easement shall be used solely for the purposes described in said section 1 and
63 under the conditions stated herein. Such conditions shall be contained in the grant of easement at
64 the time of its recording in the registry of deeds. The grant of easement shall include a
65 reversionary clause stipulating that such easement shall be extinguished if it ceases to be used
66 and maintained for the express purposes and conditions for which it was granted, following
67 notice of such to the grantees by the division of capital asset management and maintenance and a
68 failure by the grantees to cure the violation to the satisfaction of the division.

69 SECTION 6. Notwithstanding any general or special law to the contrary, the inspector
70 general shall review and approve the appraisal required pursuant to section 1. The inspector
71 general shall prepare a report of his review of the methodology utilized for the appraisal and
72 shall file the report with the commissioner of capital asset management and maintenance, the
73 house and senate committees on ways and means, and the joint committee on bonding, capital
74 expenditures and state assets. The commissioner of capital asset management and maintenance

75 shall, 30 days before the execution of any grant of easement authorized by this act, or any
76 subsequent amendment thereto, submit the proposed grant of easement or amendment and a
77 report thereon to the inspector general for his review and comment. The inspector general shall
78 issue his review and comment within 15 days of receipt of the proposed grant of easement or
79 amendment. The commissioner of capital asset management and maintenance shall submit the
80 proposed grant of easement or amendment, and the reports and comments of the inspector
81 general, if any, to the house and senate committees on ways and means and the joint committee
82 on bonding, capital expenditures and state assets at least 15 days before execution of the grant of
83 easement.