

SENATE No. 1569

The Commonwealth of Massachusetts

PRESENTED BY:

Katherine M. Clark

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 providing for the abandonment of a certain Wakefield sewer easement.

PETITION OF:

NAME:

Katherine M. Clark

DISTRICT/ADDRESS:

Fifth Middlesex

SENATE No. 1569

By Ms. Clark, petition (accompanied by bill, Senate, No. 1569) of Katherine M. Clark for legislation to provide for the abandonment of a certain Wakefield sewer easement [Joint Committee on State Administration and Regulatory Oversight].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act providing for the abandonment of a certain Wakefield sewer 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 40E through 40I of chapter 7 of the General
2 Laws, the commissioner of the division of capital asset management and maintenance, in
3 consultation with the executive director of the Massachusetts Water Resources Authority, is
4 hereby authorized to release by deed or other instrument for the benefit of Diane Conger, owner
5 of the premises known and numbered as 0 Meadow Lane, Wakefield, Massachusetts, and her
6 successors and/or assigns, a certain sewer easement, or portion of, in the town of Wakefield,
7 recorded at Middlesex South Registry of Deeds at Book 4213, Page 25, no longer needed for the
8 construction, maintenance or operation of the Massachusetts Water Resources Authority sewer
9 system. Said easement is more particularly shown in a plan on file at the division of capital asset
10 management and maintenance entitled “Sketch Plan in Wakefield, Mass. Showing Abandonment
11 of 15’ wide Metropolitan District Commission Force Main Easement on Lot C,” dated
12 November 26,2007 prepared by Hayes Engineering, Inc. The exact boundaries of the easement

13 to be released shall be determined by the commissioner of the said division after the completion
14 of a land survey in consultation with the Massachusetts Water Resources Authority.

15 SECTION 2. The abandonment and release of said easement shall be in accordance with
16 such terms and conditions, as commissioner shall prescribe, in consultation with the
17 Massachusetts Water Resources Authority.

18 SECTION 3. The consideration for said release shall be the before and after market
19 value of said premises known and numbered as 0 Meadow Lane, Wakefield, Massachusetts, as
20 determined by the commissioner of the division of capital asset management and maintenance
21 pursuant to an independent professional appraisal and the inspector general shall review and
22 approve the appraisal. The inspector general shall prepare a report of his review of the
23 methodology utilized for the appraisal and shall file the report with the commissioner of the
24 division of capital asset management and maintenance within 30 days of receipt of the appraisal
25 report. The commissioner of the division of capital asset management and maintenance shall
26 submit the appraisal report and the comments of the inspector general, if any, to the house and
27 senate committees on ways and means and the joint committee on state administration and
28 regulatory oversight at least 15 days before execution of the release.

29 SECTION 4. The owner of land benefiting from the partial release of the easement shall
30 be responsible for any costs for surveys, appraisals, recording and other expenses relating to the
31 release, or for any costs and liabilities of any nature and kind for its development, maintenance
32 or operation.