

SENATE No. 1457

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen M. Brewer

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 authorizing the Division of Capital Asset Management and Maintenance to grant an easement upon land of the Commonwealth located in the town of Ware to the Massachusetts Water Resources Authority.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Stephen M. Brewer</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>

SENATE No. 1457

By Mr. Brewer, a petition (accompanied by bill, Senate, No. 1457) of Stephen M. Brewer, Todd M. Smola and Anne M. Gobi for legislation to authorize the Division of Capital Asset Management and Maintenance to grant an easement upon land of the Commonwealth located in the town of Ware to the Massachusetts Water Resources Authority. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2419 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act authorizing the Division of Capital Asset Management and Maintenance to grant an easement upon land of the Commonwealth located in the town of Ware to the Massachusetts Water Resources Authority.

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 the provisions of sections 40E through 40H, inclusive, of
2 chapter 7 of the General Laws or any other general or special law to the contrary, the
3 commissioner of capital asset management and maintenance, in consultation with the
4 commissioner of the department of conservation and recreation, is hereby authorized to grant a
5 permanent exclusive easement to the Massachusetts Water Resources Authority, for right to
6 enter, use, improve, operate, maintain and manage the easement area as a portion of the
7 waterworks system, both existing and future, in accordance with chapter 372 of the acts of 1984
8 and as the easement area is more particularly defined in section 2 herein. The parcel of land
9 upon which this easement is to be granted was acquired by the commonwealth for the purpose of
10 adding to, extending and further developing the additional sources of water supply of the
11 metropolitan water system.

12 SECTION 2. The easement area authorized in section 1 shall be as follows:

13 An area containing 129,128+ square feet, or 2.96+ acres and shown as “Easement Parcel
14 A” on a plan entitled, “Massachusetts Water Resources Authority; Easement Acquisition Plan,
15 Ware Disinfection Facility, Ware, Massachusetts”, dated February 2, 2012, by Verde Survey
16 Solutions, Inc., 100 Hallet Street, Boston, MA 02124”. The area is described as follows:

17 Beginning at point along the westerly line of Belchertown Road, marked by a concrete
18 bound with a drill hole, said westerly line being a curved line having a radius of eleven hundred
19 and sixty feet (1160.00’)

20 Thence running in a generally southwesterly direction along said curve for a length of
21 one hundred eighty and twenty-five hundredths feet (180.25’) to a point at the end of the curved
22 line, meaning and intending to be the westerly line of Belchertown Road (Route 9,
23 Massachusetts State Highway Layout No. 2938)

24 Thence, turning and running S43°18’42”W for a distance of three hundred and two and
25 twenty-two hundredths feet (302.22’) along said westerly line of Belchertown Road to a corner

26 Thence, running N46°41’18”W for a distance of eighty-six and thirty-three hundredths
27 feet (86.33’) to a corner

28 Thence, turning and running N03°08’15”W for a distance of three hundred forty-one
29 and forty-two hundredths feet (341.42’) to a corner

30 Thence, turning and running N63°21’36”E for a distance of two hundred eighty-eight
31 and twenty-eight hundredths feet (288.28’) to a corner

32 Thence, turning and running N27°24’42”W for a distance of twenty-three and zero
33 hundredths feet (23.00’) to a corner

34 Thence, turning and running N62°35’18”E for a distance of fifty and zero hundredths
35 feet (50.00’) to a corner

36 Thence, turning and running S27°24’42”E for a distance of two hundred thirty-nine and
37 sixty-one hundredths feet (239.61’) to the point of beginning

38 SECTION 3. No easement instrument executed pursuant to section 1 shall be valid
39 unless it provides that the easement conveyed shall be used solely for, as the case may be,
40 entering, using, improving, operating, maintaining and managing the easement area as a portion
41 of the waterworks system, both existing and future, in accordance with chapter 372 of the acts of
42 1984.

43 The easement granted in accordance with this act is granted upon property under the
44 control of the department of conservation and recreation and shall not unreasonably interfere
45 with the department’s use of the abutting land under its control, including use by the public. The
46 grant of easement shall include a reversionary clause that stipulates that the easement shall revert

47 to the commonwealth and be extinguished, upon such terms and conditions as the commissioner
48 of capital asset management and maintenance may determine, if the easement ceases to be used
49 for the purposes for which it was granted.

50 Notwithstanding any other general or special law to the contrary, if the easement area
51 ceases to be used at any time for such purposes or is used for any purpose other than the public
52 purposes stated in this act, the commissioner of capital asset management and maintenance shall
53 give written notice to the Massachusetts Water Resources Authority of such non-use or
54 unauthorized use. The Massachusetts Water Resources Authority, upon receipt of the notice,
55 shall have 90 days to respond and a reasonable time to establish an authorized use of the
56 easement area or to re-establish the former public use.

57 SECTION 4. The consideration for the easement authorized under this act, and as a
58 condition precedent to the granting of the easement by the commonwealth, shall be the continued
59 funding by the Massachusetts Water Resources Authority of the watershed protection activities
60 of the department.

61 SECTION 5. The Massachusetts Water Resources Authority shall be responsible for all
62 costs and expenses incurred or required to be incurred by it including, but not limited to, costs
63 associated with any engineering or surveys or other necessary due diligence in connection with
64 the Authority's use of the easement granted under this act.