

SENATE No. 1889

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 directing the Division of Capital Asset Management and Maintenance to transfer certain parcels of land in the town of Medfield.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

James E. Timilty

Bristol and Norfolk

Denise C. Garlick

13th Norfolk

SENATE No. 1889

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1889) of James E. Timilty and Denise C. Garlick (by vote of the town) for legislation to direct the Division of Capital Asset Management and Maintenance to transfer certain parcels of land in the town of Medfield. State Administration and Regulatory Oversight. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act directing the Division of Capital Asset Management and Maintenance to transfer certain parcels of land in the town of Medfield.

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 32 to 37, inclusive, of chapter 7C of the General
2 Laws, chapter 180 of the acts of 2002, chapter 269 of the acts of 2008 or any other general or
3 special law to the contrary, the commissioner of capital asset management and maintenance shall
4 convey to the town of Medfield, primarily for the purpose of its public water supply system, for
5 no or nominal consideration, all of the commonwealth's right, title and interest in the water tower
6 and in the parcel of land on which the water tower is located at the former Medfield State
7 Hospital, as approximately shown on Figure 1 of the "Town of Medfield's Board of Water and
8 Sewerage Concept Plan" dated July 18, 2013, a copy of which is on file with the division,
9 together with a strip of land 25 feet wide for access, egress and utilities extending from Hospital
10 road to said parcel of land as approximately shown on Figure 3 of the plan. The exact
11 boundaries of the parcel and strip shall be surveyed by a registered land surveyor prior to
12 conveyance. If the parcel and strip cease to be used for the purposes set forth in this section,
13 title shall revert to the commonwealth.

14 SECTION 2. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
15 General Laws, chapter 180 of the acts of 2002, chapter 269 of the acts of 2008 or any other
16 general or special law to the contrary, the commissioner of capital asset management and
17 maintenance shall transfer to the town of Medfield, primarily for the maintenance or
18 improvement of its public water supply system, for no or nominal consideration, all of the
19 commonwealth's right, title and interest in those parcels of land known as the tubular well fields,
20 as more particularly described in subsection (b), and shall transfer to the town of Medfield such

21 rights of way or easements for utilities now existing and extending from the tubular well field to
22 the Medfield State Hospital property line as more particularly described in subsection (c), and
23 shall grant to the town of Medfield an easement for subsurface utilities, not less than 25 feet wide
24 centered on the water main pipeline, extending from the former Medfield State Hospital property
25 line to the parcel described in section 1, as more particularly described in subsection (d).

26 (b) The parcels of land consist of:

27 (i) that certain parcel of land described in a deed from Sybil Hutson to the
28 Commonwealth of Massachusetts and recorded in the Norfolk county registry of deeds in book
29 1891, page 319 and shown on a plan entitled "Plan of the so called Hutson 17 Acre Lot,
30 Medfield, Massachusetts, M.D. Place, October 29, 1929", recorded in the Norfolk county
31 registry of deeds as plan no. 424 of 1930;

32 (ii) those certain parcels of land described as Parcels A, B and C in a certain order of
33 taking recorded in the Norfolk county registry of deeds in book 4567, pages 627, 628 and 629,
34 consisting of 4.472 acres as shown on a plan entitled "Plan of Land, Medfield-Mass, Scale 1"-
35 60', Nov. 29, 1968, L.W.DeCelle Surveyors, Inc. 285 Union St., Randolph", recorded in the
36 Norfolk county registry of deeds in plan book 225, plan no. 9-1969;

37 (iii) that certain parcel of land located between lots 86 and 87 as shown on a plan
38 recorded in the Norfolk county registry of deeds as plan no. 980 of 1966 in plan book 221.

39 (c) The existing rights of way and easements are described as follows:

40 (i) the commonwealth's "right to construct, lay, maintain, operate, repair and remove a
41 water pipe line and power pole line" granted by deed recorded in the Norfolk county registry of
42 deeds at book 1895, page 410, and as shown on a plan entitled "Plan showing location right of
43 way for water pipe and pole lines conveyed to Commonwealth of Massachusetts by Sybil
44 Hutson, Medfield, Mass., J.J. Van Valkenburgh C.E., Framingham, Mass., Scale 1 inch-100 feet,
45 December 1929";

46 (ii) the commonwealth's "right and easement to construct, lay, maintain, operate, repair
47 and remove a water pipe line and power pole line", as show on a plan entitled "Plan Showing
48 Location Right of Way for Water Pipe and Pole Line Conveyed to the Commonwealth of
49 Massachusetts by Hannah Lovell, Medfield, Mass., J.J. Van Valkenburgh, C.E., Framingham,
50 Mass., Scale 1 inch equals 100 feet, December 1929", recorded in the Norfolk county registry of
51 deeds in book 1916, page 7;

52 (iii) the commonwealth's "right to construct, lay, maintain, operate, repair and remove a
53 water pipe line and power pole line" as shown on a plan entitled "Plan showing location right of
54 way for water pipe and pole lines conveyed to Commonwealth of Massachusetts by John
55 Hinkley, Medfield Mass., J.J. Van Valkenburgh C.E., Framingham, MA, Scale 1 inch - 100 feet,

56 December 1929” recorded in the Norfolk county registry of deeds in book 1895, pages 411 and
57 412;

58 (iv) the commonwealth’s “right to construct, lay, maintain, operate, repair and remove a
59 water pipe line and power pole line”, as show on a plan entitled “Plan showing location right of
60 way for water pipe and pole lines Conveyed to the Commonwealth of Massachusetts by Robert
61 and Abbie McCullough, Medfield, Mass., J.J. Van Valkenburgh, C.E., Framingham, Mass.,
62 Scale 1 inch equals 100 feet, December 1929, recorded in the Norfolk county registry of deeds in
63 book 1898, pages 228 and 229; and

64 (v) the commonwealth’s right and easement to construct, lay, maintain, operate, repair
65 and remove a water pipeline and power pole line, as show on a plan entitled “Plan Showing
66 Location Right of Way for Water Pipe and Pole Line Conveyed to the Commonwealth of
67 Massachusetts by Agnes V. Cepaul, Medfield, Mass., J.J. Van Valkenburgh, C.E., Framingham,
68 Mass., Scale 1 inch equals 100 feet, December 1929”, recorded in the Norfolk county registry of
69 deeds in Book 1895, Page 408.

70 (d) A new easement and right of way, as approximately shown on Figure 3 of the Town
71 of Medfield’s Board of Water and Sewerage Concept Plan described in section 1, the exact
72 boundaries of which shall be surveyed by a registered land surveyor prior to conveyance.

73 (e) Any deed conveying the parcels described in this section shall reserve to the
74 commonwealth the right of way to Harding street, fully shown on a plan entitled, “Plan Showing
75 Location Right of Way for Travel Conveyed to the Commonwealth of Massachusetts by Sybil
76 Hutson, Medfield Mass., J.J. Van Valkenburgh, C.E., Framingham, Mass. Scale – 1 inch = 100
77 feet”, December, 1929, recorded in Norfolk county registry of deeds as plan no. 425 of 1930.

78 (f) If any parcel or easements ceases to be used for the purposes set forth in this section,
79 title to such parcel or easement shall revert to the commonwealth.

80 SECTION 3. The town of Medfield shall be responsible for all costs of the transactions
81 authorized in sections 1 and 2 including, but not limited to, surveys, plans, recording fees and
82 any other expenses relating to any such transfer, as shall be considered necessary by the
83 commissioner of capital asset management and maintenance.