

SENATE No. 2311

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

An Act authorizing the Division of Capital Asset Management and Maintenance to grant to the town of Brookfield 6 easements over certain parcels of land in the town of Brookfield.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the granting of certain easements to the town of Brookfield, 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 32 to 37, inclusive, of chapter 7C of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the commissioner of fish and game, may
4 grant 6 easements to the town of Brookfield for the reconstruction of the Fiskdale road, state
5 highway route 148, bridge. The easements are shown as: (i) parcel X-S-2, to construct and
6 maintain slopes and to construct a new guardrail; (ii) parcel X-S-5, to construct and maintain
7 slopes; (iii) parcel X-E-2 for the layout, alteration, construction and maintenance of a sidewalk;
8 (iv) parcel X-E-5, for the layout, alteration, construction and maintenance of a sidewalk; (v)
9 parcel X-D-2, to construct flared end section for proposed drainage; and (vi) parcel X-TE-1, to
10 construct and maintain slopes. The easements are shown on a plan entitled "Brookfield,
11 Massachusetts Town of Brookfield Easement Plan Fiskdale Road – Route 148" dated August 9,
12 2013, revised through August 23, 2013, prepared by Green International Affiliates, Inc., which is
13 on file at the offices of the department of fish and game. The easement areas shall be under the
14 care, custody, management and control of the board of selectmen of the town of Brookfield.

15 SECTION 2. In consideration for the grant of the easements authorized in section 1, the
16 town of Brookfield shall convey to the department of fish and game for conservation and passive
17 recreational purposes a certain parcel of land described in an order of taking dated April 26, 2012
18 and recorded with the Worcester south district registry of deeds in book 48964, page 1.

19 SECTION 3. The relative full and fair market value of the easements described in
20 section 1 and the parcel described in section 2 shall be determined by the commissioner of
21 capital asset management and maintenance based on at least 1 professional appraisal. Should the
22 appraised value of the parcel of land conveyed under section 2 be of greater value than the
23 appraised value of the easements described in section 1, the commonwealth shall have no
24 obligation to pay the difference.

25 SECTION 4. Notwithstanding any general or special law to the contrary, the inspector
26 general shall review and approve any appraisal conducted pursuant to section 3. The inspector
27 general shall prepare a report of the review of the methodology utilized for the appraisal and
28 shall file the report with the commissioner of capital asset management and maintenance. Within
29 15 days after receiving the inspector general's report but not later than 15 days before the
30 execution of any agreement or document under this act, the commissioner shall submit the report
31 to the house and senate committees on ways and means and the joint committee on state
32 administration and regulatory oversight.

33 SECTION 5. If the town of Brookfield agrees to complete the transactions authorized in
34 this act, costs and expenses associated with the transactions, including any appraisals, surveys
35 and recordings, shall be borne by the town of Brookfield.