

HOUSE No. 2838

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Tucker

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 in certain land in the city of Salem.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul Tucker</i>	<i>7th Essex</i>	<i>1/15/2015</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>1/15/2015</i>

HOUSE No. 2838

By Mr. Tucker of Salem, a petition (accompanied by bill, House, No. 2838) of Paul Tucker and Joan B. Lovely relative to an easement for access to property in the city of Salem. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to grant forthwith 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 32 to 38, 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 president of Salem State University, may
4 grant to the City of Salem the following easements:

5 A. a permanent exclusive easement under, over, in and through a parcel of land
6 containing approximately 120,936 square feet, more or less, located on the O’Keefe Center
7 Parking Lot off Canal street in the city of Salem, currently under the control of Salem State
8 University and held for educational purposes, to the City of Salem, for the purpose of locating
9 certain above and below ground improvements, including an above ground pumping station

10 building associated with a below ground stormwater drainage system to be operated by the City
11 of Salem, such stormwater drainage system improvements to be installed as shown on certain
12 plans on file with the Commission prepared by Woodard & Curran Inc. dated December 22,
13 2014 and entitled

14 • Figure 1 City of Salem Stormwater Drainage System Improvements – Site Plan and
15 Permanent Easement

16 • Figure 2 City of Salem Stormwater Drainage System Improvements –Temporary
17 Easements; and

18 B. a temporary easement for lay-down area for the construction of the stormwater
19 drainage system improvements; and

20 C. a permanent subsurface easement for the purpose of locating certain below ground
21 improvements, including drainage pipes and treatment and retention facilities associated with the
22 stormwater drainage system improvements; and

23 D. a permanent easement for access and egress to those portions of the city’s stormwater
24 drainage system improvements located under, over, in and through the O’Keefe Center parking
25 lot on the campus of Salem State University for the purpose of operating, maintaining, repairing
26 and replacing the stormwater drainage system improvements; and

27 E. a permanent easement for access and egress to those portions of the city’s sewer
28 system consisting of a 36-inch sewer and associated appurtenances located under, in and though
29 the O’Keefe Center parking lot on the campus of Salem State University for the purpose of
30 operating, maintaining, repairing and replacing the sewer system as shown on certain plans on

31 file with the commissioner dated January 22, 2014 and entitled “Site Utility Asbuilt, Salem
32 State/University Fitness and Recreation Center” dated January 22, 2014 and further to amend the
33 existing easement, if any, in favor of the city for the relocation of such sewer line as shown on
34 said plan.

35 The easements to be granted pursuant to this section 1 shall be on such terms and
36 conditions as the commissioner of capital asset management and maintenance may require. The
37 exact boundaries of the easements shall be determined by the commissioner based upon a survey.

38 Section 2. The easements granted pursuant to section 1 shall be solely for use by city of
39 Salem and its authorized agents for the construction, operation, repair and replacement of the
40 stormwater drainage system and sewer system referred to in Section 1 and, in the event the City
41 of Salem ceases to use the property for such purpose, the easements granted herein shall
42 terminate upon notice from said commissioner to the city of Salem and an opportunity to cure.

43 SECTION 3. The consideration for the grant of the easements set forth in section 1 shall
44 be nominal. The easements shall be granted without warranties or representations by the
45 commonwealth.

46 SECTION 4. The easements authorized in section 1 shall only be granted if the City of
47 Salem, the grantee, agrees to assume all costs associated with any engineering, surveys,
48 recording fees, deed or grant of easement preparation and any other expenses that the
49 commissioner of capital asset management and maintenance deems necessary to effectuate the
50 conveyance.

51 SECTION 5. The easements shall be subject to the following conditions: the grant of
52 easements shall include a reversionary clause stipulating that such easement shall be

53 extinguished if it ceases to be used and maintained for the express purposes and conditions for
54 which it was granted, following notice of such to the grantees by the division of capital asset
55 management and maintenance and a failure by the grantees to cure the violation to the
56 satisfaction of the division.