

HOUSE No. 4515

The Commonwealth of Massachusetts

PRESENTED BY:

Mathew Muratore

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 Department of Conservation and Recreation to grant certain easements to the Town of Plymouth over a portion of Pilgrim Memorial State Park.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>6/13/2016</i>

HOUSE No. 4515

By Mr. Muratore of Plymouth, a petition (subject to Joint Rule 12) of Mathew Muratore (by vote of the town) that the commissioner of Capital Asset Management and Maintenance be authorized to grant easements over certain parcels of land at the southern end of Pilgrim Memorial State Park. State Administration and Regulatory Oversight. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act authorizing the Department of Conservation and Recreation to grant certain easements to the Town of Plymouth over a portion of Pilgrim Memorial State Park.

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 34 to 37 of Chapter 7C of the
2 General Laws, the commissioner of capital asset management and maintenance, in consultation
3 with the commissioner of conservation and recreation, may grant easements over certain parcels
4 of land at the southern end of Pilgrim Memorial State Park, currently under the care and control
5 of the department of conservation and recreation and held for conservation and recreation
6 purposes to the Town of Plymouth, described as follows: (a) for the purposes of reconstructing
7 and redesigning the sidewalk and layout area on Water Street and maintaining and repairing said
8 sidewalks, over a parcel of land containing 1,746 square feet, shown on a plan of land entitled
9 “Easement Plan, Water Street at State Pier”, Plymouth, Massachusetts, prepared for the Town of
10 Plymouth, dated March 24, 2016, prepared by Plymouth Dept. of Public Works-Engineering
11 Division, to be filed with Plymouth Registry of Deeds and, b) for the purposes of constructing,

12 maintaining and repairing certain improvements at the Water Street at Town Brook Bridge and
13 for the purpose of maintaining and repairing and making certain improvements for pedestrian
14 access and park aesthetics on Water Street over a parcel of land containing 3,516 square feet,
15 shown on a plan of land entitled “Easement Plan, Water Street at Plymouth Rock”, Plymouth,
16 Massachusetts, dated March 24, 2016, prepared by Plymouth Dept. of Public Works-Engineering
17 Division, to be filed with the Plymouth Registry of Deeds, subject to the requirements of sections
18 2 through 4 and to such additional terms and conditions consistent with this act as the
19 commissioner of capital asset management and maintenance may prescribe in consultation with
20 the commissioner of conservation and recreation. Prior to finalizing the transaction or making the
21 conveyance authorized herein, the division of capital asset management and maintenance may
22 make minor modifications to the area and plan in order to carry out the purposes of this act.

23 SECTION 2. To mitigate impacts to public parkland and ensure a no-net-loss of lands
24 protected for natural resource purposes, the grantee shall construct, at its sole cost, certain
25 improvements within Pilgrim Memorial State Park, subject to the approval and acceptance by the
26 department in accordance with a Construction and Access Permit to be issued by the
27 department..

28 SECTION 3. The grantee shall assume all costs associated with engineering, surveys,
29 appraisals, deed preparation and other expenses deemed necessary by the commissioner of
30 capital asset management and maintenance to execute the conveyances authorized by this act.

31 SECTION 4. No instrument executed pursuant to this act shall be valid unless it provides
32 that the easements shall be used solely for the purposes described in section 1. The instrument
33 authorized in section 1 shall include a reversionary clause that stipulates the property shall revert

34 to the commonwealth and be assigned to the care, custody and control of the department of
35 conservation and recreation, upon such terms and conditions as the commissioner of capital asset
36 management and maintenance may determine, if the property ceases to be used for the express
37 purposes authorized in this act. If any interest reverts to the commonwealth, any further
38 disposition shall be subject to sections 34 to 37, inclusive, of chapter 7C of the General Laws and
39 the prior approval of the General Court.

40 SECTION 5. This Act shall take effect upon its passage.