

HOUSE No. 3767

The Commonwealth of Massachusetts

PRESENTED BY:

Gailanne M. Cariddi

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 easements to the town of Lanesborough for the reconstruction of the Narragansett Avenue bridge over Lake Pontoosuc.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>3/29/2017</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	

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By Ms. Cariddi of North Adams, a petition (subject to Joint Rules 12 and 9) of Gailanne M. Cariddi and Adam G. Hinds for legislation to authorize the commissioner of the Division of Capital Asset Management and Maintenance to grant certain easements in the town of Lanesborough for the purposes of reconstructing a bridge on Narragansett Avenue over Lake Pontoosuc. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act authorizing the Division of Capital Asset Management and Maintenance to grant easements to the town of Lanesborough for the reconstruction of the Narragansett Avenue bridge over Lake Pontoosuc.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the authority of the division of capital asset management and maintenance to grant easements for the purpose of reconstructing a bridge in need of immediate repair and reconstruction, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public [Emergency Preamble Context].

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 may grant
3 permanent and temporary easements over portions of a certain parcel of land, being assessor’s
4 map 116, lot 26, held for purposes of conservation and recreation, located within and
5 northwesterly of Pontoosuc Lake, in the town of Lanesborough, which portions are adjacent to
6 and under the Narragansett Avenue bridge, said easements to be used for the purposes of
7 repairing, reconstructing, operating, maintaining and/or improving said bridge, subject to the

8 requirements of sections 2 through 5 and to such additional terms and conditions consistent with
9 this act as the commissioner of capital asset management and maintenance may prescribe. The
10 portions of said land are shown on a plan of land entitled “Massachusetts Department of
11 Transportation Highway Division Narragansett Avenue (Bridge No. L-03-024),” revised through
12 June 10, 2016, as follows: “parcel X-E-3,” containing 650 square feet, more or less; “parcel X-E-
13 4,” containing 3,295 square feet, more or less; “parcel X-E-6,” containing 1,640 square feet,
14 more or less; “parcel X-TR-3,” containing 12,060 square feet, more or less; and “Parcel X-TE-
15 5,” containing 6,947 square feet, more or less. Prior to finalizing the transaction herein, the
16 division of capital asset management and maintenance may make minor modifications to the
17 plan and easement areas in order to carry out the purposes of this act.

18 SECTION 2. To mitigate impacts to public lands protected for natural resources, the
19 commissioner of capital asset management and maintenance may, in his discretion, require the
20 grantee to compensate the commonwealth for the interests in land described in section 1 through
21 the conveyance of land to the commonwealth under the care and control of the department of
22 conservation and recreation and/or the transfer of funds, the value of such compensation, if any,
23 to be determined by the commissioner. Any payments to the commonwealth authorized by this
24 act shall be deposited in the Conservation Trust established under section 1 of chapter 132A of
25 the General Laws.

26 SECTION 3. The commissioner of capital asset management and maintenance may
27 commission an independent appraisal of the value of the easements described in section 1, which
28 shall be prepared in accordance with the usual and customary professional appraisal practices by
29 a qualified appraiser. Consideration for the grant of the above-described easement interests may
30 be the value of the easement interests, or some lesser consideration, including nominal

31 consideration, as determined by the commissioner of capital asset management and maintenance,
32 in his discretion.

33 SECTION 4. The grantee shall assume any and all costs associated with engineering,
34 surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner
35 of capital asset management and maintenance to execute the conveyances authorized by this act.

36 SECTION 5. No instrument executed pursuant to this act shall be valid unless it
37 provides that the easements shall be used solely for the purposes described in section 1. The
38 instrument or instruments authorized in section 1 shall include a reversionary clause that
39 stipulates the property shall revert to the commonwealth, upon such terms and conditions as the
40 commissioner of capital asset management and maintenance may determine, if the property
41 ceases to be used for the express purposes authorized in this act, following notice of such to the
42 grantee by the division of capital asset management and maintenance and a failure by the grantee
43 to cure the violation to the satisfaction of the division. If any interest reverts to the
44 commonwealth, any further disposition shall be subject to sections 34 to 37 of chapter 7C of the
45 General Laws and the prior approval of the General Court.

46 SECTION 6. This act shall take effect upon its passage.