

**HOUSE . . . . . No. 4373**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul J. Donato***

*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 relative to a Medford Residential Development Easement.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>3/28/2018</i>

**HOUSE . . . . . No. 4373**

By Mr. Donato of Medford, a petition (subject to Joint Rule 12) of Paul J. Donato that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain parcels of land in the city of Medford to North Shore Residential Development, Inc. State Administration and Regulatory Oversight.

**The Commonwealth of Massachusetts**

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

An Act relative to a Medford Residential Development Easement.

*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 or any general or special law to the contrary, the commissioner of capital asset  
3 management and maintenance, in consultation with the commissioner of conservation and  
4 recreation, may convey an exclusive subsurface and non-exclusive surface easement in certain  
5 parcels of land, currently under the care and control of the department of conservation and  
6 recreation and held for conservation and recreation purposes, to North Shore Residential  
7 Development, Inc., its successors and assigns. The easement shall be used solely for the purposes  
8 of installing, operating, maintaining, repairing and replacing a water pipe, subject to the  
9 requirements of sections 2 through 4 and to such additional terms and conditions consistent with  
10 this act as the commissioner of capital asset management and maintenance may prescribe in  
11 consultation with the commissioner of conservation and recreation. The surface easement shall  
12 be limited solely to provide access to the subsurface area, surface use shall be minimized in

13 duration to the extent feasible, and the surface promptly restored to the substantially equivalent  
14 condition as then maintained by the fee interest owner and at the sole cost of North Shore  
15 Residential Development, Inc., its successors or assigns. The easement area shall be located on a  
16 portion of Parcels N-16-8 and N-16-9 as shown on the records of the Board of Assessors of the  
17 City of Medford. Prior to finalizing the transaction or making the conveyance authorized herein,  
18 the division of capital asset management and maintenance shall establish the final easement area,  
19 with the approval of the department of conservation and recreation, and complete a survey to be  
20 recorded with the easement deed.

21 SECTION 2. An independent appraisal of the fair market value and value in use of the  
22 easement authorized in section 1 shall be prepared in accordance with the usual and customary  
23 professional appraisal practices by a qualified appraiser commissioned by the commissioner of  
24 capital asset management and maintenance. Consideration for the grant of the above-described  
25 easement shall be the full and fair market value or the value in proposed use, whichever is  
26 greater, as determined by the commissioner of capital asset management and maintenance and  
27 compensated in accordance with section 3. The commissioner of capital asset management and  
28 maintenance shall submit the appraisal to the inspector general for his or her review and  
29 comment. The inspector general shall review and approve the appraisal, and the review shall  
30 include an examination of the methodology utilized for the appraisal or appraisals. The inspector  
31 general shall prepare a report of his or her review and file the report with the commissioner of  
32 capital asset management and maintenance. After receiving the report, the commissioner shall  
33 submit copies of the report to the house and senate committees on ways and means and the joint  
34 committee on state administration and regulatory oversight at least 15 days prior to the execution  
35 of documents affecting the transfers described in section 1.

36           SECTION 3. To ensure a no-net-loss of lands protected for natural resource purposes,  
37 North Shore Residential Development, Inc. shall compensate the commonwealth for the  
38 easement described in section 1 through the transfer to the department of conservation and  
39 recreation of funding for the acquisition of land or an interest therein equal to or greater than the  
40 appraised value as determined under section 2. All monetary payments paid to the  
41 commonwealth as a result of the conveyance authorized by this act shall be deposited in the  
42 Conservation Trust established in section 1 of chapter 132A General Laws. Any land or interest  
43 in land acquired by the department with the funding shall be permanently held and managed for  
44 conservation and recreation purposes by the department.

45           SECTION 4. North Shore Residential Development, Inc. shall assume all costs associated  
46 with engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by  
47 the commissioner of capital asset management and maintenance to execute the conveyance  
48 authorized by this act.