

HOUSE No. 2695

The Commonwealth of Massachusetts

PRESENTED BY:

Kimberly N. Ferguson and Harriette L. Chandler

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 commissioner of Capital Asset Management and Maintenance to grant an easement in the town of Princeton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/15/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>1/15/2019</i>

HOUSE No. 2695

By Representative Ferguson of Holden and Senator Chandler, a joint petition (accompanied by bill, House, No. 2695) of Kimberly N. Ferguson and Harriette L. Chandler relative to authorizing the commissioner of Capital Asset Management and Maintenance to grant a certain easement in the town of Princeton. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act authorizing the commissioner of Capital Asset Management and Maintenance to grant an easement in the town of Princeton.

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 conservation and
4 recreation, may convey, for no monetary consideration, a permanent nonexclusive easement in a
5 portion of that certain parcel of land, located within the town of Princeton, under the care and
6 control of the department of conservation and recreation and held for conservation and
7 recreation purposes, and described in a deed recorded with the Worcester South District Registry
8 of Deeds in Book 55054, Page 334, to Hugh McElaney and Christina Chen. The easement may
9 be granted solely for purposes of, repairing, maintaining and replacing the subsurface well that
10 currently serves the land now owned by Hugh McElaney and Christina Chen, the benefitted land
11 being described in a deed recorded with the Worcester South District Registry of Deeds in Book

12 17447, Page 256, and shall be subject to the further requirements of this act and subject to such
13 additional terms and conditions consistent with this act as the commissioner of capital asset
14 management and maintenance may prescribe in consultation with the department of conservation
15 and recreation.

16 The easement described in this section shall apply to 300 square feet of land, more or
17 less, said easement area identified as “Proposed Utility Easement” on a plan of land entitled
18 “Proposed Easement Sketch in Princeton, Massachusetts” dated October 19, 2011, and prepared
19 by Hannigan Engineering, Inc.

20 SECTION 2. No easement instrument conveying, by or on behalf of the Commonwealth,
21 the easement described in section 1 shall be valid unless such easement instrument provides that
22 the easement shall be used solely for the purposes described in said section 1 and that, following
23 any work in the easement area, the grantee shall restore the surface to the satisfaction of the
24 department of conservation and recreation. The easement instrument shall include a clause that
25 shall state that if the easement ceases to be used by the grantees, or their successors or assigns,
26 for the purposes described in section 1 at any time, the easement shall terminate and all rights
27 shall revert to the Commonwealth under the care and control of the department of conservation
28 and recreation, upon such terms and conditions as the commissioner may determine.

29 SECTION 3. The grantees of the easement described in section 1 shall assume and be
30 responsible for the cost of any appraisals, surveys, and other expenses deemed necessary by the
31 commissioner for the granting of said easement.