

HOUSE No. 3690

The Commonwealth of Massachusetts

PRESENTED BY:

Denise C. Garlick

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 Massachusetts Department of Transportation to acquire certain parcels of land in the town of Needham now under the care and control of the Department of Conservation and Recreation.

PETITION OF:

NAME:

Denise C. Garlick

DISTRICT/ADDRESS:

13th Norfolk

HOUSE No. 3690

The Commonwealth of Massachusetts

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

An Act authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Needham now under the care and control of the Department of Conservation and Recreation.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the exchange of certain parcels of land in the town of Needham, 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. (a) Notwithstanding the provisions of sections 34 to 38 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 certain parcels of land or interests therein, currently under the care and
5 control of the department of conservation and recreation and held for conservation and recreation
6 purposes, to the Massachusetts department of transportation to be used for highway purposes,
7 subject to the requirements of sections 2 through 4 and to such additional terms and conditions
8 consistent with this act as the commissioner of capital asset management and maintenance may
9 prescribe in consultation with the commissioner of conservation and recreation and the secretary
10 of the department of transportation.

11 (b) The parcels and interests therein are shown on a plan entitled “The Commonwealth of
12 Massachusetts Plan of Land in the Town of Needham, Norfolk County, Article 97 Property”,
13 dated TBD, 2019 to be recorded at the Registry of Deeds, and are described as follows:

14 (i) Parcel 15-D-1, a permanent drainage easement upon a parcel of land along the
15 southerly line of Highland Avenue comprised of 6,580 square feet as shown on said plan to be
16 used for the construction of a permanent drainage facility;

17 (ii) Parcel 15-33, a parcel of land along the southerly line of Highland Avenue comprised
18 of 14 square feet as shown on said plan to be used for the construction of a sidewalk along said
19 Highland Avenue;

20 (iii) Parcel 15-PEU-33, a permanent utility easement in a parcel of land along the
21 southerly line of Highland Avenue comprised of 203 square feet as shown on said plan to be
22 used overhead utility purposes; and

23 (iv) Parcel 15-TE-115, a temporary construction easement comprised of 3,453 square feet
24 as shown on said plan to be used to support construction activities.

25 (c) The department of conservation and recreation may issue a license to the department
26 of transportation to allow use and occupancy of any of the above-described parcels for highway
27 purposes and associated construction work while the division of capital asset management
28 maintenance proceeds to effectuate the conveyances authorized by this act.

29 SECTION 2. Consideration for the grants of the above-described parcels or interests
30 therein shall be as set forth in section 3 of this act.

31 SECTION 3. To ensure a no-net-loss of lands protected for natural resource purposes, the
32 department of transportation shall convey to the commonwealth, under the care and control of
33 the department of conservation and recreation and in full consideration of the conveyance of the
34 land and interests in land authorized by this act, the fee simple interest in a parcel of land located
35 along the easterly line of Interstate 95 and adjacent to Cutler Park Reservation in the town of
36 Needham containing approximately 37,500 square feet of land more and particularly shown on a
37 plan of land entitled “Massachusetts Department of Transportation Plan of Road in the Town of
38 Needham Norfolk County Altered and Laid Out as a State Highway by the Massachusetts
39 Department of Transportation, Highway Division”, dated TBD, 2019 to be recorded at the
40 Registry of Deeds. Such land shall be under the care and control of the department of
41 conservation and recreation for conservation and recreation purposes.

42 SECTION 4. The Massachusetts department of transportation shall assume all costs
43 associated with engineering, surveys, deed preparation and other expenses deemed necessary by
44 the commissioner of capital asset management and maintenance or the commissioner of the
45 conservation and recreation to execute the conveyances authorized by this act.