HOUSE DOCKET, NO. 4365 FILED ON: 7/15/2019

# HOUSE . . . . . No. 3982

## The Commonwealth of Massachusetts

PRESENTED BY:

***Danielle W. Gregoire***

*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 a drainage easement, and amending a permanent right of way easement, to the city of Marlborough.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| *Danielle W. Gregoire* | *4th Middlesex* | *7/15/2019* |
| *Carmine Lawrence Gentile* | *13th Middlesex* | *7/15/2019* |
| *James B. Eldridge* | *Middlesex and Worcester* | *7/15/2019* |

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By Miss Gregoire of Marlborough, a petition (subject to Joint Rule 12) of Danielle W. Gregoire, Carmine Lawrence Gentile and James B. Eldridge that the commissioner of Capital Asset Management and Maintenance be authorized to grant a drainage easement to the city of Marlborough and to amend a permanent right of way easement in said city. State Administration and Regulatory Oversight.

## The Commonwealth of Massachusetts

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

An Act authorizing the Division of Capital Asset Management and Maintenance to grant a drainage easement, and amending a permanent right of way easement, to the city of Marlborough.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the department of conservation and recreation, may convey to the city of Marlborough, subject to acceptance by the city council of said city, a permanent easement for drainage over a parcel of land held by the department of conservation and recreation for watershed purposes and located adjacent to Maple street and Valley street in the city of Marlborough, said parcel being a portion of the land subject to an order of taking by the commonwealth recorded with the Middlesex south registry of deeds at book 26351, page 1, and an amended permanent right of way easement for access and utility across said parcel. Said conveyance shall be subject to such terms and conditions as set forth in

this act and any other conditions as said commissioner shall prescribe, in consultation with the department of conservation and recreation.

The drainage easement authorized pursuant to this section is shown as "Proposed Drainage Easement 17,269 S.F. 0.40 Ac." and the right of way easement authorized pursuant to this section is shown as "Proposed Bridge / Access & Utility Easement 2391 S.F. 0.05 Ac.", both on a plan entitled "Plan of Land in Marlborough, MA;" Prepared for: the City of Marlborough and the Department of Conservation and Recreation (f/k/a Metropolitan District Commission); Prepared by: Bruce Saluk & Associates, Inc., 576 Boston Post Road East, Marlborough, MA 01752; Date: November 20, 2013, last revised January 19, 2017; Scale: 1″ = 20′. Changes to easement boundaries may be made if determined necessary pursuant to a survey by the commissioner of capital asset management and maintenance.

SECTION 2. In consideration of the conveyance authorized by section 1, the city of Marlborough shall design and implement appropriate landscaping and beautification acceptable to the department of conservation and recreation, and shall maintain the same, for the drainage easement described in section 1.

SECTION 3. The city of Marlborough shall assume all of the expenses as deemed necessary by the commissioner of capital asset management and maintenance for the conveyance of said easements and the expenses associated with the landscaping, beautification and maintenance described in section 2.

SECTION 4. If the easements conveyed pursuant to section 1 cease to be used for the purposes for which they were conveyed as described in said section 1, said easements shall revert

to the commonwealth under the care and control of the department of conservation and recreation under such terms as the commissioner of capital asset management and maintenance may prescribe.

SECTION 5. This act shall take effect upon its passage.