

# **HOUSE . . . . . No. 4077**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, September 18, 2019.

The committee on Ways and Means, to whom was referred the Bill 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 (House, No. 3960), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4077).

For the committee,

AARON MICHLEWITZ.

**HOUSE . . . . . No. 4077**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act authorizing the Massachusetts Department of Transportation to acquire certain parcels of state 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 state 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 Massachusetts 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”, to  
13 be recorded at the Norfolk county registry of deeds, and 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 for overhead utility purposes; and

23 (iv) Parcel 15-TE-115, a temporary construction easement comprised of 3,453 square  
24 feet, 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  
26 Massachusetts Department of Transportation to allow for the use and occupancy of any of the  
27 above-described parcels for highway purposes and associated construction work while the  
28 division of capital asset management maintenance proceeds to effectuate the conveyances  
29 authorized by this act.

30 SECTION 2. Consideration for the grants of the parcels described in section 1 or interests  
31 therein shall be as set forth in section 3 of this act.

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

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