

SENATE No. 1801

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger, (BY REQUEST)

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 certain easements.

PETITION OF:

NAME:

James J. Decoulos

DISTRICT/ADDRESS:

38 Bow Road, Belmont, MA 02478

SENATE No. 1801

By Mr. Brownsberger (by request), a petition (accompanied by bill, Senate, No. 1801) of James J. Decoulos for legislation relative to certain easements. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An act relative to certain easements.

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 any general or special law to the contrary, lots created for
2 the Native American Indians at Chappaquiddick, Dudley, Gay Head, Herring Pond or Mashpee,
3 and the lots created from the partition of common lands in those former Indian districts, shall be
4 deemed to have been granted in fee simple absolute with no restraint on alienation. If express
5 easements do not exist for such lots, the superior court shall have jurisdiction to establish forty-
6 foot wide ways to a public way over public lands, including land held by any land bank, for
7 vehicular access and underground utilities to such lots. If public lands are not available to
8 provide an express easement to any such lot, new forty-foot wide easements shall be created to
9 the nearest public way by the superior court, with just compensation paid to the servient owner
10 by the dominant estate.