

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.