

SENATE No. 1855

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 Department of Conservation and Recreation to grant easements to the town of Hubbardston for the reconstruction of the Evergreen Road bridge over Mason Brook.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/30/2019</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>1/31/2019</i>

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

An Act authorizing the Department of Conservation and Recreation to grant easements to the town of Hubbardston for the reconstruction of the Evergreen Road bridge over Mason Brook.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the authority of the department of conservation and recreation to grant easements for the purpose of reconstructing a bridge in need of immediate repair and reconstruction, 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. Notwithstanding the provisions of sections 34 to 37 of chapter 7C of the
2 General Laws, the commissioner of the department of conservation and recreation may grant
3 permanent easements over portions of certain parcels of land, held for purposes of conservation
4 and recreation, which portions are located adjacent to and under the Evergreen road bridge over
5 Mason brook, in the town of Hubbardston, said easements to be used for the purposes of
6 repairing, reconstructing, operating, maintaining and/or improving said bridge, subject to the
7 requirements of sections 2 through 5 and to such additional terms and conditions consistent with
8 this act as the commissioner of the department of conservation and recreation may prescribe. The
9 portions of said land are shown on a plan of land entitled “Easement Plan of Land Evergreen
10 Road Hubbardston, Massachusetts Surveyed for Town of Hubbardston, MA (Bridge No. H-24-

009 (IG5)),” dated January 3, 2019, as follows: “parcel E-1,” containing 48,138 square feet, more or less; “parcel E-2,” containing 340 square feet, more or less; “parcel E-3,” containing 1,560 square feet, more or less and “parcel E-4,” containing 1,210 square feet, more or less. Prior to finalizing the transaction herein, the department of conservation and recreation may make minor modifications to the plan and easement areas in order to carry out the purposes of this act.

SECTION 2. To mitigate impacts to public lands protected for natural resources, the commissioner of the department of conservation and recreation may, in his discretion, require the grantee to compensate the commonwealth for the interests in land described in section 1 through the conveyance of land to the commonwealth and/or the transfer of funds, the value of such compensation, if any, to be determined by the commissioner. Any payments to the commonwealth authorized by this act shall be deposited in the Conservation Trust established under section 1 of chapter 132A of the General Laws.

SECTION 3. The commissioner of the department of conservation and recreation may commission an independent appraisal of the value of the easements described in section 1, which shall be prepared in accordance with the usual and customary professional appraisal practices by a qualified appraiser. Consideration for the grant of the above-described easement interests may be the value of the easement interests, or some lesser consideration, including nominal consideration, as determined by the commissioner of the department of conservation and recreation, in his discretion.

SECTION 4. The grantee shall assume any and all costs associated with engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner

of the department of conservation and recreation to execute the conveyances authorized by this act.

SECTION 5. No instrument executed pursuant to this act shall be valid unless it provides that the easements shall be used solely for the purposes described in section 1. The instrument or instruments authorized in section 1 shall include a reversionary clause that stipulates the property shall revert to the commonwealth, upon such terms and conditions as the commissioner of the department of conservation and recreation may determine, if the property ceases to be used for the express purposes authorized in this act, following notice of such to the grantee by the department of conservation and recreation and a failure by the grantee to cure the violation to the satisfaction of the department. If any interest reverts to the commonwealth, any further disposition shall be subject to sections 34 to 37 of chapter 7C of the General Laws and the prior approval of the General Court.

SECTION 6. This act shall take effect upon its passage.