

SENATE No. 2316

The Commonwealth of Massachusetts



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GOVERNOR

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KARYN POLITO
LIEUTENANT GOVERNOR

August 6, 2019

To the Honorable Senate and House of Representatives,

Pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Constitution, as appearing in Article LXXXIX of said Amendments, I am filing for your consideration the attached legislation entitled “An Act Authorizing the Division of Capital Asset Management and Maintenance to Grant an Easement to the Town of Natick for the Reconstruction of North Main Street (Route 27).”

I am filing this special legislation at the request of the Natick Select Board.

The legislation authorizes the Division of Capital Asset Management and Maintenance to grant the Town a permanent drainage easement over a 3,000 square foot parcel of land at Cochituate State Park. The easement is needed to accommodate the relocation of a storm drain that is being moved as part of a much larger MassDOT construction project that will reconfigure a substantial portion of Route 27 in Natick. The Department of Conservation and Recreation has custody and control of the land in question and supports the granting of the easement and the larger water improvement measures that will result from relocation of the storm drain.

I urge your prompt consideration of this bill.

Respectfully submitted,

Charles D. Baker,
Governor

SENATE No. 2316

Senate, August 8, 2019 -- Message from His Excellency the Governor recommending legislation authorizing the division of capital asset management and maintenance to grant easements to the town of Natick for the reconstruction of North Main Street (Route 27).

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 easements to the town of Natick for the reconstruction of North Main Street (Route 27).

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the authority of the division of capital asset management and maintenance to grant easements for the purpose of installing a sedimentation area to accommodate an improved drainage system as part of the Route 27 North Main Street project, 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, inclusive, of chapter
2 7C of the General Laws or any general or special law to the contrary, the commissioner of capital
3 asset management and maintenance, in consultation with the commissioner of conservation and
4 recreation, may grant to the town of Natick permanent easements over a portion of certain
5 property, being Natick assessor's map 6, lots 31 and 31A, held for purposes of conservation and
6 recreation by the department of conservation and recreation, commonly known as Cochituate
7 State Park, said easements to be used for the purpose of drainage of North Main Street (Route
8 27), subject to the requirements of sections 2 through 5 and to such additional terms and

9 conditions consistent with this act as the commissioner of capital asset management and
10 maintenance may prescribe. The easements are shown on a plan of land entitled “Massachusetts
11 Department of Transportation Highway Division Roadway Improvements Project North Main
12 Street (Route 27) in the Town of Natick in Middlesex County,” revised through June 21, 2019,
13 as “Parcel D-6” (305± S.F.), “Parcel D-7” (3,177± S.F.) and “Parcel D-8” (203± S.F.). Prior to
14 finalizing the transaction herein, the division of capital asset management and maintenance may
15 make minor modifications to the plan and easement areas in order to carry out the purposes of
16 this act.

17 SECTION 2. To mitigate impacts to public lands protected for natural resources, the
18 commissioner of capital asset management and maintenance shall require the grantee to
19 compensate the commonwealth for the interests in land described in section 1 through the
20 conveyance of land to the commonwealth and/or the transfer of funds, the value of such
21 compensation to be determined by the commissioner, with the approval of the department of
22 conservation and recreation. Any payments to the commonwealth authorized by this act shall be
23 deposited in the Conservation Trust established under section 1 of chapter 132A of the General
24 Laws to be used to acquire land or interests in land for conservation and recreation purposes.

25 SECTION 3. The commissioner of capital asset management and maintenance shall
26 commission an independent appraisal of the fair market value and value in use of the easements
27 described in section 1, which shall be prepared in accordance with the usual and customary
28 professional appraisal practices by a qualified appraiser. Consideration for the grant of the
29 above-described easement interests shall be the full and fair market value and value in use value
30 of the easement interests, whichever is greater, as determined by the commissioner of capital
31 asset management and maintenance. The commissioner of capital asset management and

32 maintenance shall submit the appraisal and a report thereon to the inspector general. The
33 inspector general shall review and approve the appraisal and the review shall include an
34 examination of the methodology utilized for the appraisal. The inspector general shall prepare a
35 report of the review and file the report with the commissioner of capital asset management and
36 maintenance. The commissioner shall submit copies of the appraisal, the report thereon and the
37 inspector general's review and approval and comments, if any, to the house and senate
38 committees on ways and means and the house and senate chairs of the joint committee on state
39 administration and regulatory oversight prior to the execution of the grant of easements
40 authorized in this act.

41 SECTION 4. The grantee shall assume any and all costs associated with engineering,
42 surveys, appraisals, deed preparation and other expenses deemed necessary by the commissioner
43 of capital asset management and maintenance to execute the conveyances authorized by this act.

44 SECTION 5. No instrument executed pursuant to this act shall be valid unless it provides
45 that the easements shall be used solely for the purposes described in section 1. The instrument or
46 instruments authorized in section 1 shall include a reversionary clause that stipulates the property
47 shall revert to the commonwealth, upon such terms and conditions as the commissioner of capital
48 asset management and maintenance may determine, if the easements cease to be used for the
49 express purposes authorized in this act, following notice of such to the grantee by the division of
50 capital asset management and maintenance and a failure by the grantee to cure the violation to
51 the satisfaction of the division. If any interest reverts to the commonwealth, any further
52 disposition shall be subject to sections 34 to 37 of chapter 7C of the General Laws and the prior
53 approval of the General Court.

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