The Commonwealth of Massachusetts

PRESENTED BY:

Danillo A. Sena

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 town of Ayer select board to acquire a water line easement on land of the department of conservation & recreation.

PETITION OF:

<table>
<thead>
<tr>
<th>NAME:</th>
<th>DISTRICT/ADDRESS:</th>
<th>DATE ADDED:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Danillo A. Sena</td>
<td>37th Middlesex</td>
<td>3/23/2022</td>
</tr>
</tbody>
</table>
By Mr. Sena of Acton, a petition (subject to Joint Rule 12) of Danillo A. Sena (by vote of the town) that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain easement to the town of Ayer. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act authorizing the town of Ayer select board to acquire a water line easement on land of the department of conservation & recreation.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the authority of the town of Ayer select board to acquire a water line easement on land of the department of conservation & recreation, which easement is necessary to provide water to the residents of Ayer, 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:

SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may convey a subsurface easement to the town of Ayer on a parcel of land containing 1,940 square feet, more or less, acquired by deed recorded with the Middlesex south registry of deeds in book 18528 and page 64, currently under the care and control of the department of conservation and recreation and held for conservation and recreation purposes. The easement area is shown as “20’ Wide Water Easement” on a plan of land entitled “Easement Plan of Land in Ayer, Mass,” dated September 13, 2017, prepared by GPR, Inc., on file in the Middlesex south
registry of deeds as plan 886 of 2017. The easement shall be used only for the purposes of installing, constructing, repairing, reconstructing, operating, maintaining or improving subsurface water infrastructure, subject to the requirements of sections 2 through 4 and to such additional terms and conditions consistent with this act as the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, may prescribe. Prior to making the conveyance authorized in this section, the commissioner of capital asset management and maintenance may make minor modifications to the area and plan in order to carry out this act.

SECTION 2. The town of Ayer shall compensate the commonwealth for the easement described in section 1 through any 1 or a combination of the following: (i) the transfer of land or an interest in land to the commissioner of conservation and recreation, with a value equal to or greater than the full and fair market value of the easement, or the value of the easement in use as proposed, whichever is greater, as determined by independent appraisal; or (ii) a sum of money equal to the full and fair market value of the easement or the value of the easement in use as proposed, whichever is greater, as determined by independent appraisal. The commonwealth shall not be obligated to pay any consideration to the town if the appraised value of any parcels or interests conveyed under this section exceeds the value of the easement described in section 1.

SECTION 3. The value of the easement described in section 1 and the value of any property interests to be conveyed to the commonwealth pursuant to section 2 shall be determined by an independent appraisal prepared in accordance with the usual and customary professional appraisal practice by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation. The commissioner of capital asset management and maintenance shall submit the
appraisal to the inspector general for review and comment. The inspector general shall review
and approve the appraisal and the review shall include an examination of the methodology
utilized for the appraisal. The inspector general shall prepare a report of such review and file the
report with the commissioner of capital asset management and maintenance for submission by
the commissioner to the house and senate committees on ways and means and the joint
committee on state administration and regulatory oversight. The commissioner shall submit
copies of the appraisal and the inspector general’s report to the house and senate committees on
ways and means and the joint committee on state administration and regulatory oversight not less
than 15 days before the execution of the instrument effecting the grant of the easement described
in section 1. Any funds shall be deposited in the Conservation Trust established in section 1 of
chapter 132A of the General Laws, and shall be expended by the commissioner of conservation
and recreation, in the commissioner’s discretion, towards acquiring lands or interests in land to
be permanently held and managed for conservation and recreation purposes by the department.

SECTION 4. The town of Ayer shall assume any and all costs associated with
engineering, surveys, appraisals, deed preparation and other expenses deemed necessary by the
commissioner of capital asset management and maintenance for the purpose of conveying the
easement to the town of Ayer authorized by this act.