

HOUSE No. 4811

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:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>3/23/2022</i>

HOUSE No. 4811

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:

1 SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the commissioner of conservation and
4 recreation, may convey a subsurface easement to the town of Ayer on a parcel of land containing
5 1,940 square feet, more or less, acquired by deed recorded with the Middlesex south registry of
6 deeds in book 18528 and page 64, currently under the care and control of the department of
7 conservation and recreation and held for conservation and recreation purposes. The easement
8 area is shown as “20’ Wide Water Easement” on a plan of land entitled “Easement Plan of Land
9 in Ayer, Mass,” dated September 13, 2017, prepared by GPR, Inc., on file in the Middlesex south

10 registry of deeds as plan 886 of 2017. The easement shall be used only for the purposes of
11 installing, constructing, repairing, reconstructing, operating, maintaining or improving
12 subsurface water infrastructure, subject to the requirements of sections 2 through 4 and to such
13 additional terms and conditions consistent with this act as the commissioner of capital asset
14 management and maintenance, in consultation with the commissioner of conservation and
15 recreation, may prescribe. Prior to making the conveyance authorized in this section, the
16 commissioner of capital asset management and maintenance may make minor modifications to
17 the area and plan in order to carry out this act.

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

27 SECTION 3. The value of the easement described in section 1 and the value of any
28 property interests to be conveyed to the commonwealth pursuant to section 2 shall be determined
29 by an independent appraisal prepared in accordance with the usual and customary professional
30 appraisal practice by a qualified appraiser commissioned by the commissioner of capital asset
31 management and maintenance, in consultation with the commissioner of conservation and
32 recreation. The commissioner of capital asset management and maintenance shall submit the

33 appraisal to the inspector general for review and comment. The inspector general shall review
34 and approve the appraisal and the review shall include an examination of the methodology
35 utilized for the appraisal. The inspector general shall prepare a report of such review and file the
36 report with the commissioner of capital asset management and maintenance for submission by
37 the commissioner to the house and senate committees on ways and means and the joint
38 committee on state administration and regulatory oversight. The commissioner shall submit
39 copies of the appraisal and the inspector general's report to the house and senate committees on
40 ways and means and the joint committee on state administration and regulatory oversight not less
41 than 15 days before the execution of the instrument effecting the grant of the easement described
42 in section 1. Any funds shall be deposited in the Conservation Trust established in section 1 of
43 chapter 132A of the General Laws, and shall be expended by the commissioner of conservation
44 and recreation, in the commissioner's discretion, towards acquiring lands or interests in land to
45 be permanently held and managed for conservation and recreation purposes by the department.

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