

HOUSE No. 3081

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky

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 Division of Capital Asset Management and Maintenance to grant easements to the town of Natick for the reconstruction of North Main Street (Route 27).

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/17/2023</i>

HOUSE No. 3081

By Representative Linsky of Natick, a petition (accompanied by bill, House, No. 3081) of David Paul Linsky that the commissioner of the Division of Capital Asset Management and Maintenance be authorized to grant easements to the town of Natick for the reconstruction of North Main Street (Route 27). State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4804 OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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).

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, lots 31 and 31A, held for purposes of conservation and 6
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 3 of 5
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 4 of 5
32 maintenance shall submit the appraisal and a report thereon to the inspector general. 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 the review and file the report with the commissioner of capital asset management and maintenance. The commissioner shall submit copies of the appraisal, the report thereon and the inspector general's review and approval and comments, if any, to the house and senate committees on ways and means and the house and senate chairs of the joint committee on state administration and regulatory oversight prior to the execution of the grant of easements authorized in this act.

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 capital asset management and maintenance 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 capital asset management and maintenance may determine, if the easements cease to be used for the express purposes authorized in this act, following notice of such to the grantee by the division of capital asset management and maintenance and a failure by the grantee to cure the violation to the satisfaction of the division. 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. 5 of 5

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