

HOUSE No. 4863

The Commonwealth of Massachusetts

PRESENTED BY:

David T. Vieira

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 commissioner of Capital Asset Management and Maintenance to grant certain easements to the town of Bourne.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>6/3/2024</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>6/6/2024</i>
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>6/6/2024</i>

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By Representative Vieira of Falmouth, a petition (subject to Joint Rule 12) of David T. Vieira, Susan L. Moran and Steven George Xiarhos (by vote of the town) that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain easements to the town of Bourne for subsurface waterline purposes. State Administration and Regulatory Oversight. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act authorizing the commissioner of Capital Asset Management and Maintenance to grant certain easements to the town of Bourne.

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 general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the adjutant general, may convey to the town
4 of Bourne permanent and temporary easements in lands of the commonwealth used for armory
5 purposes located on Armory road, in the town of Bourne and shown on a plan on file with the
6 clerk of the town of Bourne, entitled “Proposed Utility Easement Plan in Bourne, Mass. prepared
7 for town of Bourne #31 Armory Road Map 19.4 Parcel 181” dated October 15, 2018 and
8 prepared by Bracken Engineering, Inc. The exact boundaries of the easement areas shall be
9 determined by the commissioner based upon a survey. The easements shall be granted solely for
10 the purposes of installation, use, maintenance, repair and replacement of a subsurface waterline.
11 The grant of the easements shall be subject to sections 2 to 4, inclusive, and such additional

12 terms and conditions as the commissioner of capital asset management and maintenance, in
13 consultation with the adjutant general, may reasonably require consistent with this act.

14 SECTION 2. The town of Bourne shall assume all costs associated with engineering,
15 surveys, appraisals, deed preparation and other expenses necessary to execute the conveyances
16 authorized in this act.

17 SECTION 3. An independent appraisal of the fair market value and value in use of the
18 easements described in section 1 shall be prepared in accordance with the usual and customary
19 professional appraisal practices by a qualified appraiser commissioned by the commissioner of
20 capital asset management and maintenance. Consideration for the grants of the easements
21 pursuant to section 1 shall be the full and fair market value or the value in proposed use,
22 whichever is greater, as determined by the commissioner of capital asset management and
23 maintenance. The commissioner of capital asset management and maintenance shall submit the
24 appraisal to the inspector general for review and comment. The inspector general shall review
25 and approve the appraisal and the review shall include an examination of the methodology
26 utilized for the appraisal. The inspector general shall prepare a report of such review and file the
27 report with the commissioner of capital asset management and maintenance. After receiving the
28 report, the commissioner shall submit copies of the report to the house and senate committees on
29 ways and means and the joint committee on state administration and regulatory oversight at least
30 15 days prior to the execution of documents affecting the conveyances authorized in said section
31 1.

32 SECTION 4. No instrument executed pursuant to this act shall be valid unless it provides
33 that the easements shall be used solely for the purposes described in section 1. The instruments

34 authorized in said section 1 shall include a reversionary clause that stipulates the easements shall
35 terminate, upon such terms and conditions as the commissioner of capital asset management and
36 maintenance may determine, if the property ceases to be used for the express purposes
37 authorized in this act. Prior to any reversion, the commissioner shall provide notice of any
38 violations to the town of Bourne and the town may cure the violation to the satisfaction of the
39 division. If any interest reverts to the commonwealth, any further disposition shall be subject to
40 sections 34 to 37, inclusive, of chapter 7C of the General Laws and the prior approval of the
41 general court.

42 SECTION 5. This act shall take effect upon passage.