

HOUSE No. 3125

The Commonwealth of Massachusetts

PRESENTED BY:

Marcus S. Vaughn

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 release of a certain sewer easement in the town of Norfolk.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marcus S. Vaughn</i>	<i>9th Norfolk</i>	<i>1/18/2023</i>

HOUSE No. 3125

By Representative Vaughn of Wrentham, a petition (accompanied by bill, House, No. 3125) of Marcus S. Vaughn that the commissioner of the Division of Capital Asset Management and Maintenance be authorized to release a certain sewer easement in the town of Norfolk. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 5102 OF 2021-2022.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**
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An Act authorizing the release of a certain sewer easement in the town of Norfolk.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the division of capital asset management and maintenance to release a certain easement in the town of Norfolk, 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. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
2 General Laws, the commissioner of capital asset management and maintenance, in consultation
3 with the commissioner of correction, may release by deed or other instrument for the benefit of:

4 (1) Thirty Eight Main Street Realty Trust, owner of the premises located at 38 Main street
5 in the town of Norfolk, its successors or assigns, the portion of a sewer easement located on said
6 real property owned by said trust;

7 (2) RASCO Realty Trust, owner of the premises located at 48 Seekonk street in the town
8 of Norfolk, its successors or assigns, the portion of a sewer easement located on said real
9 property owned by said trust;

10 (3) Everett Benton and Linda Benton, owners of the premises located at 19 King Philip
11 trail in the town of Norfolk, their successors or assigns, the portion of a sewer easement located
12 on said real property owned by said persons;

13 (4) K&M Property Management LLC, owner of the premises located at 17 King Philip
14 trail in the town of Norfolk, its successors or assigns, the portion of a sewer easement located on
15 said real property owned by said K&M Property Management LLC;

16 (5) John Knox and Linda Knox, owners of the premises located at 15 King Philip trail in
17 the town of Norfolk, their successors or assigns, the portion of a sewer easement located on said
18 real property owned by said persons;

19 (6) Louise D. Rachin Revocable Trust, owner of the premises located at 11 King Philip
20 trail in the town of Norfolk, its successors or assigns, the portion of a sewer easement located on
21 said real property owned by said trust;

22 (7) James Ricciardi and Mary Ricciardi, owners of the premises located at 9 King Philip
23 trail in the town of Norfolk, their successors or assigns, the portion of a sewer easement located
24 on said real property owned by said persons;

25 (8) Richard Schmidt and Susan Schmidt, owners of the premises located at 7 ½ King
26 Philip trail in the town of Norfolk, their successors or assigns, the portion of a sewer easement
27 located on said real property owned by said persons;

28 (9) Ellen Cargill, owner of the premises located at 7 King Philip trail in the town of
29 Norfolk, their successors or assigns, the portion of a sewer easement located on said real
30 property owned by said person;

31 (10) Paul Roach and Kevin Roach, owners of a premises located on Campbell street in
32 the town of Norfolk, more particularly described in a deed recorded with the Norfolk county
33 registry of deeds in book 17892, page 392, their successors or assigns, the portion of a sewer
34 easement located on said real property owned by said persons;

35 (11) Bonnie G.C. McLaughlin and Robin Haeuser, owners of the premises located at 23
36 Campbell street in the town of Norfolk, their successors or assigns, the portion of a sewer
37 easement located on said real property owned by said persons;

38 (12) Matthew Awad, owner of the premises located at 31 Campbell street in the town of
39 Norfolk, their successors or assigns, the portion of a sewer easement located on said real
40 property owned by said person;

41 (13) The town of Norfolk, owner of the premises located at 22 Campbell street and on
42 King Philip trail in said town of Norfolk, more particularly described in a deed recorded with the
43 Norfolk county registry of deeds in book 30128, page 584 and book 25488, page 308, the portion
44 of a sewer easement located on said real property owned by said town; and

45 (14) NextGrid Patriots LLC, owner of the premises located on Lincoln road in the town
46 of Norfolk, more particularly described in a deed recorded with the Norfolk county registry of
47 deeds in book 37855, page 256, its successors or assigns, the portion of a sewer easement located
48 on said real property owned by said NextGrid Patriots LLC.

49 The easement was taken by the department of correction for sewage disposal purposes in
50 an order of taking dated October 29, 1930, recorded with the Norfolk county registry of deeds in
51 book 1912, page 63. The easement is shown on a plan titled, “Commonwealth of Massachusetts,
52 Department of Correction, State Prison Colony, Norfolk, Mass., Sewer Right of Way” prepared
53 by Bayard F. Snow, dated October 29, 1930, which is on file with the Norfolk registry of deeds
54 in plan book 112, pages 813 and 814. The exact boundaries of the easement to be released to
55 each owner named in this section shall be determined by the division of capital asset
56 management and maintenance, in consultation with the department of correction, based upon a
57 survey.

58 SECTION 2. The release of the portion of the easement described in section 1 shall be in
59 accordance with such terms and conditions as the commissioner of capital asset management and
60 maintenance, in consultation with the commissioner of correction, shall prescribe.

61 SECTION 3. The consideration for the release of the easement pursuant to this act shall
62 be the full and fair market value as determined by the commissioner of capital asset management
63 and maintenance based on an independent professional appraisal. The commissioner shall submit
64 the appraisal to the inspector general for review and comment. The inspector general shall
65 review such appraisal, including, but not limited to, an examination of the methodology utilized
66 for the appraisal. The inspector general shall prepare a report of such review and file the report
67 with the commissioner. The commissioner shall submit copies of the appraisal and the inspector
68 general’s report and approval and comments, if any, to the house and senate committees on ways
69 and means and the joint committee on state administration and regulatory oversight prior to the
70 execution of documents affecting the release of the easement authorized by this act.

71 SECTION 4. The owners of the land named in section 1 shall benefit from the release of
72 the easement pursuant to this act and shall be responsible for any costs for surveys, appraisals,
73 recording fees and other expenses relating to the release of the easement.