

**HOUSE . . . . . No. 4007**

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**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:
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>

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By Mr. Vieira of Falmouth, a petition (subject to Joint Rule 12) of David T. Vieira, Viriato M. deMacedo and Randy Hunt (by vote of the town) that the commissioner of Capital Asset Management and Maintenance be authorized to grant certain easements to the town of Bourne. State Administration and Regulatory Oversight. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

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

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance of certain easements by the commonwealth to the town of Bourne, 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 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 located on  
5 Armory road known as the Bourne armory for the installation, use, maintenance, repair and  
6 replacement of a subsurface waterline. The exact boundaries of the easement areas shall be  
7 determined by the commissioner based upon a survey. The grant of the easements shall be  
8 subject to sections 2 to 4, inclusive, and to such additional terms and conditions as the

9 commissioner of capital asset management and maintenance, in consultation with the adjutant  
10 general, may reasonably require consistent with this act.

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

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

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

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