

HOUSE No. 4626

The Commonwealth of Massachusetts

PRESENTED BY:

Susannah M. Whipps

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 relative to land in New Salem.

PETITION OF:

NAME:

Susannah M. Whipps

DISTRICT/ADDRESS:

2nd Franklin

HOUSE No. 4626

By Ms. Whipps of Athol, a petition (subject to Joint Rule 12) of Susannah M. Whipps that the commissioner of Capital Asset Management and Maintenance be authorized to convey an easement over a certain parcel of land in the town of New Salem. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to land in New Salem.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance of a certain easement, 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 grant to the town of New Salem, for consideration as provided in section 2, an
5 easement for the purposes of installing, operating, maintaining and repairing utility poles and
6 associated overhead wires, with all rights necessary and incidental thereto, over certain land
7 currently held in the care, custody and control of the department of conservation and recreation
8 shown as: (i) lot 39 on the town of New Salem assessor’s map 411, being parcels 9 and 10 of the
9 land acquired by the commonwealth for state forest purposes described in a deed dated
10 December 3, 1923 recorded in the Franklin county registry of deeds in book 675, page 343; and

11 (ii) lot 23 on the town of New Salem assessor's map 412, being a parcel of the land taken by the
12 commonwealth pursuant to chapter 321 of the acts of 1927 described in an Order of Taking dated
13 March 24, 1938 recorded in the Franklin county registry of deeds in book 829, page 1. The exact
14 location of the easements to be granted over the land described in this section shall be
15 determined by the commissioner after completion of a survey, in consultation with the
16 department of conservation and recreation and the town.

17 SECTION 2. In consideration for the easement authorized in section 1, the town of New
18 Salem shall compensate the commonwealth through: (i) the transfer of land or an interest in land
19 to the department of conservation and recreation, with a value equal to or greater than the full
20 and fair market value of the easement described in said section 1, or its value in use as proposed,
21 whichever is greater, as determined by independent appraisal; (ii) a sum of money equal to the
22 full and fair market value of the easement or its value in use as proposed, whichever is greater, as
23 determined by independent appraisal; or (iii) through some combination thereof. The exact
24 boundaries of the property interests to be conveyed to the commonwealth pursuant to this
25 section, if any, shall be determined by the commissioner of capital asset management and
26 maintenance, in consultation with the commissioner of conservation and recreation, after
27 completion of a survey.

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

34 appraisals to the inspector general for review and comment. The inspector general shall review
35 and approve any appraisals and the review shall include an examination of the methodology
36 utilized for the appraisals. The inspector general shall prepare a report of such review and file
37 the report with the commissioner of capital asset management and maintenance for submission
38 by the commissioner to the house and senate committees on ways and means and the joint
39 committee on state administration and regulatory oversight. The commissioner shall submit
40 copies of the appraisals and the inspector general's report to the house and senate committees on
41 ways and means and the joint committee on state administration and regulatory oversight at least
42 15 days before the execution of the instrument effecting the grant of the easement described in
43 section 1.

44 SECTION 4. No instrument granting the easement described in section 1 shall be valid
45 unless it provides that the easement shall be used solely for the purposes described in said section
46 1. The grant of easement shall stipulate that the easement shall terminate if the property ceases to
47 be used for the express purposes set forth in the instrument granting the easement.

48 SECTION 5. The town of New Salem shall be responsible for all costs associated with
49 engineering, surveys, appraisals, document preparation and other expenses deemed necessary by
50 the commissioner of capital asset management and maintenance to convey the easements
51 described in section 1.