

SENATE No. 2472

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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 convey an easement in certain land in the city of Fall River.

PETITION OF:

NAME:

Michael J. Rodrigues

DISTRICT/ADDRESS:

First Bristol and Plymouth

SENATE No. 2472

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 2472) (subject to Joint Rule 12) of Michael J. Rodrigues for legislation to authorize the commissioner of capital asset management and maintenance to convey an easement in certain land in the city of Fall River. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act authorizing the commissioner of capital asset management and maintenance to convey an easement in certain land in the city of Fall River.

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 or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance, in consultation with the department of environmental
4 protection and the department of conservation and recreation, may grant an easement to a parcel
5 of land in the city of Fall River, currently owned by the commonwealth and held by the city of
6 Fall River by an easement and license, to Eric J. Lepage and Carol A. Lepage, their heirs,
7 successors and assigns for purposes of continuing to conduct their business.

8 (b) The parcel, located on the south side of 439 Martine street in the city of Fall River is
9 shown on a plan of land titled “Survey Worksheet, 439 Martine Street, Fall River,
10 Massachusetts”, described in Exhibit A and shown as Exhibit B of the grant of easement from

11 the city of Fall River to Eric J. Lepage and Carol A. Lepage, recorded in the Fall River district
12 registry of deeds in book number 9723, page 160.

13 (c) The parcel shall be conveyed by deed without warranties or representations by the
14 commonwealth. The grantee agrees to assume the cost of any appraisals, surveys and other
15 expenses deemed necessary by the commissioner of capital asset management and maintenance
16 for the transactions contemplated by this act.

17 (d) To ensure a no-net-loss of lands protected for natural resource purposes, the grantees
18 shall grant an easement or caused to grant an easement to the commonwealth lands or interest in
19 lands to be held by the department of conservation and recreation for conservation or recreation
20 purposes. The land or interest in land shall be of equal or greater size and resource values than
21 the easement described in subsection (a), as determined by independent appraisal prepared in
22 accordance with the usual and customary professional appraisal practices by a qualified appraiser
23 commissioned by the commissioner of capital asset management and maintenance, in
24 consultation with the commissioner of conservation and recreation. The commissioner of capital
25 asset management and maintenance shall submit the appraisal to the inspector general for review
26 and comment. The inspector general shall review and approve the appraisal and the review shall
27 include an examination of the methodology utilized for the appraisal.

28 The inspector general shall prepare a report of such review and file the report with the
29 commissioner of capital asset management and maintenance for submission by the commissioner
30 to the house and senate committees on ways and means and the joint committee on state
31 administration and regulatory oversight. The commissioner shall submit a copy of the appraisal
32 and the inspector general s review and approval and comments, if any, to the house and senate

33 committees on ways and means and the joint committee on state administration and regulatory
34 oversight at least 15 days prior to the execution of any documents effectuating the transfers
35 described in this section.

36 If no such land can be identified, the grantees shall pay to the commonwealth an amount
37 equal to the present full market value of the parcel of land authorized to be granted under this
38 act. All funds paid to the commonwealth as under this section shall be deposited into in the
39 Conservation Trust, established in section 1 of chapter 132A of the General Laws, to be
40 expended to acquire lands or interests in land for conservation and recreation purposes.