

HOUSE No. 4671

By Mr. Sciortino of Medford, petition (accompanied by bill, House, No. 4671) of Carl M. Sciortino, Jr., and others that the Division of Capital Asset Management and Maintenance be authorized to grant easements in certain land to the housing authority of the city of Somerville. Bonding, Capital Expenditures and State Assets.

The Commonwealth of Massachusetts

PETITION OF:

Carl M. Sciortino, Jr.
Patricia D. Jehlen
Denise Provost

Timothy J. Toomey, Jr.

In the Year Two Thousand and Eight.

AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO GRANT EASEMENTS IN THE CITY OF SOMERVILLE

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith the granting of certain access and utility easements in favor of the Somerville Housing Authority and Conwell Capen Limited Partnership, 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:

SECTION 1. The Commissioner of Capital Asset Management and Maintenance, in consultation with the Department of Conservation and Recreation, may grant, notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General Laws, to the Somerville Housing Authority, a political subdivision of the Commonwealth of Massachusetts and owner of the premises known and numbered as 1 Capen Court, and its successors or assigns, and to Conwell Capen Limited Partnership, a Massachusetts limited partnership and owner of the premises known and numbered as 405 Alewife Brook Parkway and

its successors or assigns, various access and utility easements over land owned by the Commonwealth of Massachusetts located at 149 Capen Street, Somerville, Massachusetts which easements are anticipated to be substantially as described in the attachment “Access and Utility Easement” and approximately identified as the “Proposed Utility Easement” and “Proposed Access Easement” on the plan entitled “Easement Plan of Land” prepared by Design Consultants, Inc., dated January 16, 2008, which plan is on file with the Commissioner of Capital Asset Management and Maintenance. Such access and utility easements are not a change in the current use of the Commonwealth’s land; they are for the purpose of creating recorded easements where such uses are currently and have long been in effect by both parties or their predecessors and where such recordable easements are necessary to effect improvements upon the respective properties, and to further improve the alignment and configuration of such access and utility uses. Otherwise, the Commonwealth’s land has been used as a waterworks system pursuant to the Massachusetts Water Resources Authority enabling act (St. 1984, c. 372). The instrument granting the easements shall contain an acknowledgement that the Mystic Valley Parkway and Alewife Brook Parkway are parkways which have been designated and restricted to “pleasure vehicles only” by the Department of Conservation and Recreation and that the use of Mystic Valley Parkway and Alewife Brook Parkway is subject to the generally applicable regulations for such parkways of the Department of Conservation and Recreation, as such regulations may be amended from time to time. The plan shall be recorded in the Middlesex County South District Registry of Deeds as provided in section 3.

SECTION 2. The consideration for the easements described in section 1 shall be the undertaking to complete and operate the proposed developments at 1 Capen Court and 405 Alewife Brook Parkway as affordable senior housing with supportive services, including independent and assisted living, under certain use restriction and regulatory agreements to be entered into in connection with the affordable housing subsidies granted to the respective properties.

SECTION 3. The Commissioner of Capital Asset Management and Maintenance, 30 days before the execution of any agreement or release authorized by this act or any subsequent amendment thereof, shall submit the agreement or amendment and a report thereon to the Inspector General for his review and comment. The Inspector General shall issue his review and comment within 15 days of receipt of any agreement or amendment. The Commissioner shall submit the agreement and any subsequent amendments thereof, the reports, and the comments of the Inspector General, if any, to the House and Senate Committees of Ways and Means and the House and Senate Chairmen of the Joint Committee on Bonding, Capital Expenditures, and State Assets at least 15 days before the execution of the agreement.

SECTION 4. The owners of land benefiting from the easements shall be responsible for any costs for surveys, recording and other expenses relating to the granting of such easements, or for any costs and liabilities of any nature and kind for its development, maintenance or operation, including snow removal, general capital repair and paving of the roadway and associated systems of the access easement.