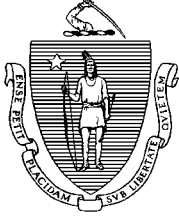


SENATE, NO. 2420

[SIMILAR MATTER FILED DURING PAST SESSION
SEE NO. OF]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND SEVEN

AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO GRANT AN EASEMENT IN CERTAIN LAND IN THE TOWN OF HOLDEN

*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 40E through 40J, inclusive of chapter 7 of the
2 general laws or any other general or special law to the contrary, the commissioner of the
3 division of capital asset management and maintenance may, in consultation with the
4 commissioner of the department of conservation and recreation services, convey a
5 permanent, exclusive easement under, over, in and through a parcel of land containing
6 approximately 13.82 acres, located in the town of Holden on Route 31, Paxton – Holden
7 Road, which is currently under the control of the department of conservation and
8 recreation services and held for watershed conservation purposes, to the Worcester
9 Natural History Society, a Massachusetts non-profit corporation, its successors and
10 assigns, for the purpose of traveling over such easement area to and from said road and
11 land of the Worcester Natural History Society in the towns of Holden and Paxton. The
12 easement shall include the right to (i) create, maintain, repair and replace a paved

13 driveway in the easement area, (ii) install, maintain, repair, replace and flow utilities to
14 service the land of the Worcester Natural History Society, and (iii) use the easement area
15 for all purposes which streets and ways are used in the town of Holden. The burdened
16 property owned by the commonwealth being a portion of the property more particularly
17 described in an Order of Taking dated June 21, 2001 and recorded with the Worcester
18 District Registry of Deeds in Book 24446, Page 353. The benefited property owned by
19 the Worcester Natural History Society being more particularly described in a deed
20 recorded with the Worcester District Registry of Deeds in Book 3014, Page 521. The
21 proposed easement area to be approximately 25 feet wide and located in the general area
22 of an existing gravel driveway over the commonwealth's property and currently used to
23 access said property of the Worcester Natural History Society.

24

25 SECTION 2. The Worcester Natural History Society shall assume all costs associated
26 with any engineering, surveys, deed preparation and other expenses deemed necessary by
27 the commissioner to effectuate the conveyance authorized in section 1.

28

29 SECTION 3. In exchange for the conveyance authorized in section 1, the Worcester
30 Natural History Society shall (i) execute and deliver to the commissioner of the division
31 of capital asset management and maintenance an instrument to abandon all of its rights,
32 title and interest in a twenty-five foot right of way over the property of the
33 commonwealth, created by an instrument recorded with the Worcester District Registry
34 of Deeds in Book 4105, Page 151; and (ii) convey to the commonwealth or jointly to the
35 commonwealth and to any other qualified governmental entity, charitable corporation or

36 trust acceptable to the secretary of the executive office of environmental affairs, a
37 Conservation Restriction, as defined in Chapter 184, sections 31-33 of the general laws,
38 in, over and on a portion of its property, encumbering not less than 3 acres of land.