

**ARTICLE 27:** To see if the Town will vote to authorize the Select Board, on its behalf, to petition the General Court for passage of a special law authorizing the Commissioner of Capital Asset Management and Maintenance, in consultation with the Adjutant General, to convey to the Town a permanent easement on land under the care and custody of the Massachusetts Armory Commission and identified on Bourne Assessor's map as Parcel 181 on Map 19.4, and referenced at Barnstable County Registry of Deeds at Book 877, Pages 67 and 68, for purpose of replacing a subsurface municipal water line and all necessary supporting appurtenances and consistent with the terms of the temporary license originally granted in January 2019, and further, to authorize Town Officials to take any action in relation thereto.

***Sponsor – Select Board***

***MOTION:*** We move to authorize the Select Board to petition the General Court for special legislation as set forth below:

*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:*

*SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the adjutant general, may convey to the town of Bourne permanent and temporary easements in lands of the commonwealth used for armory purposes located on Armory road, in the town of Bourne and shown on a plan on file with the clerk of the town of Bourne, entitled "Proposed Utility Easement Plan in Bourne, Mass. prepared for town of Bourne #31 Armory Road Map 19.4 Parcel 181" dated October 15, 2018 and prepared by Bracken Engineering, Inc. The exact boundaries of the easement areas shall be determined by the commissioner based upon a survey. The easements shall be granted solely for the purposes of installation, use, maintenance, repair and replacement of a subsurface waterline. The grant of the easements shall be subject to sections 2 to 4, inclusive, and such additional terms and conditions as the commissioner of capital asset management and maintenance, in consultation with the adjutant general, may reasonably require consistent with this act.*

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

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

*SECTION 4. No instrument executed pursuant to this act shall be valid unless it provides that the easements shall be used solely for the purposes described in section 1. The instruments authorized in said section 1 shall include a reversionary clause that stipulates the easements shall terminate, upon such terms and conditions as the commissioner of capital asset management and maintenance may determine, if the property ceases to be used for the express purposes authorized in this act. Prior to any reversion, the commissioner shall provide notice of any violations to the town of Bourne and the town may cure the violation to the satisfaction of the division. If any interest reverts to the commonwealth, any further disposition shall be subject to sections 34 to 37, inclusive, of chapter 7C of the General Laws and the prior approval of the general court.*

**Vote Required: Simple Majority**

**EXPLANATION**

The Town is seeking to acquire rights in a permanent 40' wide utility easement within the State Armory property located on the Buzzards Bay Bypass. This easement is for the same area of covered by a 2020 construction license used during construction to install necessary telecommunication and water lines to service the Police Station at 35 Armory Road.

A YES or AYE vote in favor of the motion would allow the Town to file special legislation to acquire a utility easement from the Commonwealth to serve the newly constructed Police Station.

A NO or NAY vote opposed to the motion would mean that the Town could not seek the necessary easement from the state.

For more information about Article 27, please refer to supporting documentation found in Appendix D.

Finance Committee Recommendation: The Finance Committee voted unanimously 7-0-0 to recommend approval of this article.

Select Board Recommendation: The Select Board voted unanimously 5-0-0 to recommend approval of this article.

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