

Ms. Resor moves to amend the bill (Senate, No. 2658) by substituting the following new draft, entitled “an act authorizing transfer of land to the town of Ayer to enhance public access to the Nashua River rail trail” (Senate, No. 2694).

The Commonwealth of Massachusetts

In the Year Two Thousand and Six.

AN ACT AUTHORIZING TRANSFER OF LAND TO THE TOWN OF AYER TO
ENHANCE PUBLIC ACCESS TO THE NASHUA RIVER RAIL TRAIL.

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 chapter 7 of the General Laws,
2 or any general or special law to the contrary, the commissioner of
3 capital asset management and maintenance, in consultation with
4 the commissioner of conservation and recreation, may convey a
5 parcel of land currently managed for conservation and recreation
6 purposes under the jurisdiction and control of the department of
7 conservation and recreation to the town of Ayer for the purpose of
8 construction and maintenance of a public parking facility at the
9 trailhead of the Nashua river rail trail, subject to sections 2 and 3
10 and to such additional terms and conditions consistent with this
11 act as the commissioner may prescribe in consultation with the
12 commissioner of conservation and recreation . The parcel is
13 located southerly of Groton street, easterly of Park street and
14 northerly of Main street, is shown as land owned by “Boston &
15 Maine Railroad, Worcester, Nashua & Portland Division” on town
16 of Ayer assessor’s map no. 26 and consists of approximately
17 88,000 square feet. A metes and bounds survey satisfactory to the
18 commissioner of capital asset management shall be produced prior
19 to execution of any deed by the commissioner. To carry out the
20 purposes of this act, modifications to the plan described above
21 may be made before the easement grant is recorded. The grantee
22 shall fund all expenses associated with any land survey, appraisal,

23 title examinations, recording fees or any other expenses relating to
24 the conveyance of the parcel.

1 SECTION 2. No conveyance by or on behalf of the common-
2 wealth of the property described in section 1 shall be valid unless
3 the deed provides that the parcel shall be used solely for the pur-
4 poses described in section 1. The deed shall include a stipulation
5 that title will revert to the commonwealth and be assigned to the
6 care and custody of the department of conservation and recreation
7 if the property ceases to be used for the express purpose for which
8 it was conveyed. The deed shall contain provisions requiring that:
9 (i) any parking facility must provide a minimum of 50 parking
10 spaces free-of-charge to recreational users of the Ayer to Dun-
11 stable rail trail; (ii) the commissioner of conservation and recre-
12 ation shall have the right to approve the design of any proposed
13 improvements, with such approval not to be unreasonably with-
14 held or delayed; (iii) the town of Ayer shall assume responsibility
15 for the complete maintenance of the rail trail within the adjacent
16 area for a distance of 300 feet; and (iv) these conditions shall run
17 with the land.

1 SECTION 3. This act shall take effect upon its passage.