

By Mr. Peterson of Grafton, petition of George N. Peterson and Guy W. Glodis relative to authorizing the Division of Capital Asset Management and Maintenance to convey an easement of certain land in the town of Grafton. State Administration.

The Commonwealth of Massachusetts

In the Year Two Thousand and Two.

AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO GRANT AN EASEMENT IN A CERTAIN PARCEL OF LAND IN THE TOWN OF GRAFTON.

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

1 The Commissioner of capital asset management and maintenance is hereby authorized and directed, notwithstanding the provisions of sections 40E to 40J, inclusive, of chapter 7 of the General Laws, to grant Tufts University, a non-profit educational institution, for the benefit of the University's campus located in the Town of Grafton and conveyed to the University by the Commonwealth by deed, September 29, 1978, recorded with the Worcester Registry of Deeds in Book 6578, Page 79, an easement for vehicular and pedestrian access and utility services to and from Westboro Road (Route 30), for all purposes for which public and private streets are used in the Town of Grafton.

2 These uses shall include, but not be limited to in, over, through and under those traveled ways to which the general public has no legal right of access located on the Commonwealth's adjoining property, described in a deed from Nellie M. Hutchinson to the Commonwealth, dated September 15, 1902, recorded with said Deeds in Book 1728, Page 20 and shown on the Grafton Assessor's Map 21 as parcels 1B, 1C and 1D.

3 Such ways are shown on Sheet 1 of 3 of that certain plan entitled "Plan of Land, Grafton-Westborough, Massachusetts," dated 31, 1978, prepared by Harry R. Feldman, Inc., recorded with said Deeds in Plan Book 456, Page 31. The University may,

23 at its expense, widen or improve the easement areas to the extent
24 necessary to provide reasonable access to and from Westboro
25 Road (Route 30) or as otherwise required by the Town of Grafton
26 or any other governmental authority in connection with the devel-
27 opment of the University's Science park or School of Veterinary
28 Medicine. The exact boundaries of the easement shall be deter-
29 mined by the Commissioner after completion of a survey prepared
30 by and at the expense of the University.

31 The Commissioner of capital asset management and mainte-
32 nance shall submit the instruments or agreements granting the
33 easement authorized by this act and any subsequent amendments
34 thereof to the house and senate committees on ways and means
35 and the chairmen of the joint committee on state administration at
36 least 15 days prior to execution.

37 Such easement is being authorized hereby to permit certain
38 roadway improvements to be constructed by the Town of Grafton
39 on the University's Campus with proceeds secured by the Town of
40 Grafton from the Commonwealth under grants under the Public
41 Works Economic Development and Community Development
42 Action Grant programs with access to and from Westboro Road
43 (State Route 30) over the Commonwealth's burdened property in
44 order to provide for a safe and efficient flow of traffic.

45 Such easement will also facilitate the development of the Uni-
46 versity's Science Park and, accordingly, benefit the Common-
47 wealth under certain Profit Sharing Agreement between the
48 University and the Commonwealth, dated June 6, 1994, pursuant
49 to which the Commonwealth is entitled to a portion of the profits,
50 if any, ultimately derived from the development of the Universi-
51 ty's Science Park previously authorized by the General Court. The
52 Commonwealth, deriving such benefits from the use by the Uni-
53 versity and its successors of the easements authorized hereby, will
54 require no further consideration from the University for the use of
55 such easements, excepting only the cost of such improvements to
56 the burdened property that the University may elect to make.

57 Nothing in this act shall be interpreted as limited or otherwise
58 affecting any provision of chapter 644 of the acts of 1974,
59 chapter 367, section 42 of the acts of 1978, chapter 315 of the acts
60 of 1992 or any agreement executed and delivered in accordance
61 with any such acts.

62 The easements authorized hereby shall run with the Common-
63 wealth's burdened land as described herein, and any conveyance
64 of such burdened property after this act becomes effective shall be
65 subject to the University's rights authorized hereby, notwith-
66 standing whether the easement agreement contemplated hereby
67 has been executed, delivered and recorded by the University or the
68 Commissioner of capital asset management and maintenance.

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