

HOUSE No. 4109

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 19, 2001.

The committee on State Administration, to whom was referred the petition (accompanied by bill, House, No. 2253) of Kevin W. Fitzgerald that the Division of Capital Asset Management and Maintenance be authorized to grant an access easement over certain land in the Brighton section of the city of Boston, reports recommending that the accompanying bill (House, No. 4109) ought to pass.

For the committee,

GEOFFREY D. HALL.

The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT AUTHORIZING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO GRANT AN ACCESS EASEMENT OVER CERTAIN METROPOLITAN DISTRICT COMMISSION LAND IN THE BRIGHTON DISTRICT OF BOSTON.

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. The commissioner of the division of capital asset
2 management and maintenance is hereby authorized, subject to the
3 provisions of sections 40E through 40J, inclusive, of chapter 7 of
4 the General Laws, to convey by deed approved as to form by the
5 attorney general, a permanent access and easement located in the
6 Brighton district of the city of Boston to National Amusements,
7 Inc., subject to the requirements of sections two through ___ of
8 this act, inclusive, and to such terms and conditions as the com-
9 missioner of said division, in consultation with the Metropolitan
10 District Commission, may prescribe.

1 SECTION 2. The consideration to be paid for said easement
2 shall be the full and fair market value as determined by the com-
3 missioner of said division based upon an independent appraisal
4 commissioned by said commissioner. The inspector general shall
5 review and approve said appraisal, and said review shall include a
6 review of the methodology utilized for said appraisal. Said
7 inspector general shall prepare a report of his review and file
8 copies of said report with the commissioner of the division of cap-
9 ital asset management and maintenance, with the house and senate
10 committees on ways and means and with the house and senate
11 chairmen of the joint committee on state administration.

1 SECTION 3. The recipient of said easement, National Amuse-
2 ments Inc., shall be responsible for all costs associated with any
3 appraisal, survey, or other expense incurred by the commonwealth
4 relating to the conveyance authorized by section ___ of this act.

1 SECTION 4. No deed conveying, by or on behalf of the com-
2 monwealth, the easement described by section one of this act shall
3 be valid unless said deed provides that said easement shall be used
4 for the maintenance of a public roadway.

1 SECTION 5. The interest in land established by said easement
2 shall revert to the commonwealth if said parcel is used for any
3 purpose other than that authorized by this act.

