

By Mr. Walsh of Agawam, petition of Michael P. Walsh for legislation to authorize the Division of Capital Planning and Operations to convey certain land to the towns of Otis, Tolland and Blandford. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT CONVEYING CERTAIN LAND UNDER THE CONTROL OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT IN THE TOWNS OF OTIS, TOLLAND AND BLANDFORD.

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 Deputy Commissioner of the Division of Capital Planning
2 and Operations is hereby authorized to convey, by sale, at market
3 value, title in certain parcels of land under the control of the
4 Department of Environmental Management in the Towns of Otis,
5 Tolland, and Blandford, said parcels composing a portion of the
6 land situated on the immediate shoreline of Otis Reservoir
7 acquired for water conservation and recreation purposes pursuant
8 to Chapter 457 of the Acts of 1966.

9 This authority to purchase such land is limited to those persons
10 who: either themselves or through immediate predecessor in
11 interest did, prior to 1966, occupy a residential or commercial
12 structure totally or in part situated on land acquired by the
13 department subject to said chapter 457 of the Acts of 1966 and
14 do now occupy or hold title or lesser legal interest in a residential
15 or commercial structure on land abutting said land of the
16 commonwealth.

17 Said parcels are more particularly described as the land around
18 buildings Nos. 18, 53, 55, 173, 190 and . . . as designated on a plan
19 dated April 21, 1972 and entitled "Resurvey of a portion of the
20 land at Otis Reservoir owned by the Commonwealth of
21 Massachussts Department of Natural Resources," consisting of

22 10 pages prepared by Robert G. Brown and Associates, Inc.,
23 Engineers and Surveyors, Lee, Mass. and recorded March 5, 1979
24 with the Middle District Registry of Deeds for Berkshire County
25 at Pittsfield in Drawer B, 71.

26 The Commissioner of Environmental Management shall cause
27 said land subject to this authority to be appraised by a duly
28 registered appraiser licensed in the commonwealth and shall sell
29 said land for an amount in no instance less than the value of the
30 land so determined for its highest allowable use. Such
31 comprehensive assessment shall be on file with the department and
32 made available to the public. All cost necessary for surveying or
33 otherwise marking boundaries and establishing title shall be borne
34 by the purchaser and, if not otherwise provided for, shall be
35 provided for and made part of the purchase price. In such instance
36 when the occupant of said parcel holds a prima facie valid deed
37 for the premises occupied, the parcel will be conveyed of all land
38 actually owned by the commonwealth included in the bounds of
39 said deed. When no such putative deed exists the commissioner
40 shall convey only that portion of the premises upon which the
41 occupied structure is placed, a strip of land not exceeding twenty
42 feet on the side of the structure facing the reservoir, not exceeding
43 twenty feet on either side of the structure and not more than one
44 hundred feet on the upland side of the structure. In no instance,
45 whether or not a putative deed is in existence, the land so deeded
46 to the aforesaid individuals shall have a boundary running to the
47 water's edge but shall provide for the retention by the
48 commonwealth of a strip abutting the reservoir sufficient for the
49 passage on foot of employees of the Department of Environmental
50 Management. In any instance, the Commissioner shall be the sole
51 and final judge of the configuration of the parcel of common-
52 wealth land so conveyed: in no instance shall the cumulative total
53 of land conveyed by this Act exceed ten (10) acres.

54 All deeds to parcels of land given by the commissioner under
55 the terms of this act shall contain permanent conservation
56 restrictions securing the land and water quality of Otis Reservoir
57 and its environs with right of reverter and ejection for violations
58 by purchaser or successor holder of any such restrictions.

59 Those persons deeded eligible for purchase of commonwealth
60 land as defined by paragraph 2 above, shall remain eligible for

61 a period of one year from the effective date of this Act. In the
62 event that after evidence is given of actual notice of these rights
63 have been given to the occupant and the passage of one year they
64 have failed or been unable to purchase said land, all rights by such
65 occupants to purchase and authority of the commissioner to
66 convey under the terms of this act shall expire and the
67 commissioner shall be then authorized through the process of
68 eviction, ejection or other legal process to reclaim use of all such
69 lands for the commonwealth to be used for those conservation
70 and water protection purposes set forth in chapter 457 of the acts
71 of 1966.

72 Such conveyance shall be allowed and authorized notwith-
73 standing those applicable provisions of the Omnibus Construction
74 Reform Act, Chapter 579 of the Acts of 1980, when the Secretary
75 of Environmental Affairs has made determination that there is
76 no need for the real property within the Secretariat, and that the
77 Deputy Commissioner of the Division of Capital Planning and
78 Operations has made a determination in writing that such real
79 estate is not surplus property of value or use to others than the
80 class herein deemed eligible as purchasers.

