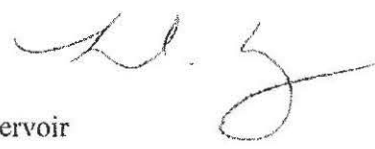
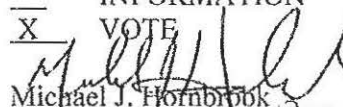


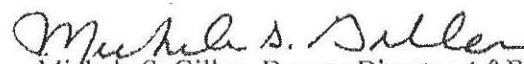
STAFF SUMMARY

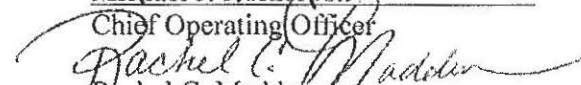
TO: Board of Directors
FROM: Frederick A. Laskey, Executive Director
DATE: January 16, 2013
SUBJECT: Authorization to Surplus Waban Hill Reservoir



COMMITTEE: Administration, Finance & Audit

INFORMATION
 VOTE

Michael J. Hornbrook
Chief Operating Officer


Michele S. Gillen, Deputy Director A&F
Preparer/Title


Rachel C. Madden
Director, Administration and Finance

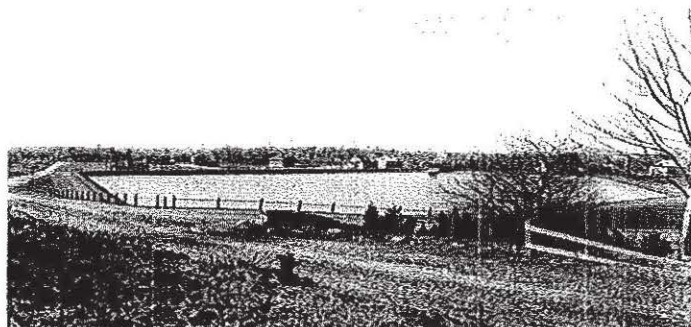
RECOMMENDATION:

To declare as surplus to MWRA's water system construction, maintenance or operation needs and purposes an approximately 5.09 acre parcel known as the Waban Hill Reservoir located in the City of Newton and shown on the attached plan and to dispose of it by notifying the Commissioner of the Division of Capital Asset Management.

DISCUSSION:

Section 9(c) of MWRA's Enabling Act sets forth the procedure by which MWRA may relinquish its jurisdiction and control over Commonwealth-owned water and sewer real property that are under MWRA care, control and jurisdiction which are no longer needed for maintenance and operations of its water and sewer systems. MWRA's policy for Disposition of Real Property requires that, for property acquired through the enabling legislation, prior to declaring a site as surplus, the responsible division must first declare it surplus, confirm that it is surplus Authority-wide, obtain Board approval of this surplus designation, and finally, dispose of it by notifying the Commissioner of the Division of Capital Asset Management (DCAM).

The City of Newton constructed the Waban Hill Reservoir in the 1880s for use in the Newton water system (which at that time was an independent water system). Upon completion of City of Newton water system improvements, the Waban Hill Reservoir was no longer a necessary part of Newton's water system and in 1890 Newton



conveyed that land and reservoir to the Metropolitan Water Board. The reservoir was used by the Metropolitan District Commission until 1974 when construction of the Dorchester Tunnel was completed and the reservoir was no longer necessary to the active water supply system. Since 1974, the reservoir has been maintained as an emergency back-up supply of water; however, it has only been utilized once (in 1980) during planned repairs to the Dorchester Tunnel. MWRA's improvements to the Spot Pond Supply Mains now allow MWRA to satisfy this emergency need from the Northern Low Service System making the Waban Hill Reservoir no longer necessary for emergency use.

Michael J. Hornbrook, Chief Operating Officer, has declared this approximately 5-acre lot as surplus to the construction, maintenance or operation needs of the Authority.

BUDGET/FISCAL IMPACT:

There is no fiscal impact from this transaction.

Waban Reservoir, Newton



0 100 200 400 Feet



Acts
2013
Chapter 154 AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO CONVEY CERTAIN LAND TO THE CITY OF NEWTON.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the conveyance of certain land from the commonwealth to the city of Newton, 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 any general or special law to the contrary, the commissioner of capital asset management and maintenance may convey a certain parcel of state owned land in the city of Newton to the city of Newton; provided, however, that any deed conveying the parcel shall contain the restriction required pursuant to section 2. The parcel, known as the Waban Hill reservoir, and also known as the Manet road reservoir, is located on the east side of Manet road in the city of Newton and the exact boundaries of the parcel shall be established prior to such conveyance by a survey commissioned by the commissioner. The parcel is further described in a deed from the city of Newton to the Metropolitan Water Board dated October 20, 1900 and recorded in the Middlesex south district registry of deeds in book 2853, page 42. The consideration for the conveyance shall be the full and fair market value of the parcel as determined by the commissioner pursuant to an independent professional appraisal.

SECTION 2. The parcel described in section 1 shall be conveyed subject to a conservation restriction with the benefit of section 32 of chapter 184 of the General Laws limiting the use of the parcel to open space or active or passive recreation purposes. If at any time the property ceases to be used for the purposes described in this section, the commissioner of capital asset management and maintenance shall give written notice to the city of the unauthorized use. The city shall, upon receipt of the notice, have 30 days to respond and a reasonable time to establish an authorized use of the parcel. If an authorized use of the parcel is not thereafter established, the title to the parcel, upon the recording of a notice thereof by the commissioner in the appropriate registry of deeds, shall revert to the commonwealth and any further disposition of the property shall be subject to Article XCVII of the amendments to the constitution and chapter 7C of the General Laws.

SECTION 3. The inspector general shall review and approve the appraisal conducted pursuant to section 1. The review shall include an examination of the methodology utilized for the appraisal. Within 30 days of receiving 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. Within 15 days of receiving the inspector general's report and not later than 15 days before the execution of any agreement or other document relating to the conveyance, the commissioner shall submit it to the house and senate committees on ways and means and the joint committee on bonding, capital expenditures and state assets.

SECTION 4. The city of Newton shall be responsible for all costs and expenses including, but not limited to, costs associated with any engineering, surveys, appraisals and deed preparation related to the transfers and conveyances authorized in this act as such costs may be determined by the commissioner of capital asset management and maintenance. Upon conveyance of the parcel, the city shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance, use and operation of the parcel.

Approved, November 25, 2013.
