

HOUSE No. 2845

The Commonwealth of Massachusetts

PRESENTED BY:

Peter V. Kocot

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the conveyance of an easement in the city of Northampton.

PETITION OF:

NAME:

Peter V. Kocot

Stanley C. Rosenberg

DISTRICT/ADDRESS:

1st Hampshire

Hampshire, Franklin and Worcester

HOUSE No. 2845

By Mr. Kocot of Northampton, a petition (accompanied by bill, House, No. 2845) of Peter V. Kocot and Stanley C. Rosenberg that the Commissioner of Capital Asset Management and Maintenance, in consultation with the Commissioner of Agricultural Resources convey a certain easement in the city of Northampton to the the Tennessee Gas Pipeline Company, L.L.C. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the conveyance of an easement in the city of Northampton.

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

1 Whereas, The deferred operation of this act would tend to defeat its purpose, which is to
2 provide forthwith for the conveyance of a certain easement in the City of Northampton, in the
3 County of Hampshire, therefore it is hereby declared to be an emergency law, necessary for the
4 immediate preservation of the public convenience.

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

7 SECTION 1. The first paragraph of section 11 of chapter 288 of the acts of 1989 is
8 hereby amended by striking out, in line 1, the words “planning and operations” and inserting in
9 place thereof the following words:- asset management and maintenance.

10 SECTION 2. Said first paragraph of said section 11 of said chapter 288 is hereby further
11 amended by striking out, in line 2, the words “department of mental health” and inserting in
12 place thereof the following words:-department of agricultural resources.

13 SECTION 3. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General
14 Laws or any other general or special law to the contrary, the commissioner of capital asset
15 management and maintenance, in consultation with the commissioner of agricultural resources,
16 may convey by deed, a permanent and nonexclusive pipeline easement thirty feet wide, as more
17 particularly shown on a plan of land entitled "Existing 12" pipeline, Commonwealth of
18 Massachusetts Dept. of Food & Agriculture property, Hampshire County, Massachusetts dated

19 December 23, 2010, Drawing Number TB-L12-E260A-100-17, to be recorded at the Hampshire
20 County Registry of Deeds.

21 The easement shall be used to lay, construct, maintain, operate, repair, change the size of,
22 remove or replace the gas transmission lines which are installed underground, together with
23 appliances and appurtenances necessary thereto, and access thereto.

24 SECTION 4. Notwithstanding any general or special law to the contrary, there shall be an
25 independent appraisal of the easement described in section 3 to be conveyed as authorized by
26 this act to determine the diminution in value to the respective property as a result of the granting
27 of the easement, based upon professional appraisal. In order to expedite said conveyance, the
28 commissioner of capital asset management and maintenance may, in consultation with the
29 commissioner of agricultural resources, accept the appraisal of the easement that may have been
30 conducted before the effective date of this act that may have been accepted and agreed to
31 previously. In consideration of the conveyance of the easement authorized in said section 3, the
32 Tennessee Gas Pipeline Company, L.L.C. shall compensate the commonwealth in an amount at
33 least equal to or greater than the full and fair market value of the diminution, as determined by
34 the independent appraisal. The Tennessee Gas Pipeline Company, L.L.C. shall assume all
35 reasonable costs associated with any engineering, surveys, appraisal, deed preparation and other
36 expenses deemed necessary by the commissioner of capital asset management and maintenance
37 to execute the conveyance authorized in said section 3. All monies paid to the commonwealth by
38 the Tennessee Gas Pipeline Company, L.L.C. as a result of the conveyance and easement
39 authorized in said section 3 shall be deposited into the Massachusetts Department of Agricultural
40 Resources account within the Mitigation Expendable Trust Fund established in 2007.

41 The commissioner of capital asset management and maintenance shall submit the
42 appraisal and report thereon to the inspector general for review and comment. The inspector
43 general shall review and approve the appraisal. The review shall include an examination of the
44 methodology used for the appraisal. The inspector general shall, within 30 days after receipt of
45 the appraisal and the reports thereon, prepare a report of the review and file the report with the
46 commissioner of capital asset management and maintenance, who shall provide a copy of it to
47 the commissioner of agricultural resources, and shall then submit a report to the house and senate
48 committees on ways and means and the house and senate committees on bonding, capital
49 expenditures and state assets before the execution of the conveyance.

50 SECTION 5. Notwithstanding any general or special law to the contrary, no instrument
51 conveying, by or on behalf of the commonwealth, an easement described in section 3 shall be
52 valid unless the instrument provides that the easement shall be used solely for the purposes
53 described in said section 3. The easement instrument shall state that if the pipeline within the
54 easement is abandoned by the Tennessee Gas Pipeline Company, L.L.C. or its successors or
55 assigns, and the same is approved by the Federal Energy Regulatory Commission, the easement
56 shall revert to the commonwealth under the control of and used by the department of agricultural

57 resources upon such terms and conditions as the commissioner of capital asset management and
58 maintenance, in consultation with the commissioner of agricultural resources, may reasonably
59 determine. If an easement granted under said section 3 reverts to the commonwealth, any further
60 disposition of the easement shall be subject to sections 40E to 40J inclusive, of chapter 7 of the
61 General Laws and the prior approval of the general court.