

# **SENATE . . . . . No. 02369**

---

---

## The Commonwealth of Massachusetts

---

SENATE, July 23, 2012

The committee on Ways and Means, to whom was referred the Senate bill relative to the conveyance of land in the town of Sutton (Senate, No. 2172); report recommending that the same ought to pass with an amendment substituting a new draft "An Act relative to the conveyance of easements in the town of Sutton" (Senate, No. 2369).

For the committee,

STEPHEN M. BREWER.

The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Twelve  
\_\_\_\_\_

An Act relative to the conveyance of easements in the town of Sutton.

*Whereas*, the deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for the conveyances of certain easements in the town of Sutton, 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:*

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

4           SECTION 2. Said first paragraph of said section 9 of said chapter 288 is hereby further  
5 amended by striking out, in line 2, the words "department of environmental management" and  
6 inserting in place thereof the following words:- division of fisheries and wildlife.

7 SECTION 3. Said first paragraph of said section 9 of said chapter 288 is hereby further  
8 amended by striking out, in lines 7, 11 and 14 and 15, the words "said department" and inserting  
9 in place thereof, in each instance, the following words:- the division of fisheries and wildlife.

10 SECTION 4. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the General  
11 Laws or any other general or special law to the contrary, the commissioner of capital asset  
12 management and maintenance, in consultation with the director of fisheries and wildlife, may  
13 convey by deed, permanent easements of 65 feet in width lying 15 feet north of the Tennessee  
14 Gas Pipeline Company's 24-inch pipeline and 50 feet south of the Tennessee Gas Pipeline  
15 Company's 24-inch pipeline, comprising approximately 2,210 square feet, more or less, in, under  
16 and through the land managed and controlled by the division of fisheries and wildlife located in  
17 the town of Sutton to the Tennessee Gas Pipeline Company, its successors and assigns, as more  
18 particularly shown on a plan of land on file with the division of fisheries and wildlife entitled  
19 "Existing 24 & 30" pipelines, Commonwealth of Massachusetts Division of Fisheries & Wildlife  
20 and Department of Environmental Management Property, Worcester County, Mass., TB-L12-  
21 200-2-542."

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

25 SECTION 5. Notwithstanding any general or special law to the contrary, there shall be  
26 independent appraisals of the easements described in section 4 to be conveyed as authorized by  
27 this act to determine the diminution in value to the respective property as a result of the granting  
28 of the easements, based upon professional appraisals. In order to expedite said conveyances, the

29 commissioner of capital asset management and maintenance may, in consultation with the  
30 director of fisheries and wildlife, accept appraisals of the easements that may have been  
31 conducted before the effective date of this act that may have been accepted and agreed to  
32 previously. In consideration of the conveyance of the easements authorized in said section 4, the  
33 Tennessee Gas Pipeline Company shall compensate the commonwealth in an amount at least  
34 equal to or greater than the full and fair market value of the diminution, as determined by the  
35 independent appraisals. The Tennessee Gas Pipeline Company shall assume all reasonable costs  
36 associated with any engineering, surveys, appraisals, deed preparation and other expenses  
37 deemed necessary by the commissioner of capital asset management and maintenance to execute  
38 the conveyances authorized in said section 4. All monies paid to the commonwealth by the  
39 Tennessee Gas Pipeline Company as a result of the conveyances and easements authorized in  
40 said section 4 shall be deposited into the wildlands acquisition account within the Inland  
41 Fisheries and Game Fund established in section 2A of chapter 131 of the General Laws.

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

50         SECTION 6. 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 4 shall be

52 valid unless the instrument provides that the easement shall be used solely for the purposes  
53 described in said section 4. The easement instrument shall state that if the pipelines within the  
54 easement are abandoned by the Tennessee Gas Pipeline Company, or its successors or assigns,  
55 and the same is approved by the Federal Energy Regulatory Commission, the easement shall  
56 revert to the commonwealth under the control of and used by the division of fisheries and  
57 wildlife upon such terms and conditions as the commissioner of capital asset management and  
58 maintenance may reasonably determine. If an easement granted under said section 4 reverts to the  
59 commonwealth, any further disposition of the easement shall be subject to sections 40E to 40J,  
60 inclusive, of chapter 7 of the General Laws and the prior approval of the general court.