SENATE DOCKET, NO. 2185 FILED ON: 2/25/2012

SENATE . . . . . No. 2172

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard T. Moore	☐ *[District]* ☐
Paul K. Frost	*7th Worcester*
Ryan C. Fattman	*18th Worcester*

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By Mr. Moore, a petition (subject to Joint Rule 12) (accompanied by bill, Senate, No. 2172) of Richard T. Moore, Paul K. Frost and Ryan C.Fattman for legislation to convey land in the town of Sutton. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize 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:

SECTION 1. Notwithstanding sections 40E to 40J, inclusive, of chapter 7 of the general laws, as appearing in the 2010 Official Edition, the commissioner of capital asset management and maintenance, in consultation with the director of the division of fisheries and wildlife, may convey by deed, a permanent easement of 65 feet in width lying 15 feet north of the Tennessee Gas Pipeline Company's 24-inch pipeline and 50 feet south of the Tennessee Gas Pipeline Company's 24-inch pipeline, comprising approximately 2,210 square feet, more or less, in, under and through the land managed and controlled by the division of fisheries and wildlife located in the town of Sutton to the Tennessee Gas Pipeline Company, its successors and assigns, as more particularly shown on a plan of land on file with the division of fisheries and wildlife entitled "Existing 24 & 30" pipelines, Commonwealth of Massachusetts Division of Fisheries & Wildlife and Department of Environmental Management Property, Worcester County, Mass., TB-L12-200-2-542."

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

SECTION 2. Notwithstanding any general or special law to the contrary, there shall be independent appraisals of the easements described in section 1 to be conveyed as authorized by this Act to determine the diminution in value to the respective property as a result of the granting

19 of those easements, based upon professional appraisals. In order to expedite said conveyances,
20 the commissioner of capital asset management and maintenance may, in consultation with the
21 director of the division of fisheries and wildlife, accept appraisals of the easements that may have
22 been conducted before the effective date of this Act that may have been accepted and agreed to
23 previously. In consideration of the conveyance of the easements authorized in said section 1, the
24 Tennessee Gas Pipeline Company shall compensate the commonwealth in an amount at least
25 equal to or graeter than the full and fair market value of the diminution, as determined by the
26 independent appraisals. The Tennessee Gas Pipeline Company shall assume all reasonable costs
27 associated with any engineering, surveys, appraisals, deed preparation, and other expenses
28 deemed necessary by the commissioner of capital asset management and maintenance to execute
29 the conveyances authorized in said section 1. All monies paid to the commonwealth by the
30 Tennessee Gas Pipeline Company as a result of the conveyances and easements authorized in
31 said section 1 shall be deposited into the Wildlands Acquisition Account within the Inland
32 Fisheries and Game Fund established in section 2A of chapter 31 of the general laws.

33 The commissioner of capital asset management and maintenance shall submit the
34 appraisals and report thereon to the inspector general for his review and comment. The inspector
35 general shall review and approve the appraisals. The review shall include an examination of the
36 methodology used for the appraisals. The inspector general shall, within 30 days after receipt of
37 the appraisals and the reports thereon, prepare a report of his review and file the report with the
38 commissioner. The commissioner shall then submit a report to the house and senate committees
39 on ways and means and the house and senate commitees on bonding, capital expenditures and
40 state assets before the execution of the conveyances.

41 SECTION 3. Notwithstanding any general or special law to the contrary, no instrument
42 conveying, by or on behalf of the commonwealth, the easement described in section 1 shall be
43 valid unless the instrument provides that the easement shall be used solely for the purposes
44 described in said section 1, as the case may be. The easement instrument shall state that if the
45 pipelines within the easement are abandoned by the Tennessee Gas Pipeline Company, or its
46 successors or assigns, and the same is approved by the Federal Energy Regulatory Commission,
47 the easement shall revert to the commonwealth under the control of and used by the division of
48 fisheries and wildlife, as the case may be, upon such terms and conditions as the commissioner
49 of capital asset management and maintenance may reasonbly determine. If an easement granted
50 pursuant to said section1 reverts to the commonwealth, any further disposition of the easement
51 shall be subject to sections 40E and 40J, inclusive, of chapter 7 of the general laws and the prior
52 approval of the general court.

53 SECTION 4. Section 9 of chapter 288 of the acts of 1989 is hereby amended in the first
54 sentence by deleting the words "department of environmental management" and inserting in
55 place thereof the words "division of fisheries and wildlife".