

**HOUSE . . . . . No. 4766**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act AUTHORIZING THE TOWN OF WINTHROP AND THE WINTHROP HOUSING AUTHORITY TO GRANT CERTAIN EASEMENTS FOR UNDERGROUND ELECTRIC AND INTELLIGENCE TRANSMISSION AND DISTRIBUTION CABLES..

*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 town of Winthrop may, notwithstanding any general or special law to  
2 the contrary, grant a permanent subsurface easement to Massachusetts Electric Company for the  
3 purpose of installing, maintaining and operating underground transmission and distribution  
4 cables, through a certain parcel of land located in said town and acquired by the town for park  
5 and recreation purposes and subsequently converted to use for school and education purposes, by  
6 authority of chapter 14 of the acts of 1999. The parcel is described in a deed dated August 10,  
7 1967, recorded in the Suffolk county registry of deeds at book 8139, page 299, as affected by a  
8 certain deed of release dated March 30, 1999, recorded in the Suffolk registry at book 23931,  
9 page 169 and a certain declaration of covenant, dated May 21, 1999, recorded in said registry at  
10 book 23931, page 172. The permanent subsurface easement located on land of the town of  
11 Winthrop shall enter the land of the town of Winthrop from Kennedy road and shall run in an  
12 easterly direction to land now or formerly of the Winthrop Housing Authority. The easement  
13 contains an area of approximately 1,861 square feet and shall be approximately 20 feet in width

14 as shown on a plan entitled “PLAN OF EASEMENT, WINTHROP HOUSING AUTHORITY,  
15 WINTHROP, MASSACHUSETTS, PREPARED FOR NATIONAL GRID, OCTOBER 2009,”  
16 prepared by Oak Engineers, Brown’s Wharf, Newburyport, MA 01950. The full, fair and  
17 reasonable consideration for the easement granted under this act shall be \$25,000.00.

18 SECTION 2. The Winthrop Housing Authority may, notwithstanding any general or  
19 special law to the contrary, grant a permanent subsurface easement to Massachusetts Electric  
20 Company for the purpose of installing, maintaining and operating underground transmission and  
21 distribution cables, through a certain parcel of land located in the town of Winthrop, as described  
22 in a deed dated July 11, 1967, recorded in the Suffolk registry of deeds at book 8131, page 598  
23 and a deed dated February 22, 1974, recorded with said registry at book 8728, page 735. The  
24 permanent subsurface easement located on land of the Winthrop Housing Authority shall enter  
25 the land of the Winthrop Housing Authority from land of the town of Winthrop and shall run in a  
26 generally easterly direction to land now or formerly of the Faretra Family Trust. The easement  
27 contains an area of approximately 17,577 square feet and shall be approximately 20 feet in width  
28 as shown on the plan described in section 1. The full, fair and reasonable consideration for the  
29 easement granted under this act shall be \$250,000.00.

30 SECTION 3. The easement rights to be granted in both subsurface easements are more  
31 specifically defined as follows:

32 (1) the exclusive, perpetual right and easement to construct, reconstruct, install, repair,  
33 replace, maintain, operate, use, inspect and patrol for the transmission and distribution of high  
34 and low voltage electric energy and for the transmission of intelligence, by any means, whether  
35 now existing or hereafter devised lines of buried cables or conduits or both or any combination

36 of the same (any of which may be installed and/or constructed at the same or different times),  
37 together with all ducts, raceways, conductors, terminals, sustaining and protective fixtures,  
38 underground expansion stabilizers, manholes, hand holes, junction boxes, foundations, fittings,  
39 and all housings, connectors, switches and any other equipment or appurtenances reasonably  
40 required, collectively hereinafter referred to as the “facilities”, including, without limitation, such  
41 footbridges, causeways, and ways of access, if any, as may be necessary for the convenient  
42 construction, reconstruction, installation, repair, replacement, maintenance, operation, use,  
43 inspection and patrolling of said facilities;

44 (2) the perpetual, exclusive right and easement to renew, replace, remove, add to, modify  
45 and otherwise change the facilities and each and every part thereof and all appurtenances thereto  
46 and the locations thereof within the easement areas, as described in sections 1 and 2;

47 (3) the perpetual right and easement to pass and repass on foot and with vehicles and  
48 equipment along the easement areas to and from the adjoining lands and to pass and repass over  
49 other lands of the grantor to and from the easement areas as reasonably required;

50 (4) the perpetual right and easement from time to time, without further payment therefor,  
51 to clear and keep cleared by physical, chemical or other means, the easement areas of trees,  
52 underbrush and above and below ground buildings, structures or objects (the first clearing may  
53 be for less than the full width and may be widened from time to time to the full width); and

54 (5) the perpetual right and easement to pave, excavate, remove soils from, fill, and/or  
55 change the grade of the easement areas as is reasonable, necessary and proper in connection with  
56 the exercise of the foregoing rights and easements.

57           SECTION 4. The town of Winthrop and the Winthrop Housing Authority shall execute,  
58 acknowledge, and deliver, as necessary, to the United States Department of Education, or its  
59 successor in function, and to Massachusetts Electric Company, its successors and assigns, such  
60 further deeds or instruments or other documents as may be necessary for the purposes set forth in  
61 this act.

62           SECTION 5. This act shall take effect upon its passage.