

SENATE No. 2369

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 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.