

HOUSE No. 3690

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

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 adoption of the accompanying bill:

An Act relative to the conveyance of an easement in the town of Sandisfield, Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Garrett J. Bradley</i>	<i>3rd Plymouth</i>	<i>7/10/2015</i>

HOUSE No. 3690

By Mr. Bradley of Hingham, a petition (subject to Joint Rule 12) of Garrett J. Bradley for legislation to authorized the commissioner of Capital Asset Management and Maintenance to convey to the Tennessee Gas Pipeline Company, L.L.C. certain permanent subsurface and surface easements located in the town of Sandisfield for pipeline purposes. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the conveyance of an easement in the town of Sandisfield, Massachusetts.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for the conveyance of a certain easement in the town of Sandisfield, in the county of Berkshire, 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. Notwithstanding sections 34 to 38, inclusive, of chapter 7C of the General
2 Laws or any other general or special law to the contrary, the commissioner of capital asset
3 management and maintenance, in consultation with the commissioner of conservation and
4 recreation, may convey to the Tennessee Gas Pipeline Company, L.L.C. its successors and
5 assigns, permanent subsurface and surface easements for pipeline purposes, including related
6 appurtenances for the operation and maintenance of the pipeline such as pipeline markers, test
7 leads, cathodic protection facilities and appurtenances and AC mitigation, and permanent and
8 temporary access roads and work space easements over, under and through portions of certain
9 parcels of land managed and controlled by the department of conservation and recreation for

10 conservation and recreation purposes, located in the town of Sandisfield. The parcels are more
11 particularly described: (a) in a deed to the commonwealth recorded in book 254, page 428 with
12 the Berkshire Southern District Registry of Deeds and in a deed to the commonwealth recorded
13 in book 467, page 467 with the Berkshire Middle District Registry of Deeds; and (b) in an order
14 of taking by the commonwealth recorded in book 1780, page 322 with the Berkshire Southern
15 District Registry of Deeds. The permanent pipeline and temporary and permanent access roads
16 and work space easements shall be located as more fully described in plans entitled:
17 “Connecticut Expansion Project, Proposed 36” Line Crossing Property of: Commonwealth of
18 Massachusetts Department of Conservation and Recreation,” dated January 30, 2014, Drawing
19 Number TB-L12-200-3-LL 126 to be recorded with the Berkshire County registry of deeds and
20 “Connecticut Expansion Project, Proposed 36” Line Crossing Property of: Commonwealth of
21 Massachusetts Department of Conservation & Recreation,” dated January 30, 2014, Drawing
22 Number TB-L12-200-3-LL 128, sheets 1 of 4, 2 of 4, 3 of 4 and 4 of 4. The temporary access
23 road and work space easements that are shown on the plans shall expire and revert to the
24 Commonwealth upon completion of the pipeline construction and restoration of permanent and
25 temporary easement areas. Modifications to the easement description set forth in the plans
26 described above may be made in order to conform to the requirements of the Federal Energy
27 Regulatory Commission and with a final land survey, as accepted by the department, before any
28 conveyance to carry out the purposes of this act. Such plan shall be recorded in the Berkshire
29 Southern District and Middle District Registries of Deeds.

30 The easements shall be used to lay, construct, maintain, operate, repair, remove or replace
31 the gas transmission lines which are installed underground, together with appliances and
32 appurtenances necessary thereto, and access thereto.

33 SECTION 2. Notwithstanding any general or special law to the contrary, the
34 consideration to be paid by Tennessee Gas Pipeline Company, L.L.C. for the easements
35 authorized in this act shall be the full and fair market value, or the value in use as proposed,
36 whichever is greater, based upon an independent appraisal prepared in accordance with the usual
37 and customary professional appraisal practices by a qualified appraiser commissioned by the
38 commissioner of capital asset management and maintenance. The Tennessee Gas Pipeline
39 Company, L.L.C. shall assume all reasonable costs associated with any engineering, surveys,
40 appraisal, deed preparation and other expenses deemed necessary by the commissioner of capital
41 asset management and maintenance to execute the conveyance of easements authorized in said
42 section 1.

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

52 SECTION 3. Notwithstanding any general or special law to the contrary, no instrument
53 conveying, by or on behalf of the commonwealth, an easement described in section 1 shall be
54 valid unless the instrument provides that the easement shall be used solely for the purposes
55 described in said section 1. The easement instrument shall state that if the pipeline within the

56 easement is abandoned by the Tennessee Gas Pipeline Company, L.L.C. or its successors or
57 assigns, and the same is approved by the Federal Energy Regulatory Commission, the easement
58 shall revert to the commonwealth under the control of and used by the department of
59 conservation and recreation upon such terms and conditions as the commissioner of capital asset
60 management and maintenance, in consultation with the commissioner of conservation and
61 recreation, may reasonably determine.

62 SECTION 4. To ensure a no-net-loss of lands protected for natural resource purposes, the
63 Tennessee Gas Pipeline Company, L.L.C. shall convey or cause to be conveyed to the
64 commonwealth, or provide funding to the department of conservation and recreation sufficient
65 for such purposes, lands or an interest in lands to be held and managed permanently by the
66 department of conservation and recreation for conservation and recreation purposes. The lands or
67 interest of lands or funding shall be the full and fair market value, or the value in use as
68 proposed, whichever is greater, of the land described in section 1, as determined by the
69 independent professional appraiser under section 2. The land or interest in land must be
70 acceptable to the department of conservation and recreation. Should the appraised value of any
71 land or interests in land to be conveyed to the commonwealth be determined to be greater than
72 the appraised value of easements described in section 1, the commonwealth shall have no
73 obligation to pay the difference to the Tennessee Gas Pipeline Company, L.L.C.. All payments
74 made to the commonwealth under this act shall be deposited in the Conservation Trust
75 established in section 1 of chapter 132A of the General Laws.