

HOUSE No. 2788

The Commonwealth of Massachusetts

PRESENTED BY:

Theodore C. Speliotis

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 authorizing the commissioner of Capital Asset Management and Maintenance to convey an easement in certain land in the city of Peabody.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>	<i>1/16/2019</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>1/18/2019</i>

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey an easement in certain land in the city of Peabody.

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 32 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 may grant an easement to Maritimes & Northeast Pipeline, L.L.C.
4 and M&N Management Company, LLC, its Managing Member, (“Maritimes”) and their
5 successors and assigns, to construct, install, upgrade, maintain, operate, alter, repair, replace and
6 remove a cathodic protection system for the purpose of maintaining Maritimes’ existing high-
7 pressure natural gas transmission pipeline used in the transmission of natural gas in interstate
8 commerce on land described in section 2 and located in the city of Peabody, the land being
9 currently owned by the commonwealth. The consideration for the easement shall be fair market
10 value as described in section 3.

11 SECTION 2. The easement authorized in section 1 shall be for the construction,
12 installation, upgrading, maintenance, operation, alteration, repair, replacement and removal of a
13 cathodic protection system on the parcel described herein. The easement shall contain

14 approximately 5,266 square feet of land and is within a parcel of land deeded to the County of
15 Essex in 1975 and recorded in the Essex South district county registry of deeds at book 6159,
16 page 155, containing 6.4 acres, more or less. The dimensions of the easement area are detailed on
17 a plan of land entitled “Exhibit A, Essex County, Massachusetts, City of Peabody, Tract PEA-
18 249B, DWG. L-10058E, Sheet 1 of 1 prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut
19 St., P.O. Box 9151, Watertown, MA 02272, dated February 29, 2016.” The dimensions of the
20 easement shall be further reviewed and confirmed by the commissioner of capital asset
21 management and maintenance after review of the survey details. Modifications to the easement
22 description set forth in the plan may be made by the commonwealth for conformance with this
23 act. The easement shall be granted without warranties or representations by the commonwealth.
24 The final plan and grant of easement shall be recorded in the Essex South district county registry
25 of deeds.

26 SECTION 3. The fair market value of the easement described in section 2 shall be based
27 on an independent professional appraisal commissioned by the commissioner of capital asset
28 management and maintenance. As a condition for the grant of easement authorized in this act,
29 Maritimes shall compensate the commonwealth in an amount equal to the full and fair market
30 value or the value in use of the easement as proposed, whichever is greater, as determined by the
31 independent appraisal. Maritimes shall assume all costs associated with any engineering, survey,
32 appraisal, deed preparation and other expenses deemed necessary by the commissioner of capital
33 asset management and maintenance to execute the grant of easement authorized in this act. The
34 commissioner of capital asset management and maintenance shall submit the appraisal and a
35 report thereon to the inspector general. The inspector general shall review and approve the
36 appraisal and the review shall include an examination of the methodology utilized for the

37 appraisal. The inspector general shall prepare a report of the review and file the report with the
38 commissioner of capital asset management and maintenance. The commissioner shall submit
39 copies of the appraisal, the report thereon and the inspector general's review and approval and
40 comments, if any, to the house and senate committees on ways and means and the house and
41 senate chairs of the joint committee on state administration and regulatory oversight prior to the
42 execution of the grant of easement authorized in this act.

43 SECTION 4. Notwithstanding any general or special law to the contrary, the
44 commissioner of capital asset management and maintenance may grant a license for nominal
45 consideration to Maritimes to provide Maritimes with immediate and complete access to, control
46 of and liability and responsibility for the property described in section 2 and, for the purposes of
47 this act, govern until the grant of easement authorized in this act takes effect.

48 SECTION 5. No instrument granting by or on behalf of the commonwealth an easement
49 described in this act shall be valid unless the instrument states that the easement shall be used
50 solely for the purposes described in this act. The easement instrument shall state that if the
51 easement ceases to be used by Maritimes or its successors or assigns for the purposes described
52 in this act, the easement shall revert to the commonwealth upon such terms and conditions as the
53 commissioner of capital asset management and maintenance may determine. If the easement
54 reverts to the commonwealth, any further disposition of the easement shall be subject to sections
55 32 to 38, inclusive, of chapter 7C of the General Laws and the prior approval of the general
56 court.