

# **HOUSE . . . . . No. 4219**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, November 20, 2019.

The committee on Ways and Means, to whom was referred the Bill authorizing the commissioner of Capital Asset Management and Maintenance to convey an easement in certain land in the city of Peabody (House, No. 2788, changed), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4219).

For the committee,

AARON MICHLEWITZ.

**HOUSE . . . . . No. 4219**

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The Commonwealth of Massachusetts

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In the One Hundred and Ninety-First General Court  
(2019-2020)  
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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 37, 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, hereinafter “Maritimes”, and  
5 their successors and assigns, to construct, install, upgrade, maintain, operate, alter, repair, replace  
6 and remove a cathodic protection system solely for the purpose of maintaining Maritimes’  
7 existing high-pressure natural gas transmission pipeline used in the transmission of natural gas in  
8 interstate commerce on land described in section 2 and located in the city of Peabody, the land  
9 being currently held by the commonwealth for conservation purposes. The consideration for the  
10 easement shall be fair market value as described in section 3.

11           SECTION 2. The easement shall contain approximately 5,266 square feet of land and is  
12 within a certain portion of a parcel of land deeded to the county of Essex in 1975 and recorded in  
13 the southern Essex district registry of deeds at book 6159, page 155, containing 6.4 acres, more

14 or less. The dimensions of the easement area are detailed on a plan of land entitled “Exhibit A,  
15 Essex County, Massachusetts, City of Peabody, Tract PEA-249B”, DWG. L-10058E, Sheet 1 of  
16 1 prepared by Vanasse Hangen Brustlin, Inc., located at 101 Walnut street in Watertown, dated  
17 February 29, 2016. The dimensions of the easement shall be further reviewed and confirmed by  
18 the commissioner of capital asset management and maintenance after review of the survey  
19 details. Modifications to the easement description set forth in the plan may be made by the  
20 commonwealth for conformance with this act. The easement shall be granted without warranties  
21 or representations by the commonwealth. The final plan and grant of easement shall be recorded  
22 in the southern Essex district registry of deeds.

23 SECTION 3. (a) The fair market value of the easement described in section 2 shall be  
24 based on an independent professional appraisal commissioned by the commissioner of capital  
25 asset management and maintenance. The commissioner of capital asset management and  
26 maintenance shall submit the appraisal and a report thereon to the inspector general. The  
27 inspector general shall review and approve the appraisal and the review shall include an  
28 examination of the methodology utilized for the appraisal. The inspector general shall prepare a  
29 report of the review and file the report with the commissioner of capital asset management and  
30 maintenance. The commissioner of capital asset management and maintenance shall submit  
31 copies of the appraisal, the report thereon and the inspector general’s review and approval and  
32 comments, if any, to the house and senate committees on ways and means and the house and  
33 senate chairs of the joint committee on state administration and regulatory oversight prior to the  
34 execution of the grant of the easement authorized in this act.

35 (b) As a condition for the grant of easement authorized in this act, Maritimes shall  
36 compensate the commonwealth in an amount equal to the full and fair market value or the value

37 in use of the easement as proposed, whichever is greater, as determined by the independent  
38 appraisal.

39 (c) Maritimes shall assume all costs associated with any engineering, survey, appraisal,  
40 deed preparation and other expenses deemed necessary by the commissioner of capital asset  
41 management and maintenance to execute the grant of easement authorized in this act.

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

47 SECTION 5. No instrument granting an easement by or on behalf of the commonwealth  
48 described in this act shall be valid unless the instrument states that the easement shall be used  
49 solely for the purposes described in section 1. The easement instrument shall state that if the  
50 easement ceases to be used by Maritimes or its successors or assigns for the purposes described  
51 in this act, the easement shall revert to the commonwealth upon such terms and conditions as the  
52 commissioner of capital asset management and maintenance may determine. If the easement  
53 reverts to the commonwealth, any further disposition of the easement shall be subject to sections  
54 32 to 37, inclusive, of chapter 7C of the General Laws and the prior approval of the general  
55 court.