

# **HOUSE . . . . . No. 5226**

---

---

## The Commonwealth of Massachusetts

---

HOUSE OF REPRESENTATIVES, January 4, 2021.

The committee on Ways and Means, to whom was referred the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement to the City of Lynn (Senate, No. 2816), reports recommending that the same ought to pass with an amendment striking all after the enacting clause and inserting in place thereof the text contained in House document numbered 5226.

For the committee,

AARON MICHLEWITZ.

# HOUSE . . . . . No. 5226

---

Text of an amendment, recommended by the committee on Ways and Means, to the Senate Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement to the City of Lynn (Senate, No. 2816). January 4, 2021.

---

## The Commonwealth of Massachusetts

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

By striking out all after the enacting clause and inserting in place thereof the following:—

1           SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General  
2 Laws or any general or special law to the contrary, the commissioner of capital asset  
3 management and maintenance, in consultation with the president of North Shore community  
4 college, may convey an easement to the city of Lynn for roadway and other purposes as are  
5 necessary to carry out the widening and installation of angled parking spaces on Washington  
6 street along with other improvements by the city of Lynn as shown on a plan entitled  
7 “Reconstruction of Lower Washington Street Lynn, MA” and on file with the division of capital  
8 asset management and maintenance and further described in a deed on file with the Essex  
9 country registry of deeds at book 13743, page 139. The grant of the easement shall be subject to  
10 sections 2 to 4, inclusive, and to such additional terms and conditions as the commissioner of  
11 capital asset management and maintenance, in consultation with the president of North Shore  
12 community college, may reasonably require consistent with this act and the project purposes.  
13 Prior to finalizing the conveyance authorized in this section, the exact boundaries of the  
14 easement area shall be determined by the commissioner of capital asset management and  
15 maintenance based upon a survey.

16 SECTION 2. The city of Lynn shall assume all costs associated with engineering,  
17 surveys, appraisals, deed preparation and other expenses necessary to execute the conveyance  
18 authorized in section 1.

19 SECTION 3. An independent appraisal of the fair market value and value in use of the  
20 easement described in section 1 as restricted pursuant to section 4 shall be prepared in  
21 accordance with the usual and customary professional appraisal practices by a qualified appraiser  
22 commissioned by the commissioner of capital asset management and maintenance.  
23 Consideration for the grant of the easement pursuant to section 1 shall be the full and fair market  
24 value or the value in proposed use, whichever is greater, as determined by the commissioner of  
25 capital asset management and maintenance. The commissioner of capital asset management and  
26 maintenance shall submit the appraisal to the inspector general for review and comment. 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 such review and file the report with the commissioner of capital asset management and  
30 maintenance. After receiving the report, the commissioner shall submit copies of the report to the  
31 house and senate committees on ways and means and the joint committee on state administration  
32 and regulatory oversight at least 15 days prior to the execution of documents effecting the grant  
33 of easement authorized in said section 1.

34 SECTION 4. No instrument conveying the easement authorized pursuant to section 1  
35 shall be valid unless it provides that the easement shall be used solely for the purposes described  
36 in section 1. The instrument conveying the easement authorized pursuant to said section 1 shall  
37 include a reversionary clause that stipulates that the easement shall terminate, upon such terms  
38 and conditions as the commissioner of capital asset management and maintenance may

39 determine, if the easement ceases to be used for the express purposes authorized in section 1.  
40 Prior to any reversion, the commissioner shall provide notice of any violations to the city of  
41 Lynn and the city may cure the violation to the satisfaction of the division. If any interest reverts  
42 to the commonwealth, any further disposition shall be subject to sections 34 to 37, inclusive, of  
43 chapter 7C of the General Laws and the prior approval of the general court.

44 SECTION 5. The cash proceeds of the grant of the easement authorized in section 1 shall  
45 be deposited into an expendable trust established on behalf of North Shore community college  
46 pursuant to section 6 of chapter 6A of the General Laws and 801 CMR 50.00. Proceeds in the  
47 trust may be expended for capital repairs and improvements to the Lynn campus of North Shore  
48 community college, including, but not limited to, improvements relating to flooding mitigation  
49 or other work on the campus, as determined by the commissioner of capital asset management  
50 and maintenance and the president of North Shore community college and subject to the  
51 approval of the secretary of administration and finance.