

SENATE No. 2817

The Commonwealth of Massachusetts

PRESENTED BY:

Brendan P. Crighton

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 an easement in Lynn.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Brendan P. Crighton</i>	<i>Third Essex</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>

SENATE No. 2817

By Mr. Crighton, a petition (accompanied by bill, Senate, No. 2817) (subject to Joint Rule 12) of Brendan P. Crighton, Peter Capano, Lori A. Ehrlich and Daniel Cahill for legislation relative to an easement in Lynn. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act relative to an easement in Lynn.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow an underground fiber optic cable system to be installed in the city of Lynn by way of a permanent easement, which is immediately necessary to carry out to accomplish important public purposes for which there is no feasible alternative, 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 commissioner of the division of capital asset management and
2 maintenance, acting in consultation with the department of conservation and recreation, may,
3 subject to the provisions of sections 32 to 34, inclusive, of chapter 7C of the General Laws,
4 convey by deed of easement, approved as to form by the attorney general, to Edge Cable
5 Holdings USA, LLC, hereinafter “Edge”, a 20-foot-wide permanent easement over and under a
6 parcel of land, being currently held by the department of conservation and recreation for
7 conservation purposes, located in the city of Lynn. The easement shall contain approximately
8 15,572 square feet of land and is within a certain portion of a parcel of land currently held by the
9 department of conservation and recreation located in the city of Lynn. The dimensions of the

10 easement area are detailed on a plan of land entitled “Edge Cable Holdings USA, LLC
11 Horizontal Directional Drill Easement Lynn, Essex County, Massachusetts,” prepared by
12 Michael Baker International Consulting Engineers, dated March 2020 to be filed with the
13 department of conservation and recreation and recorded with the southern Essex district registry
14 of deeds along with the easement.

15 Modifications to the easement description set forth in the plan may be made by the
16 commonwealth for conformance with this act. The easement shall be granted without warranties
17 or representations by the commonwealth.

18 The easement shall be used for the installation and maintenance of fiber optic cables,
19 which shall be installed underground, together with necessary appliances and appurtenances. For
20 the purposes of this act, fiber optic cables shall be used for the transmission, reception and
21 switching of broadband, voice, data and video signals.

22 SECTION 2. Notwithstanding any general or special law to the contrary, the
23 commissioner of the department of conservation and recreation may grant a license or permit for
24 nominal consideration to Edge to provide Edge with immediate and complete access to, control
25 of and liability and responsibility for the property described in section 1 and, for the purposes of
26 this act, such licenses or permits shall govern until the grant of easement authorized in this act
27 takes effect.

28 SECTION 3. The fair market value of the easement described in section 1, or the value in
29 use as proposed, shall be based on independent professional appraisals, as commissioned by the
30 commissioner of capital asset management and maintenance. Edge shall compensate the
31 commonwealth in an amount greater than or equal to the full and fair market value, or the value

32 in use of the easement as proposed, whichever is greater, as determined by the independent
33 appraisals. All money paid to the commonwealth by Edge as a result of the conveyances
34 authorized by this section shall be deposited in the General Fund. The commissioner of capital
35 asset management and maintenance shall submit the appraisals and a report thereon to the
36 inspector general for review and comment. The inspector general shall review and approve the
37 appraisals and the review shall include an examination of the methodology utilized for the
38 appraisals. The inspector general shall prepare a report of the review and file the report with the
39 commissioner of capital asset management and maintenance for submission by the commissioner
40 to the house and senate committees on ways and means and the senate and house chairs of the
41 joint committee on state administration and oversight. The commissioner shall submit copies of
42 the appraisals, the report thereon and the inspector general's review and approval, and
43 comments, if any, to the house and senate committees on ways and means and the senate and
44 house chairs of the joint committee on state administration and oversight prior to the execution
45 of the conveyances authorized by this act.

46 SECTION 4. To ensure a no-net-loss of lands protected for natural resource purposes and
47 as a condition of the conveyance authorized in section 1, Edge shall, in addition to any
48 compensation from Edge to the commonwealth required pursuant to section 3, compensate the
49 commonwealth for the easement described in this act through the transfer to the department of
50 conservation and recreation of land or an interest therein or funding for the acquisition of land or
51 an interest therein equal to or greater than the appraised value of the easement as determined
52 pursuant to this act. The fair market value of any land or interest in land proposed to be conveyed
53 by Edge to the department shall be included within the appraisal required by section 3. The land
54 or interest therein or funding shall be acceptable to the department of conservation and recreation

55 and any land or interest therein, whether conveyed by Edge or acquired by the department, shall
56 be permanently held and managed for conservation and recreation purposes by the department.
57 All payments paid to the commonwealth as a result of this section shall be deposited in the
58 Conservation Trust established in section 1 of chapter 132A of the General Laws.