

SENATE, No. 2211

AN ACT AUTHORIZING THE COMMISSIONER OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE, ON BEHALF OF THE DEPARTMENT OF CONSERVATION AND RECREATION, AND THE TOWNS OF SAUGUS AND WAKEFIELD TO GRANT EASEMENTS TO TENNESSEE GAS PIPELINE COMPANY

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize the division of capital asset management and maintenance to convey certain easements across commonwealth property currently managed for conservation and recreation purposes, and the Towns of Saugus and Wakefield to convey certain easements in the Towns of Saugus and Wakefield, 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 Town of Saugus is hereby authorized to convey and grant by deed a
2 permanent easement thirty feet in width lying fifteen feet to either side of Tennessee Gas
3 Pipeline Company's proposed twenty-four inch pipeline, more or less, in, under, and
4 through a parcel of land managed and controlled by the Saugus Conservation
5 Commission for conservation purposes located in the Town of Saugus, together with
6 temporary work space for construction purposes of approximately 0.6 acres and a
7 temporary right to use a pre-existing road approximately ten feet wide for vehicular
8 access during construction, to the Tennessee Gas Pipeline Company, its successors and
9 assigns, as more particularly shown on a plan of land entitled "Essex-Middlesex Project,
10 Proposed 24" Main Line, Town of Saugus, Essex County, Massachusetts, TE-T12-270C-
11 1200-1.00." Said plan is on file with the Town of Saugus. The right to use said
12 temporary work space shall expire upon completion of construction and restoration.

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14 Said easements shall be used to lay, construct, maintain, operate, repair, change the size
15 of, remove and/or replace the gas transmission line which shall be installed underground,
16 together with appliances and appurtenances necessary thereto.

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18 SECTION 2. The commissioner of the division of capital asset management and
19 maintenance, in consultation with the commissioner of the department of conservation
20 and recreation, may, notwithstanding sections forty E to forty J, inclusive, of chapter
21 seven of the General Laws, convey by deed, a permanent easement up to thirty feet in
22 width lying fifteen feet to either side of Tennessee Gas Pipeline Company's proposed
23 twenty-four inch pipeline, more or less, in, under, and through a parcel or parcels of land
24 known as the breakheart reservation managed and controlled by the department of
25 conservation and recreation for conservation and recreation purposes located in the Town
26 of Saugus, together with temporary work space and additional temporary work space for
27 construction purposes of approximately 0.06 acres immediately adjacent to the proposed
28 permanent easement, to the Tennessee Gas Pipeline Company, its successors and assigns,
29 as more particularly shown on a plan of land entitled "Essex-Middlesex Project, Proposed
30 24" Main Line, Commonwealth of Massachusetts (Breakheart Reservation), Essex
31 County, Massachusetts, TE-T12-270C-1200-47.00A." Said plan is on file with the
32 department of conservation and recreation. The right to use said temporary work space
33 shall expire upon completion of construction and restoration. Minor modifications to the
34 easement descriptions set forth in the plans described above may be made in order to
35 conform with a final land survey, as accepted by said commissioner prior to any
36 conveyance to carry out the purposes of this act.

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38 Said easements shall be used to lay, construct, maintain, operate, repair, change the size
39 of, remove and/or replace the gas transmission line which shall be installed underground,
40 together with appliances and appurtenances necessary thereto.

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42 SECTION 3. The commissioner of the division of capital asset management and
43 maintenance, in consultation with the department of conservation and recreation, may,
44 notwithstanding sections forty E to forty J, inclusive, of chapter seven of the General
45 Laws, convey by deed, a permanent easement thirty feet in width lying fifteen feet to
46 either side of Tennessee Gas Pipeline Company's proposed twenty-four inch pipeline,
47 more or less, in, under, and through a parcel of land managed and controlled by the
48 department of conservation and recreation for conservation and recreation purposes

49 located in the Town of Wakefield, together with temporary work space and additional
50 temporary work space for construction purposes of approximately 1.2 acres immediately
51 adjacent to the proposed permanent easement, to the Tennessee Gas Pipeline Company,
52 its successors and assigns, as more particularly shown on a plan of land entitled “Essex-
53 Middlesex Project, Proposed 24" Main Line, Commonwealth of Massachusetts
54 (Breakheart Reservation), Middlesex County, Massachusetts, TE-T12-270C-1200-
55 47.00B.” Said plan is on file with the department of conservation and recreation. The
56 right to use said temporary work space shall expire upon completion of construction and
57 restoration. Minor modifications to the easement descriptions set forth in the plans
58 described above may be made in order to conform with a final land survey, as accepted
59 by said commissioner prior to any conveyance to carry out the purposes of this act.

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61 Said easements shall be used to lay, construct, maintain, operate, repair, change the size
62 of, remove and/or replace the gas transmission line which shall be installed underground,
63 together with appliances and appurtenances necessary thereto.

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65 SECTION 4. The commissioner of the division of capital asset management and
66 maintenance, in consultation with the department of conservation and recreation, may,
67 notwithstanding sections forty E to forty J, inclusive, of chapter seven of the General
68 Laws, convey by deed, a permanent easement thirty feet in width lying fifteen feet to
69 either side of Tennessee Gas Pipeline Company’s proposed twenty-four inch pipeline,
70 more or less, in, under, and through a parcel of land managed and controlled by the
71 department of conservation and recreation for conservation and recreation purposes
72 located in the Town of Saugus, together with temporary work space and additional
73 temporary work space for construction purposes of approximately 0.33 acres immediately
74 adjacent to the proposed permanent easement, to the Tennessee Gas Pipeline Company,
75 its successors and assigns, as more particularly shown on a plan of land entitled “Essex-
76 Middlesex Project, Proposed 24" Main Line, Commonwealth of Massachusetts
77 (Breakheart Reservation), Essex County, Massachusetts, TE-T12-270C-1200-52.00.”
78 Said plan is on file with the department of conservation and recreation. The right to use
79 said temporary work space shall expire upon completion of construction and restoration.

80 Minor modifications to the easement descriptions set forth in the plans described above
81 may be made in order to conform with a final land survey, as accepted by said
82 commissioner prior to any conveyance to carry out the purposes of this act.

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84 Said easements shall be used to lay, construct, maintain, operate, repair, change the size
85 of, remove and/or replace the gas transmission line which shall be installed underground,
86 together with appliances and appurtenances necessary thereto.

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88 SECTION 5. The commissioner of the division of capital asset management and
89 maintenance, in consultation with the department of conservation and recreation, may,
90 notwithstanding sections forty E to forty J, inclusive, of chapter seven of the General
91 Laws, convey by deed, a permanent easement thirty feet in width lying fifteen feet to
92 either side of Tennessee Gas Pipeline Company's proposed twenty-four inch pipeline,
93 more or less, in, under, and through a parcel of land managed and controlled by the
94 department of conservation and recreation for conservation and recreation purposes
95 located in the Town of Saugus, together with temporary work space and additional
96 temporary work space for construction purposes of approximately 2.4 acres immediately
97 adjacent to the proposed permanent easement and a temporary right to use a pre-existing
98 road approximately ten feet wide for vehicular access during construction, to the
99 Tennessee Gas Pipeline Company, its successors and assigns, as more particularly shown
100 on a plan of land entitled "Essex-Middlesex Project, Proposed 24" Main Line,
101 Commonwealth of Massachusetts (Breakheart Reservation), Essex County,
102 Massachusetts, TE-T12-270C-1200-54.00." Said plan is on file with the department of
103 conservation and recreation. The right to use said temporary work space shall expire
104 upon completion of construction and restoration. Minor modifications to the easement
105 descriptions set forth in the plans described above may be made in order to conform with
106 a final land survey, as accepted by said commissioner prior to any conveyance to carry
107 out the purposes of this act.

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109 Said easements shall be used to lay, construct, maintain, operate, repair, change the size
110 of, remove and/or replace the gas transmission line which shall be installed underground,
111 together with appliances and appurtenances necessary thereto.

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113 SECTION 6. The Town of Wakefield is hereby authorized to convey and grant by deed,
114 a permanent easement thirty feet in width lying fifteen feet to either side of Tennessee
115 Gas Pipeline Company's proposed twenty-four inch pipeline, more or less, in, under, and
116 through a parcel of land managed and controlled by the Wakefield Conservation
117 Commission for conservation purposes located in the Town of Wakefield, together with
118 temporary work space and additional temporary work space for construction purposes of
119 approximately 1.7 acres, to the Tennessee Gas Pipeline Company, its successors and
120 assigns, as more particularly shown on a plan of land entitled "Essex-Middlesex Project,
121 Proposed 24" Main Line, Town of Wakefield Conservation Commission, Middlesex
122 County, Massachusetts, TE-T12-270C-1200-77.00." Said plan is on file with the Town
123 of Wakefield. The right to use said temporary work space shall expire upon completion
124 of construction and restoration.

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126 Said easements shall be used to lay, construct, maintain, operate, repair, change the size
127 of, remove and/or replace the gas transmission line which shall be installed underground,
128 together with appliances and appurtenances necessary thereto.

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130 SECTION 7. The commissioner of the division of capital asset management and
131 maintenance, in consultation with the adjutant general respectively, may, notwithstanding
132 sections forty E to forty J, inclusive, of chapter seven of the General Laws, convey by
133 deed, a permanent easement thirty feet in width lying fifteen feet to either side of
134 Tennessee Gas Pipeline Company's proposed twenty-four inch and twelve inch pipeline,
135 along with a proposed fifty foot by one hundred foot receiver site, more or less, in, under,
136 and through a parcel of land managed and controlled by the military division for military
137 purposes located in the Town of Lynnfield, together with temporary work space for
138 construction purposes of approximately eight acres immediately adjacent to the proposed
139 permanent easement and a temporary right to use a pre-existing road approximately ten

140 feet wide for vehicular access during construction and a permanent right to use a pre-
141 existing road and a new road each approximately ten feet wide for vehicular access for
142 operations and maintenance purposes, to the Tennessee Gas Pipeline Company, its
143 successors and assigns, as more particularly shown on a plan of land entitled "Essex-
144 Middlesex Project, Proposed 24" Main Line, Commonwealth of Massachusetts, Essex
145 County, Massachusetts, TE-T12-270C-1200-92.00." Said plan is on file with the military
146 division. The right to use said temporary work space shall expire upon completion of
147 construction and restoration. Minor modifications to the easement descriptions set forth
148 in the plans described above may be made in order to conform with a final land survey, as
149 accepted by said commissioner prior to any conveyance to carry out the purposes of this
150 act.

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152 Said easements shall be used to lay, construct, maintain, operate, repair, change the size
153 of, remove and/or replace the gas transmission line which shall be installed underground,
154 together with appliances and appurtenances necessary thereto.

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156 SECTION 8. There shall be an independent appraisal(s), of the easements described in
157 section two, section three, section four, section five and section seven to be conveyed as
158 authorized by this act to determine the diminution in value to the above referenced
159 Properties as a result of granting such easements, based upon one or more professional
160 appraisals. In order to expedite the conveyances authorized by this act, the commissioner
161 of the division of capital asset management and maintenance may, in consultation with
162 the commissioner of the department of conservation and recreation accept any
163 appraisal(s) of these easements that may have been conducted before the effective date of
164 this act, and may have been accepted and agreed to by the department. Upon the granting
165 of any such easement, the grantees shall compensate the commonwealth in an amount at
166 least equal to, or greater than the full and fair market value of such diminution, as
167 determined by such independent appraisal(s). The grantees of these easements shall
168 assume all reasonable costs associated with any engineering, surveys, appraisals, deed
169 preparation and other expenses deemed necessary by the commissioner of capital asset
170 management and maintenance to execute the conveyances authorized by this act. All

171 money paid to the commonwealth by Tennessee Gas Pipeline Company as a result of the
172 conveyance of the easements through lands of the department of conservation and
173 recreation as, as referenced in sections two, three, four and five authorized by this act
174 shall be deposited as directed by the General Court into the Conservation Trust as
175 established by general law chapter 132A section1 for the benefit of breakheart
176 reservation.

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178 The commissioner of capital asset management and maintenance shall submit such
179 appraisal(s) and a report thereon to the inspector general for his review and comment.
180 The inspector general shall review and approve the appraisal(s), and the review shall
181 include an examination of the methodology used for the appraisal(s). The inspector
182 general shall, within thirty days of the receipt of such appraisal(s) and report prepare a
183 report of his review and file the report with the commissioner for submission by the
184 commissioner to the house and senate committees on ways and means and the chairmen
185 of the joint committee on bonding, capital expenditures and state assets. The
186 commissioner shall submit copies of the appraisal(s), his report, and the inspector general
187 review and approval, and comments, if any, to the house and senate committees on ways
188 and means and the chairmen of the joint committee on bonding, capital expenditures and
189 state assets before the execution of the conveyances.

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191 SECTION 9. No easement instruments conveying, by or on behalf of the
192 commonwealth, the easements described in sections two, three, four, five and seven shall
193 be valid unless such instruments provide that the easements shall be used solely for the
194 purposes described in said sections, respectively. The easement instruments shall include
195 a clause which shall state that if the pipeline within said easements is abandoned by
196 Tennessee Gas Pipeline Company, or their respective successors or assigns, and approved
197 by the Federal Energy Regulatory Commission the easements shall revert to the
198 commonwealth under the control of and used by the department of conservation and
199 recreation and the adjutant general respectively, upon such terms and conditions as the
200 commissioner of capital asset management and maintenance may determine. If these
201 easements revert to the commonwealth, any further disposition of the easements shall be

202 subject to sections 40E and 40J, inclusive, of chapter 7 of the General Laws, and the prior
203 approval of the general court.