

SENATE No. 2816

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 authorizing the Division of Capital Asset Management and Maintenance to grant an easement to the City of Lynn.

PETITION OF:

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

SENATE No. 2816

By Mr. Crighton, a petition (accompanied by bill, Senate, No. 2816) (subject to Joint Rule 12) of Brendan P. Crighton, Daniel Cahill and Peter Capano for legislation to authorizing the Division of Capital Asset Management and Maintenance to grant an easement to the city of Lynn. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

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

An Act authorizing the Division of Capital Asset Management and Maintenance to grant an easement to the City of Lynn.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the grant an easement by the commonwealth to the city of Lynn, 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. 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 to the city of Lynn for roadway and other purposes as are necessary to carry
5 out the widening and installation of angled parking spaces on Washington street along with other
6 improvements by the city of Lynn as shown on a plan on file with the division. The grant of the
7 easement shall be subject to sections 2 to 4, inclusive, and to such additional terms and
8 conditions as the commissioner of capital asset management and maintenance, in consultation
9 with the president of North Shore community college, may reasonably require consistent with

10 this act and the project purposes. Prior to finalizing the transaction authorized herein, the exact
11 boundaries of the easement area shall be determined by the commissioner of capital asset
12 management and maintenance based upon a survey.

13 SECTION 2. The city of Lynn shall assume all costs associated with engineering,
14 surveys, appraisals, deed preparation and other expenses necessary to execute the conveyance
15 authorized in this act.

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

31 SECTION 4. No instrument executed pursuant to this act shall be valid unless it provides
32 that the easement shall be used solely for the purposes described in section 1. The instruments
33 authorized in said section 1 shall include a reversionary clause that stipulates the easement shall
34 terminate, upon such terms and conditions as the commissioner of capital asset management and
35 maintenance may determine, if the property ceases to be used for the express purposes
36 authorized in this act. Prior to any reversion, the commissioner shall provide notice of any
37 violations to the city of Lynn and the city may cure the violation to the satisfaction of the
38 division. If any interest reverts to the commonwealth, any further disposition shall be subject to
39 sections 34 to 37, inclusive, of chapter 7C of the General Laws and the prior approval of the
40 general court.

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