

HOUSE No. 4300

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 5, 2024.

The committee on State Administration and Regulatory Oversight to whom was referred the joint petition (accompanied by bill, House, No. 3672) of Meghan Kilcoyne and John J. Cronin that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of state owned land in the town of Lancaster to said town, reports recommending that the accompanying bill (House, No. 4300) ought to pass [Local Approval Received].

For the committee,

ANTONIO F. D. CABRAL.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Lancaster.

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 I. Notwithstanding sections 33 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 convey certain parcels of land in the town of Lancaster
4 owned by the commonwealth to the town of Lancaster subject to the provisions of this act. The
5 parcels are shown on plans on file with the division of capital asset management and
6 maintenance. The parcel to be conveyed is a portion of the property formerly known as the
7 Lancaster industrial school for girls and described in deeds recorded in the Worcester registry of
8 deeds in: (i) book 639, page 254, (ii) book 639, page 255, (iii) book 549, page 192, (iv) book
9 549, page 194 and (v) book 2642, page 485, and may include, without limitation, the area known
10 as the piggery; provided, however that, the commissioner shall not convey to the town the area
11 leased to Robert F. Kennedy Community Alliance, Inc. pursuant to chapter 185 of the acts of
12 2000.

13 The use of the parcels to be conveyed to the town shall not be restricted to use for
14 municipal or other specific purposes; provided, however, that the town may so restrict the use of
15 one or more of the parcels at a later date, in accordance with any applicable general and special
16 laws. The parcels shall be conveyed by deed without warranties or representations by the
17 commonwealth.

18 SECTION 2. As consideration for the conveyance of the parcels described in section 1,
19 the town of Lancaster shall pay the commonwealth \$1.

20 SECTION 3. If the town of Lancaster sells or leases any portion of the parcels described
21 in section 1, the net proceeds from such sale or lease as determined by the town of Lancaster and
22 agreed to by the commissioner of capital asset management and maintenance shall be allocated
23 between the town of Lancaster and the commonwealth in equal shares; provided, however, that
24 the commissioner may agree to reduce the commonwealth's share of net proceeds to not less than
25 40 per cent in order to provide certain incentives to the town to sell or lease the parcels
26 expeditiously. If the net proceeds, as so determined, is a negative amount, the commonwealth
27 shall not be required to make any payments to the town of Lancaster.

28 SECTION 4. If the town of Lancaster decides to retain all, or any portion, of the parcels
29 described in section 1 for municipal purposes, the town shall give written notice of such decision
30 to the commissioner of capital asset management and maintenance and shall pay the
31 Commonwealth additional consideration for the portion or portions of the parcels retained by the
32 town of Lancaster for municipal purposes. Such additional consideration shall be the fair market
33 value of the portion, or portions of the parcels retained by the town of Lancaster for municipal
34 purposes as determined by the commissioner of capital asset management and maintenance

35 based upon an independent professional appraisal, taking into consideration the restriction on the
36 use of the portion or portions of the parcels to be retained by the town of Lancaster pursuant to
37 this section. The inspector general shall review and approve the appraisal. The inspector general
38 shall prepare a report of such review of the methodology utilized for the appraisal and shall file
39 the report with the commissioner of capital asset management and maintenance, the house and
40 senate committees on ways and means and the joint committee on state administration and
41 regulatory oversight at least 15 days prior to the execution of documents effecting the transfers
42 described in section 1.

43 In addition, the town of Lancaster shall agree, in a written document to be recorded with
44 the Worcester registry of deeds, that the portion or portions of the parcels to be retained by the
45 town of Lancaster pursuant to this section shall be used solely for municipal purposes, which
46 document shall include a reversionary clause that stipulates that if the portion or portions of the
47 parcels to be retained by the town of Lancaster for municipal purposes cease at any time to be
48 used for municipal purposes, title to the portion or portions which is, or are, no longer used for
49 municipal purposes shall, at the election of the commonwealth, revert to the commonwealth.
50 Said reversionary clause shall contain provisions requiring that the town of Lancaster receive
51 reasonable notice of and a reasonable time to cure any allegation that the parcel is not being used
52 for the purposes set forth in this section.

53 SECTION 5. Notwithstanding any general or special law to the contrary, the town of
54 Lancaster shall pay for all costs and expenses of the sale of the parcels to the town of Lancaster
55 pursuant to this act as determined by the commissioner of capital asset management and
56 maintenance including, but not limited to, the costs of any recording fees and deed preparation
57 related to the conveyance and all costs, liabilities and expenses of any nature and kind related to

58 the town's ownership of the parcel; provided, however, that such costs shall be included for the
59 purposes of determining the net proceeds of the town's sale or lease of any portion of the parcels
60 described in section 1. The town of Lancaster shall also pay for any appraisal undertaken
61 pursuant to section 4, the cost of which shall not be included for purposes of determining net
62 proceeds.

63 SECTION 6. If the town of Lancaster does not complete the purchase of the parcels
64 described in section 1 on or before June 30, 2025, then notwithstanding sections 33 to 37,
65 inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary,
66 the commissioner may sell, lease for terms of up to 99 years, including all renewals and
67 extensions, or otherwise grant, convey or transfer to purchasers or lessees an interest in the
68 parcels described in section 1 or portions thereof, subject to this section and on such terms and
69 conditions that the commissioner considers appropriate.

70 The commissioner of capital asset management and maintenance shall dispose of the
71 parcels or portions thereof pursuant to this section using appropriate competitive bidding
72 processes and procedures. Not less than 30 days before the date on which bids, proposals or other
73 offers to purchase or lease the parcels or portions thereof are due, the commissioner shall place a
74 notice in the central register published by the state secretary pursuant to section 20A of chapter 9
75 of the General Laws stating the availability of the parcels or portions thereof, the nature of the
76 competitive bidding process and other information that the commissioner considers relevant,
77 including the time, place and manner for the submission of bids and proposals and the opening of
78 the bids or proposals.

79 Notwithstanding any general or special law to the contrary, the grantee or lessee of the
80 parcels described in section 1 or any portions thereof pursuant to this section, shall be
81 responsible for costs and expenses of such sale or lease of the parcels or portions thereof to such
82 grantee or lessee, including, but not limited to, costs associated with deed preparation and
83 recording fees related to the conveyances and transfers authorized in this section as such costs
84 may be determined by the commissioner of capital asset management and maintenance.