

HOUSE No. 4839

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act authorizing the Massachusetts Department of Transportation to acquire certain parcels of land in the town of Southborough.

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 34 to 37 of chapter 7C of the General Laws, the
2 commissioner of capital asset management and maintenance, in consultation with the
3 commissioner of conservation and recreation, may convey certain parcels of land or interests
4 therein, currently under the care and control of the department of conservation and recreation and
5 held for watershed protection, conservation and recreation purposes, to the Massachusetts
6 Department of Transportation to be used for highway purposes, subject to the requirements of
7 sections 2 to 4 and to such additional terms and conditions consistent with this act as the
8 commissioner of capital asset management and maintenance may prescribe in consultation with
9 the commissioner of conservation and recreation. The parcels of land are shown as Parcel 11-6
10 (1,168± sq. ft.), Parcel 11-8 (761± sq. ft.), Parcel 11-PUE-10 (93± sq. ft.), Parcel 11-PUE-11
11 (71± sq. ft.), Parcel 11-PUE-12 (299± sq. ft.), and Parcel 11-PUE-24 (287± sq. ft.) on a plan for
12 Southborough-2016 Alteration, Project File No. 607488, Layout No. 8552, by Greenman-
13 Pedersen, Inc., 181 Ballardvale Street, Suite 202, Wilmington, Massachusetts 01887, which plan

14 is on file with the chief engineer of the highway division of the Massachusetts Department of
15 Transportation. The exact boundaries of the parcels shall be determined by the commissioner the
16 division of capital asset management and maintenance. The department of conservation and
17 recreation may issue a license to the Massachusetts Department of Transportation to allow use
18 and occupancy of the parcels for highway purposes and associated construction work while the
19 division of capital asset management maintenance proceeds to effectuate the conveyances
20 authorized by this act.

21 SECTION 2. An independent appraisal of the fair market value and value in use of the
22 parcels described in section 1 shall be prepared in accordance with the usual and customary
23 professional appraisal practices by a qualified appraiser commissioned by the commissioner of
24 capital asset management and maintenance. The commissioner of capital asset management and
25 maintenance shall submit the appraisal to the inspector general for review and comment. The
26 inspector general shall review and approve the appraisal, and the review shall include an
27 examination of the methodology utilized for the appraisal or appraisals. The inspector general
28 shall prepare a report of the review and file the report with the commissioner of capital asset
29 management and maintenance. After receiving the report, the commissioner shall submit copies
30 of the report to the house and senate committees on ways and means and the joint committee on
31 state administration and regulatory oversight at least 15 days prior to the execution of documents
32 affecting the transfers described in section 1.

33 SECTION 3. As consideration for the grants of the parcels or interests described in
34 section 1 the Massachusetts Department of Transportation shall: (1) pay full and fair market
35 value or the value in proposed use, whichever is greater, as determined by the commissioner of
36 capital asset management and maintenance; or (2) compensate the commonwealth through the

37 transfer to the department of conservation and recreation of land, an interest in land or funding
38 for the acquisition of land or an interest therein equal to or greater than the value of the highest
39 appraised value as determined under section 2; provided, that the land or interest in land shall be
40 acceptable to the department of conservation and recreation. Any land or interest in land,
41 whether conveyed by the Massachusetts Department of Transportation or acquired by the
42 department of conservation and recreation, shall be permanently held and managed for watershed
43 protection, conservation and recreation purposes by the department. If the value of the land or
44 interests in land being conveyed to the commonwealth pursuant to this section exceed the
45 appraised value determined under section 2, neither the division of capital asset management and
46 maintenance nor the department of conservation and recreation shall have any obligation to pay
47 the difference to the Massachusetts Department of Transportation. Any monetary payments paid
48 to the commonwealth as a result of the conveyances or grants authorized by this act shall be
49 deposited in the Conservation Trust established in section 1 of chapter 132A General Laws.

50 SECTION 4. The Massachusetts Department of Transportation shall assume all costs
51 associated with engineering, surveys, appraisals, deed preparation and other expenses deemed
52 necessary by the commissioner of capital asset management and maintenance to execute the
53 conveyances authorized by this act.