

**HOUSE . . . . . No. 4183**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kate Hogan and Robyn K. Kennedy***

*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 dispose of certain parcels of land in the town of Bolton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>6/27/2023</i>
<i>Robyn K. Kennedy</i>	<i>First Worcester</i>	<i>6/27/2023</i>

**HOUSE . . . . . No. 4183**

By Representative Hogan of Stow and Senator Robyn K. Kennedy, a joint petition (subject to Joint Rule 12) of Kate Hogan and Robyn K. Kennedy that the commissioner of Capital Asset Management and Maintenance be authorized to convey certain parcels of land in the town of Bolton to said town for general municipal purposes. State Administration and Regulatory Oversight.

**The Commonwealth of Massachusetts**

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

An Act authorizing the Division of Capital Asset Management and Maintenance to dispose of certain parcels of land in the town of Bolton.

*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. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the  
2 General Laws or any other general or special law to the contrary, the commissioner of capital  
3 asset management and maintenance may convey certain parcels of land, one located at the  
4 Northeast corner of the former Lancaster Industrial School for Girls, 220 Old Common Road,  
5 Lancaster and another parcel known as the Bolton Dam, located near the Lancaster town line,  
6 both in the town of Bolton, to the town of Bolton. The parcels are shown on plans on file with  
7 the division of capital asset management and maintenance. The exact location and boundaries of  
8 the parcels to be conveyed shall be determined by the commissioner after completion of a  
9 survey.

10 (b) Notwithstanding chapters 30B and 40 of the General Laws or any other general or  
11 special law to the contrary, the town of Bolton, acting by and through its Select Board, may enter

12 into purchase and sale agreement, lease, or other agreement to acquire the parcels or acquire  
13 rights to the parcels.

14 (c) The uses of the parcels shall be restricted to general municipal purposes. The deed or  
15 other instrument conveying the parcel to the town of Bolton pursuant to this section shall state  
16 that said parcel shall be used solely for the purposes described in this subsection and shall  
17 include a reversionary clause that stipulates that if the parcels cease at any time to be used for the  
18 allowed uses title to the parcel shall, at the election of the commonwealth, revert to the  
19 commonwealth. Said reversionary clause shall contain provisions requiring that the town of  
20 Bolton receive reasonable notice of and a reasonable time to cure any allegation that the parcel(s)  
21 is not being used for the purposes set forth in this section.

22 (d) The consideration for the conveyance of the parcel pursuant to this section shall be  
23 the fair market value of the parcels as determined by the commissioner of capital asset  
24 management and maintenance based upon an independent professional appraisal, taking into  
25 consideration the restriction on the use of the parcel set forth in this section. The inspector  
26 general shall review and approve the appraisal. The inspector general shall prepare a report of  
27 such review of the methodology utilized for the appraisal and shall file the report with the  
28 commissioner of capital asset management and maintenance, the house and senate committees  
29 on ways and means and the joint committee on state administration and regulatory oversight.

30 SECTION 2. (a) If the town of Bolton does not complete the purchase of the parcels  
31 pursuant to section 1 on or before December 31, 2024, or such date thereafter as agreed to by the  
32 town of Bolton and the commissioner of capital asset management and maintenance, then,  
33 notwithstanding sections 33 to 37, inclusive, of chapter 7C of the General Laws or any other

34 general or special law to the contrary, the commissioner of capital asset management and  
35 maintenance may sell, lease for a term up to 99 years, including all renewals and extensions, or  
36 otherwise grant, convey or transfer to purchasers or lessees an interest in the parcels described in  
37 section 1(a) or portions thereof, subject to the provisions of this section and on such other terms  
38 and conditions as the commissioner of capital asset management and maintenance considers  
39 appropriate.

40 (b) The commissioner shall use appropriate competitive bidding processes and  
41 procedures when making any disposition under this section. Not less than 30 days before the  
42 date on which bids, proposals or other offers to purchase the parcels, or any portion thereof, are  
43 due, the commissioner shall place a notice in the central register published by the state secretary  
44 pursuant to section 20A of chapter 9 of the General Laws stating: (i) the availability of the  
45 parcels; (ii) the nature of the competitive bidding process; (iii) the time, place and manner for the  
46 submission of bids and proposals and the opening of the bids or proposals; and (iv) other  
47 information that the commissioner deems relevant. The commissioner shall also place  
48 notification in the central register of the individual or firm selected as party to any real property  
49 transaction involving the property and the amount of the transaction.

50 SECTION 3. Any purchase and sale agreement, lease or other document relating to the  
51 sale, lease, transfer or other disposition of the parcels, or any portions thereof, pursuant to section  
52 1 or 2 shall provide that the commonwealth shall have no liability to any purchaser, lessee,  
53 transferee or successor to any purchaser, lessee or transferee of all or part of the parcels for any  
54 claims arising out of or related in any way to the conditions, known or unknown, of the parcels  
55 or otherwise in connection with any sale, lease, transfer or other disposition thereof.

56           SECTION 4. Any deed of conveyance from the commissioner pursuant to section 1 or 2  
57 of this act may retain or grant rights of way or easements for access, egress, utilities and drainage  
58 across any other portions of the parcels and the commonwealth may accept from a purchaser  
59 such rights of way or easements in roadways or across any portions of the parcels to be conveyed  
60 or transferred for access, egress, drainage and utilities as the commissioner considers necessary  
61 and appropriate to carry out this act.

62           SECTION 5. The purchaser of the parcels, or any portions thereof, pursuant to section 2  
63 of this act shall be responsible for all costs and expenses related to the purchase, lease or transfer  
64 of such parcel or parcels, including, but not limited to, costs associated with surveys, deed  
65 preparation and recording fees as such costs may be determined by the commissioner.

66           SECTION 6. The cash proceeds of the sale of the parcels, or any portion thereof,  
67 pursuant to this act shall be deposited into the General Fund.