

**HOUSE . . . . . No. 4701**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Barry R. Finegold**

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*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 passage of the accompanying bill:

An Act authorizing the commissioner of capital asset management and maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Barry R. Finegold	17th Essex
Susan C. Tucker	Second Essex and Middlesex
James R. Miceli	19th Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act authorizing the commissioner of capital asset management and maintenance to convey certain land to the town of Tewksbury for recreational and open space purposes.

*Whereas*, The deferred operation for this act would tend to defeat its purpose, which is forthwith to make to transfer a certain parcel of land in the town of Tewksbury, 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 the provisions of sections 40E through 40J of chapter 7 of  
2 the General Laws or any general or special law to the contrary, the commissioner of capital asset  
3 management and maintenance may convey to the town of Tewksbury a portion of a certain  
4 parcel of state-owned land located on Livingston street in said town, currently under the care and  
5 control of the department of public health, containing not less than 25.5 acres, more or less and  
6 containing not more than 28.3 acres, more or less. The commissioner shall determine the exact  
7 boundaries of the parcel after completion of a survey. The parcel shall be designated and used  
8 by the town of Tewksbury for recreational and open space purposes.

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10           **SECTION 2.** As consideration for the conveyance of the parcel described in section 1, the town  
11 of Tewksbury shall be responsible for any costs, liabilities or expenses of any kind for the  
12 maintenance and protection of a cemetery located on land of the commonwealth adjacent to the  
13 parcel described in section 1 in accordance with standards developed by the commissioner of  
14 capital asset management and maintenance and the commissioner of public health of the  
15 commonwealth.

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17 **SECTION 3.** The town of Tewksbury shall be responsible for all costs and  
18 expenses of the transaction authorized by this act as determined by the commissioner of capital  
19 asset management and maintenance, including, but not limited to, the costs of any survey and  
20 other expenses relating to the conveyance of the parcel, and shall be responsible for all costs,  
21 liabilities and expenses of any nature and kind for its ownership.

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23 **SECTION 4.** The deed or other instrument conveying the parcel to the town of Tewksbury shall,  
24 without limitation, provide that if the parcel ceases at any time to be used for the purposes set  
25 forth in this act, or if the town of Tewksbury does not maintain and protect the cemetery on  
26 commonwealth land in accordance with section 2, title to the parcel shall, at the election of the  
27 commonwealth, after the giving of notice and an opportunity to cure to the town of Tewksbury,  
28 revert to the commonwealth.

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