

**HOUSE . . . . . No. 4157**

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**The Commonwealth of Massachusetts**

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House of Representatives, June 9, 2014.

BILL #: H3979

BILL STATUS: Favorable with Amendment

DISSENTERS:

None

ACCOMPANIED BILLS:

None

For the committee,

BRIAN S. DEMPSEY

# HOUSE . . . . . No. 4157

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By [SPONSOR PREFIX] [SPONSOR NAME] of [SPONSOR CITY], a petition (accompanied by bill, House, No. 4157) of [PETITIONERS LIST] [BACKING TEXT]. Senate Ways and Means.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen  
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An Act authorizing the commissioner of capital asset management and maintenance to convey certain parcels of land in the town of Westborough.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith authorize the transfer of certain parcels of land to the town of Westborough, 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 other general or special law to the contrary, the commissioner of capital asset  
3 management and maintenance, hereinafter referred to as the commissioner, may convey 1 or  
4 more parcels of land located at the former state hospital in Westborough to the town of  
5 Westborough. The parcels are shown as parcel 1 and parcel 5 on a draft approval not required  
6 plan dated January 2, 2014, on file with the division of capital asset management and  
7 maintenance. The exact location and boundaries of the parcels to be conveyed shall be  
8 determined by the commissioner after completion of a survey, in consultation with the  
9 department of youth services and the town of Westborough. The use of the parcels to be  
10 conveyed to the town shall not be restricted to use for general municipal purposes or other  
11 specific uses; provided, however, that the town may so restrict the parcels at a later date, in  
12 accordance with applicable general and special law. The parcels shall be conveyed by deed  
13 without warranties or representations by the commonwealth.

14           SECTION 2. As consideration for the parcels described in section 1, the town of  
15 Westborough shall pay the commonwealth an amount equal to certain costs related to the closure  
16 of the former state hospital in Westborough, including, but not limited to, the costs of removing

17 combustible materials, disconnecting certain utilities, and otherwise closing those buildings  
18 located on the parcels, routine security, and other capital expenditures and operating expenses  
19 incurred by the commonwealth in preparation for or following the closure of the former state  
20 hospital, as determined by the commissioner and agreed to by the town. The town of  
21 Westborough may pay the amount so determined by the commissioner and agreed to by the town  
22 upon its purchase of the parcels described in section 1, or the town may pay the amount so  
23 determined in 10 annual payments pursuant to section 20A of chapter 58 of the General Laws.

24 SECTION 3. Notwithstanding any general or special law to the contrary, the town of  
25 Westborough shall pay for all costs and expenses of the transactions authorized in this act as  
26 determined by the commissioner including, but not limited to, the costs of any surveys,  
27 appraisals, recording fees and deed preparation related to the conveyances and for all costs,  
28 liabilities and expenses of any nature and kind related to the conveyances; provided, however,  
29 that such costs may be included for the purposes of determining the net proceeds of the town's  
30 sale or lease of any portion of the parcels described in section 1. Amounts paid by the town of  
31 Westborough pursuant to section 2 shall not be included for the purposes of determining the net  
32 proceeds from a sale or lease.

33 SECTION 4. Notwithstanding any general or special law to the contrary, the  
34 commissioner may retain, accept or acquire by purchase, transfer, lease, eminent domain  
35 pursuant to chapter 79 of the General Laws or otherwise, and may grant by deed, transfer, lease  
36 or otherwise any rights-of-way or easements in, over or beneath any parcel or portions thereof,  
37 any other portions of the former Westborough state hospital as the commissioner deems  
38 necessary and appropriate for the continued use of portions of the former Westborough state  
39 hospital by other state agencies.

40 SECTION 5. (a) In the event that the town of Westborough does not complete a purchase  
41 of the property described in section 1 on or before June 30, 2015, notwithstanding sections 33 to  
42 38, inclusive, of chapter 7C of the General Laws or any other general or special law to the  
43 contrary, the commissioner may sell, lease for terms up to 99 years, including all renewals and  
44 extensions, or otherwise grant, convey or transfer to purchasers or lessees an interest in the  
45 property described in section 1 or portions thereof, subject to this section and on such terms and  
46 conditions that the commissioner considers appropriate. The commissioner shall dispose of the  
47 property, or portion thereof, using appropriate competitive bidding processes and procedures. At  
48 least 30 days before the date on which bids, proposals or other offers to purchase or lease a  
49 property, or any portion thereof, are due, the commissioner shall place a notice in the central  
50 register published by the state secretary pursuant to section 20A of chapter 9 of the General Laws  
51 stating the availability of the property, the nature of the competitive bidding process and other  
52 information that the commissioner considers relevant, including the time, place and manner for  
53 the submission of bids and proposals and the opening of the bids or proposals.

54 (b) Notwithstanding any general or special law to the contrary, the grantee or lessee of all  
55 or any portion of the property described in section 1 and subject to this section shall be  
56 responsible for costs and expenses including, but not limited to, costs associated with deed  
57 preparation and recording fees related to the conveyances and transfers authorized in this section  
58 as such costs may be determined by the commissioner.

59 (c) The commissioner may retain or grant rights of way or easements for access, egress,  
60 utilities and drainage across any of the parcels described in section 1 and subject to this section  
61 and across other commonwealth property contiguous to any of the parcels, and the  
62 commonwealth may accept from the town or developer such rights of way or easements in  
63 roadways or across any of the parcels to be conveyed or transferred for access, egress, drainage  
64 and utilities as the commissioner considers necessary and appropriate to carry out this section.

65 (d) No agreement for the sale, lease, transfer or other disposition of the property  
66 described in section 1 and subject to this section, or any portion thereof, and no deed executed by  
67 or on behalf of the commonwealth, shall be valid unless the agreement or deed contains the  
68 following certification, signed by the commissioner:

69 "I, the undersigned commissioner of capital asset management and maintenance, hereby  
70 certify under penalties of perjury that I have fully complied with the relevant provisions of  
71 general and special law in connection with the property described in this document."

72 SECTION 6. Sections 1 to 5, inclusive, shall take effect upon their acceptance by a  
73 majority vote of the board of selectmen of the town of Westborough, but not otherwise.