HOUSE DOCKET, NO. 4711 FILED ON: 4/20/2016

HOUSE . . . . . No. 4294

The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day

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 conveyance of certain property in the town of Stoneham.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael S. Day	*31st Middlesex*
Jason M. Lewis	*Fifth Middlesex*

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By Mr. Day of Stoneham, a petition (subject to Joint Rule 12) of Michael S. Day and Jason M. Lewis that the commissioner of Capital Asset Management and Maintenance be authorized to convey a certain parcel of land in the town of Stoneham. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act authorizing the conveyance of certain property in the town of Stoneham.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of sections 32 to 38, inclusive, of chapter 7C of the General Laws, or any general or special law to the contrary, and pursuant to such additional terms and conditions as the commissioner of capital asset management and maintenance may prescribe, the division of capital asset management and maintenance, in consultation with the commissioner of the department of conservation and recreation, may dispose by sale through an open and competitive process, in accordance with section 36 of chapter 7C of the General Laws, a parcel of land located on Lynn Fells Parkway in the town of Stoneham and currently under the care, custody, and control of said department. The parcel subject to this act contains 25,011± square feet and is described in Certificate of Title No. 225345, in the Land Registration Office of the Middlesex South District in Registration Book 1256, Page 195, and shown as Lot 8 on Land Court Plan 34101-C.

12 SECTION 2. The conveyance of the parcel shall be subject to a permanent easement, to
13 be under the care, custody, and control of the department, requiring the grantee of the land to
14 make available and maintain at its expense on the parcel 10 parking spaces in an accessible
15 location, to be available for use by the public during the hours the Middlesex Fells Reservation is
16 open, as set by the department, with the location of the parking spaces to be determined and
17 configured by the grantee, subject to the reasonable approval of the department. No deed
18 conveying the parcel of land from the commonwealth shall be valid unless such easement is
19 established and registered.

20 SECTION 3. The consideration for the conveyance authorized by section 1 shall be the
21 full and fair market value of the parcel, as burdened by the easement required by section 2, as
22 determined by an independent professional appraisal to be prepared in accordance with usual and
23 customary professional appraisal practices by a qualified appraiser commissioned by the
24 commissioner of capital asset management and maintenance The commissioner will enter into a
25 contract with a qualified appraiser within 180 days of the effective date of this act, subject to
26 availability of funds. The commissioner shall advertise, under section 36 of chapter 7C of the
27 General Laws a request for proposals within one year of the effective date of this act or within 60
28 days from the receipt of the appraisal, whichever is later. Notwithstanding any general or special
29 law to the contrary, the grantee of the parcel shall be responsible for all costs and expenses,
30 including but not limited to, costs associated with any engineering, survey, appraisal, and deed
31 preparation related to the conveyance as such costs may be determined by the commissioner of
32 the division.

33 The appraisal required by this section shall be subject to the review and approval of the
34 inspector general and such review shall include an examination of the methodology utilized for

35 the appraisal. Within 60 days after receiving an appraisal, the inspector general shall prepare a
36 report of such review and file the report with the division of capital asset management and
37 maintenance. After receiving the inspector general's report and at least 15 days prior to any deed
38 is executed concerning the parcel, the division shall submit the report to the house and senate
39 committees on ways and means and the house and senate committee on bonding, capital
40 expenditures and state assets.

41 SECTION 4. The consideration received for the sale of the parcel shall be allocated by
42 the commonwealth with 95 percent deposited in the Conservation Trust, established under
43 section 1 of chapter 132A of the General Laws, with the remaining 5 percent paid over to the
44 town of Stoneham.