

HOUSE No. 3975

The Commonwealth of Massachusetts

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

An Act authorizing the commissioner of Capital Asset Management and Maintenance to convey a certain parcel of land in the city of Waltham.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to convey forthwith a certain parcel of land in the city of Waltham, 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 shall, convey by deed, a certain parcel of land in the city of
4 Waltham, without the buildings thereon, to the Roman Catholic Archbishop of Boston, a
5 corporation sole, otherwise known as the Archdiocese of Boston. The parcel, located at 939
6 Trapelo road and containing approximately 1.426 acres of land, is identified in the “Atlas, City
7 of Waltham, Massachusetts 1988” as Map 15, Block 1, Lot 1, and further as “Lot 2” on a plan
8 entitled “Plan of Land in Waltham & Lexington (Middlesex Co.) Mass.”, surveyed for Geraghty
9 & Miller, dated December 2, 1996, recorded with the Middlesex south district registry of deeds
10 as Plan No. 379 of 1997 in book 27228, page 430, being the same premises conveyed to the

CORRECTED

11 County of Middlesex by deed of the Roman Catholic Archbishop of Boston dated December 8,
12 1959 recorded with the Middlesex south district registry of deeds in book 9512, page 539.

13 SECTION 2. A deed conveyed pursuant to section 1 shall not be valid unless the deed
14 provides that the property shall be used solely for the religious purposes of the Archdiocese of
15 Boston including without limitation, the use, maintenance and improvements of the land and the
16 existing rectory, garage and parking lot and for conservation purposes. The approval of division
17 of capital asset management and maintenance shall not be required for the use, maintenance or
18 improvements of the land or the existing rectory, garage or parking lot by the Archdiocese of
19 Boston as authorized herein; provided, however, that the use, maintenance or improvements to
20 the land or existing rectory, garage and parking lot by the Archdiocese shall be subject to local
21 zoning and environmental regulations. If the property ceases to be used for the purposes
22 described herein, the commonwealth shall have a right of reversion and may exercise the right
23 after the commonwealth: (i) provides the Archdiocese of Boston, with written notification and an
24 opportunity to cure; and (ii) records a notice of the reversion in the Middlesex district registry of
25 deeds. If clauses (i) and (ii) are satisfied, the property shall revert to the commonwealth under the
26 care, custody and control of the division of capital asset management and maintenance.

27 SECTION 3. The consideration for the conveyance authorized in section 1 shall be the
28 full and fair market value of the parcel, as determined by the commissioner of capital asset
29 management and maintenance based upon an independent professional appraisal.

30 SECTION 4. The inspector general shall review and approve the appraisal conducted
31 pursuant to section 3. The review shall include an examination of the methodology utilized for
32 the appraisal. The inspector general shall prepare a report of the review and file the report with

CORRECTED

33 the commissioner of capital asset management and maintenance for submission to the house and
34 senate committees on ways and means and the joint committee on state administration and
35 regulatory oversight.

36 SECTION 5. The Roman Catholic Archbishop of Boston shall be responsible for all costs
37 and expenses, including, but not limited to, costs associated with any engineering, surveys,
38 appraisals, and deed preparation related to the conveyance authorized in this act as such costs
39 may be determined by the commissioner of capital asset management and maintenance.